EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BOOKER. Mr. President, I rise this evening to continue the dialogue of the conversation about the candidate, the nominee for Attorney General. I rise to join my colleagues in opposition to the nomination.

I witnessed earlier tonight something that greatly disappointed me. One of my colleagues, as was mentioned earlier, stood up to read into the RECORD a letter, as we just saw, that has been a part of the record of this body for decades—to read that letter into the RECORD. That was then stopped through the Chair because it was said she was stopped as she read something in the midst of her speaking her heart, in the midst of her speaking her truth, in passion about this nomination. And I was in the U.S. Senate and sat and listened to the speeches of many of my colleagues. I have to say, I am proud to be a Member of the body, where folks on both sides comport themselves with a level of comity that is admirable.

I heard some people tonight decry the descending of this body into unfortunate places, but the reality is, my experience has been, on the whole, very positive. The respect and the collegiality here is something that makes this place incredibly valuable to work. Though the public might not see it, there are a lot of bills that get worked on together and even get to the floor, many of them get votes, many of them get passed. I am proud to have passed many of those bills with my colleagues, colleagues whom I don’t just consider colleagues; frankly, I consider them friends.

But within that context, I have to say I have watched when I sat in the Chair and had to listen many times when people said things that made me feel they were unfortunate. I watched the President of the United States talk about his character and his motives in ways that I thought were disparaging, but amidst all of this, in my 3 years, I have never seen someone stopped from speaking on the Senate floor when, as the Democratic leader said so clearly, there could have been many other times where that rule was used, and that is a frustration.

But what makes it more of a frustration is the context in which it happened tonight. You see, Senator WARREN stood up and was speaking with a passion about this nomination. And in the midst of her speaking her truth, in the midst of her speaking her heart, she was stopped as she read something into the RECORD that had been there for decades. To me that is problematic not just because it was a regular speech but because this had to do with her constitutional duty of providing advice and consent. She wasn’t just quoting someone, something that she heard on the street, some hearsay. She was actually quoting Coretta Scott King, a civil rights hero, the wife of the slain Martin Luther King, who we, as Americans in our Nation—we don’t have many of them—literally recognize with a national holiday. So that makes it all the more disturbing to me that Senator WARREN would stand up, exercising what is one of her specifically constitutional, mandated duties and was stopped because of a rule being enforced that in my opinion, as well as Leader SCHUMER’s, is selectively enforced. But let’s go further into the fact that the contents of that letter, much of it shared, are actually substantive and have bearing on the thoughts and feelings of many people in the Senate.

I was raised by a family who made very clear to me something that I think Elie Wiesel said: ‘The opposite of love is not hate, it is silence.’ It is a profound sin to witness injustice, to see something wrong, and to simply be a bystander, to not speak up.

What I respect about many of my colleagues, even those with whom I disagree—and what I respect about Senator WARREN—is that they embody a tradition that I was taught by my parents: to speak truth to power, to speak truth even if your legs are shaking, even if your voice quivers. Speak truth. Do not be a bystander. Do not sit in indifference. Stand up and speak your truth. Do not let your soul be silenced.

We are here as a country because at a time of rife moral injustice, people didn’t remain silent. This idea of speech in this country is so important that it is enshrined in the Constitution that we should have freedom of speech, and, yes, it is not always comfortable to hear.

I sat where the Presiding Officer, the Senator from Alaska, is sitting, and
there were many times I heard things that were uncomfortable, that I disagreed with, that I thought were wrong, but this body should respect the idea of free speech.

Tonight, I am proud of Senator WARREN. No one told her to see this body act as it did tonight is disappointing to me, and it is not a violation of the ideals of comity. It is not.

I heard great conversations from people I revere. Senator HATCH spoke tonight. I don't agree with him all the time. I think some of his ideas—I actually think sometimes they are dangerous ideas, but I respect him. He and Teddy Kennedy—two men who argued with each other, sometimes with voices raised in a lack of comity—had a love for each other.

I was told by other senior Senators when I first arrived: Yeah, give it all you have got in debates. Argue and fight, but understand that in the end we are all people who love our country.

No one who could hear Jerry's love of country. Nobody here is questioning his kindness and collegiality. I experienced that. I have spent 3 years in the Senate. He is far senior to me, and there is no time that we connected on things in the Senate that he didn't show me kindness and respect. Let's put that aside.

He and I even stood together and passed a resolution here in this body to give the Medal of Freedom to marchers across the Edmund Pettus Bridge. One of those marchers was JOHN LEWIS.

Does that mean that if JOHN LEWIS believes strongly that to have JEFF SESSIONS ascend to the most powerful law enforcement office in the land, he should remain silent? Does that mean he should be quiet about that? No. In fact, JOHN LEWIS testified in the hearings in the Judiciary Committee against JEFF SESSIONS. Why? Because that is our tradition.

So while JEFF SESSIONS is a valued colleague as a Senator, there is a moral obligation that all of us have enshrined in the Constitution of the advice and consent power to tell our truth because here our power as individuals is made by our ability to develop coalitions. But in the executive branch, especially in the Attorney General's position, that power is residing in the individual, that power is real, that power has dramatic effects on the lives of everyday Americans. So when that is happening, we cannot remain silent.

I am so proud that Senator ELIZABETH WARREN actually did not just read a letter of Coretta Scott King; she honored that Martin Luther King tradition. King said: "Our lives begin to end the day we begin to be silent about things that matter." King also wrote: "There comes a time when silence is betrayal."

I can't betray my values or my ideology. This body is in many ways a testimony to the ideals of freedom of speech in America, a body that is exhibiting in many ways to this country why fervent debate is so important in the marketplace of ideas.

To silence a voice, to silence a Senator—that is unconscionable under the pretext that somehow she was impugning the character of another Senator. That is unacceptable, especially in light of so many things that have been said on the Senate floor that weren't checked out. But at a time when a Senator is standing strong for what she believes and speaking her truth, there is what is tantamount to a censure.

I came to this body on a very auspicious day. It was Halloween. I was sworn in on Halloween, 2013. It was October, and my election was just days earlier. Six days before I had been elected to the U.S. Senate, my father died.

I confess, on that day I was feeling a sense of pride, standing right over there with the Vice President. I was feeling pride, but I was also hollow in my heart. I was hurt because I knew my dad would have wanted to see me become a Senator. This guy who was born poor in a segregated community in the South, in the mountains of North Carolina, could never have imagined that one day his son would be sworn in as a U.S. Senator.

My dad taught me lessons, as so many of our fathers did. I learned about hard work. I learned about sacrifice. Jane Baldwin said it best: Children are never good at listening to their elders, but they don't get to imitate them. I thank God to this day that I had models to emulate.

But if there is anything my father taught me, it is: Son, you didn't get where you are on your own. That is interesting for me to hear from a guy who, by every other measure, was a self-made man. To watch my dad go at his craft, to watch him work and sacrifice on snow days in New Jersey, when I was a grade school kid, the first thing you would hear would be him shoveling the driveway because he was going to be the first person at work, no matter what. Often I would come home from school or go to my games and my dad wouldn't be there because he was making sure to be the last one to leave the office, setting the bar as a manager.

But here was a self-made man, looking at me every step of the way, and letting me know: Son—sometimes it would be hard to make sure would be him here on your own. I would walk around my house, staring in the refrigerator, and he would say: Boy, don't you dare walk around this house like you hit a triple. You were born on third base. Well, yes, I got it after years because my father said: Son, you are where you are because of this Nation, not just the values and ideals. I mean, come on. I want to tell the truth. This is a country that was formed with a level of greatness that I can't comprehend, a level of ascendant thought in the span of human history that is remarkable, and my father respected that, but he knew that what makes this country real was not just what our Founders did, it is what average Americans did to make real the promise of this democracy.

Even when challenges occurred in this country, they didn't think they befall themselves, they somehow fought to make this country more real.

As great as our Founders are and as great as our Constitution is, let's look at those documents and be honest with each other. Native Americans are referred to as savages in our Declaration of Independence. Women aren't referred to at all. African Americans were fractions of human beings. What was the spirit that took an imperfect document and founding ideals and made them more perfect? What was that spirit? (Mr. SCOTT assumed the Chair.)

I want to read the words of Thurgood Marshall. He delivered them in May of 1987. I was a high school student. It was

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and have passionate arguments about men could raise their voices at times...
on the vacation of the bicentennial of the Constitution itself. This is what he said:

The year 1987 marks the 200th anniversary of the Constitution. A commission has been established to coordinate the celebration.

He goes on:

Like many anniversary celebrations, the plan in 1987 included particular events and holds them up as the source of all the very best that followed.

He writes:

Patriotic feelings will swell, prompting proud proclamations of the wisdom and sound sense of justice shared by the Framers and reflected in a written document now yellowed with age. This is unfortunate—not the patriotism itself but the tendency for the celebration to oversimplify, and overlook the many other events that have been instrumental to our achievements as a nation. The focus of this celebration invites a compliant belief that the vision of those who debated and compromised in Philadelphia yielded the “more perfect Union” that is said we now enjoy.

Thurgood Marshall writes:

I cannot accept this invitation, for I do not believe that the meaning of the Constitution was forever fixed at the Philadelphia Convention. Nor do I find the wisdom, foresight, and self-sacrfice embodied by the Framers particularly profound. To the contrary, the government they devised was defective from the start, requiring several amendments, a civil war, and momentous social transformation to attain the system of constitutional government, and its respect for the individual freedoms and human rights, we hold as fundamental today. When a contemporary American cites “The Constitution,” they invoke a concept that is vastly different from what the Framers barely began to construct two centuries ago.

For a sense of the evolving nature of the Constitution we need look no further than the first three words of the document’s preamble: “We the People.” When the Founding Fathers used this phrase in 1787, they did not have in mind the majority of America’s citizens. “We the People” included, in the words of the framers, “the whole Number of Free Persons.”

On a matter so basic as the right to vote, for example, Negro slaves were excluded, although Negroes were counted for representation purposes as three-fifths each. Women did not gain the right to vote for over 130 years.

Thurgood Marshall writes:

These omissions were intentional. The record of the Framers’ debates on the slave question is especially clear: The Southern States acceded to the demands of the New England States for giving Congress broad power to regulate commerce, in exchange for the Southern States having in the Constitution assailed the King of England for abusing the rights and liberties of his subjects. “We the People”—and it continues.

Thurgood Marshall goes on:

Even these ringing main phrases from the Declaration of Independence are filled with irony, for every draft of what became the Declaration assailed the King of England for suppressing legislative attempts to end the slave trade.

The final draft adopted in 1776 did not contain the clause from the Declaration assailed the King of England for suppressing legislative attempts to end the slave trade.

The constitutional Convention, eloquent objections to the institution of slavery went unheeded.

Thurgood Marshall goes on to so eloquently discuss the evolutions it took to come to where we are today. He writes that the men who gathered in Philadelphia in 1787 could not have envisoned the changes that have taken place that resulted in the world in which he was living here in 1987.

He writes:

“I could not have imagined, nor would they have accepted, that the document they were drafting would one day be construed by the Supreme Court, to which had been appointed a woman and the descendant of an African slave.

Thurgood Marshall himself—

that “We the People” no longer enslave, but the credit does not belong to the Framers, it belongs to those who refused to acquiesce an outdated notion of liberty, justice, and equality, and who strived to make them better.

So when I swore my oath, days after my father died—after the man who taught me that the liberties and the freedoms, the privileges and the abundance that I enjoyed when I had the fortune of calling myself an American—that those liberties, those freedoms, the justice, the opportunity that I enjoy—yes, I may be a hard worker; yes, I may sacrifice; yes, I may struggle; that even though it is not possible because of the fights and the struggles and the courage of others. It was made possible by people who did not sit on the sidelines of history, who understood that democracy is not a spectator sport; that even though it is not comfortable or convenient or easy, sometimes, in the course of human events, for the cause of your country, you have to stand up and fight.

So before I swore that oath, my mom—before I hit the Senate floor and became a Member of this august body, she took me across the Capitol to meet with another man because she wanted the last thing that I did before I became a U.S. Senator was to meet with John Lewis.

Congressman Lewis, if you know him, you are shaken by his goodness and his decency. You are shaken by his kindness. I don’t want to elevate him. He is not a perfect man, but this is a hero to me and to so many Americans.

He is someone who lives his values, doesn’t just preach them. And when I sat to have a meal with him—he had put a spread together—he told me that he was proud of the way that he had, over the years, been able to work with popularly elected African American in the history of this body, it was a triumph for him, that it made him proud. Here I am standing before my mom’s classmate, my parents’ generation, and he is elevating me and telling me how important this day is to him.

What is fascinating to me was he didn’t just speak those words. I looked around his office and it was like a civil rights museum—people who marched for me and you and others; people who were beaten by rioters; people who were killed; people beaten; people who fought for voting rights for me and you and others; all the while I am sitting there, and he will not even let me get up. He is serving me food. That is his spirit.

What is incredible to me is it gives incredible testimony to this truth that this Nation is great not because it was easy to get here, but not because it was done by people to be some Americans all along in our history did the challenging thing to try to move this democracy forward.

So does John Lewis love Senator Sessions? Yes. John Lewis is an embodiment of love. He has forgiven his attackers, who literally has had people who beat him years later become people he embraces. And even though we love each other and respect each other, love is difficult and hard. It is a hard thing to do. Sometimes love requires telling the truth. Love requires not being silent. Love isn’t political, and sometimes love breaks traditions.

I chose to testify against a Senator, and I took criticism for it—probably because I did so. But when I testified, what made it more evidently clear or highlighted my decision is that I was sitting next to John Lewis. He never asked if it was convenient or politic for him to freedom ride. He didn’t ask if it was safe to march across the Edmund Pettus Bridge. He didn’t ask if it might make people feel uncomfortable or be the subject of scorn. He was telling people to go out and register to vote. He decided to do it because it was the right thing to do.

I want to read from his testimony. On that day, I was privileged to sit next to my hero in a judiciary hearing. This is what he wrote. This is what he spoke:

Millions of Americans are encouraged by our country’s effort to create a more inclusive democracy the last 50 years, but what some of us call a beloved community, a community at peace with itself. We are not a majority. We are a clear majority of Americans who want to see the law be written so that it is safe for the rights protected by the Constitution, the Bill of Rights, and the amendments. These are the voices I represent today.

We can pretend that the law is blind. We can pretend that it is even handed. But if we are honest with ourselves, we know that we are called upon daily by the people we represent to help them deal with unfairness in how the law is written and enacted.

Those who are committed to equal justice in our society wonder whether Senator Sessions’ call for law and order will mean today what it meant in Alabama the last time I was home in rural Alabama. Those are the questions that I am asking, and I am asking when I testify, what made it more clear or highlighted my decision.

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in the Deep South. Any Black person who did not cross the street when a White person was walking down the same sidewalk, who did not move to the back of the bus, who drank from a Fountain that was marked "White only," who looked at a White person directly in their eyes, could be arrested and taken to jail.

The forces of law and order in Alabama were so strong that to take a stand against its injustice we had to be willing to sacrifice our lives for our cause. Often, the only way we could demonstrate that a law on the books violated a higher law was by challenging that law, by putting our bodies on the line and showing the world the unholy price we have to pay for freedom and respect. It took massive, well-organized, nonviolent dissent for the Voting Rights Act to become the law. It required criticism of this great Nation and its great laws to move toward a greater sense of equality in America. We had to sit in, we had to stand in, we had to march. And that is why more than 50 years ago a group of unarmed citizens, Black and White, gathered on March 7, 1965, in an orderly, peaceful nonviolent fashion to walk from Selma to Montgomery, AL, to dramatize to the Nation and to the world that we wanted to register to vote, wanted to become participants in a democratic process. We were beaten, tear-gassed, left bloodied, some of us unconscious, some with concussions, some of us almost died on that bridge.

But the Congress responded. President Lyndon Johnson responded, and the Congress passed a Voting Rights Act, and it was signed into law on August 6, 1965. We have come a distance. We have made progress. But we are not there yet. There are forces that want to take us back to another place. We don't want to go back. We want to go forward. As the late A. Philip Randolph, who was the dean of the March on Washington of 1963, often said, "maybe our forefathers and our foremothers all came to this great land in different ships, but we are all in the same boat now."

It doesn't matter how Senator Sessions may smile, how friendly he may be, how he may speak to you. But we need someone who is going to stand up, speak up, and speak out for the people that need help, for people that may speak to you. But we need someone who is going to stand up, speak up, and speak out for the people that need help, for people that may smile, how friendly he may be, how he may look at a White person directly in their eyes, could be arrested and taken to jail.

Take voting rights. I don't have the authenticity to speak on voting rights that someone like John Lewis has. But I have watched what is happening in my country—all this talk coming from the highest office in the land about voting fraud. The chances of encountering voter fraud in this Nation is about the chances of getting struck by lightning. You might even have a better chance of going and playing the lottery tonight and winning than in encountering voter fraud. But the real issue is voter suppression.

Now, I am not just saying that as a partisan spouting. I am actually referring to actual judicial inquiries of the Federal Government. In the State of North Carolina, as soon as the Shelby decision was over, the line got dry, States like North Carolina, Texas, and others started to change their voting laws. It is hard to do things in the cover of night without the power to investigate what actually happened. A Federal judge saw in North Carolina, and said that they were discriminating against African Americans, that they had tailored this law—I think the quote exactly is—with surgical precision to discriminate against African-American voters. This is not fiction. This isn't made up. There are the facts. There are still people in this country in positions of power who are seeking to pervert the law to discriminate against certain populations and advantage themselves politically. It is not just cheaters. But it is clearly discriminatory in this case on race.

Now, if we know that is going on, John Lewis, myself, millions of Americans who give this vote, period, sometimes, but somehow millions of Americans woke up in the morning and said: Do you know what I am going to try to do? I am going down to a polling place and fake my way into voting. It is hard to get millions of Americans to vote, period, sometimes, but somehow this fiction is the highest priority when it comes to voting of this Attorney General.

I will not be silent on this issue. I am here and we are here because people fought to stop violations of voting. We as Americans should have confidence that the highest law enforcement officer in the land won't criticize any efforts on voter suppression but will actually work to do something about it.

There was a specific law, the Matthew Shepard and James Byrd Jr., law. These are two Americans who were targeted because of their respective sexual orientation and race of Senator Sessions, as a Senator, again in a body in which one Senator does not have the power to pass legislation, failed to stand with the majority of Senators when it came to issues of laws that were designed for dealing with bias-motivated crimes that target specifically people's sexual orientation and gender identity.

There was a specific law, the Matthew Shepard and James Byrd Jr., law. These are two Americans who were targeted because of their respective sexual orientation and race of Senator Sessions' comments at the time were that this law would "cheapen the Civil Rights Movement."

You have in the testimony a civil rights hero talking about the challenges facing the LGBTQ community, a civil rights hero who is joined with me and others, decreeing the fact that in this country right now you may have
the right to marriage equality, but still in most States in America if you get married, you post it on your Facebook page, you go to work the next day, your boss says you are fired because you got married to someone of the same sex, and there is no legal recourse.

Senator Sessions on same-sex marriage even went as far as to say it is not disputable that adopting a same-sex marriage culture undermines and weakens marriage. I don’t even know what to say about a same-sex marriage culture. I would never question that love and that bond between two Americans that now is the law of the land.

I don’t know what it means to someone when they criticize a law that is going to work against violence. Please understand, this violence is not a rare thing like in-person voter fraud. We know that today still too many lesbian, gay, bisexual, and transgender Americans feel unsafe in their communities. A significant percentage of gay and lesbian children report missing school because of fear.

The data from the National Coalition of Anti-Violence Programs shows that 20 to 24 percent—about one in five—of lesbian, gay, bisexual, and transgender people are HIV positive. The crimes and that LGBT Americans of color are particularly at risk. Often those hate crimes are utterly tragic.

In 1998, Matthew Shepard was a 21-year-old from the University of Wyoming. He went to the bar that evening, like many 21-year-olds do. Two men offered him a ride home, and he accepted. Instead of bringing him home, they brought him out into a field. They taunted him with epithets, hatred directed at him because he was gay, and then they beat him savagely and left him for dead.

This is what one of our Nation’s magazines, Vanity Fair, wrote:

A police officer who was at what he thought was a scarecrow lashed to a wooden fence on a remote plot of land. The scarecrow turned out to be Matthew, unconscious, a huge gash in his mouth, his face dripped with blood, his eyes open where his tear trails had washed it clean. His shoes were missing.

After police questioned, Aaron McKinney confessed that he and his friend Russell Henderson had met Matthew at the Fireside Bar & Lounge on Tuesday night and posed as gay to lure him into their truck. Then they drove him to an out-of-the-way location, bound him to a fence, pistol-whipped him, and taunted him while he begged for his life. Then they banded the gentle five-foot-two, 105-pound freshman to hang there for 18 hours, losing blood as the temperature dropped.

That same year, James Byrd, Jr., a 49-year-old African-American man, was walking home from his parents’ house in Texas when he was also offered a ride home. They didn’t bring him home either. They brought him to the middle of the woods where he was beaten and then chained to a pickup truck and dragged along the road for 2 miles. He had not been targeted by three White supremacists.

The Acting Assistant Attorney General for the Civil Rights Division at the Department of Justice Jocelyn Samuels wrote the following in 2013: But while the men responsible for the Shepard and Byrd killings were later convicted of murder, none of them were prosecuted for committing a hate crime. Some law enforcement officers were committed, neither Wyoming nor Texas had hate crime laws, and existing Federal hate crime protections did not include violent acts based on the victim’s sexual orientation and only covered those engaged in a federally protected activity, such as voting or attending school.

Four years ago today, President Barack Obama signed the Matthew Shepard and James Byrd, Jr. Hate Crime Prevention Act. This landmark legislation, championed by the late Senator Ted Kennedy, greatly expanded the Federal Government’s ability to prosecute hate crimes. The law enables the Justice Department to prosecute crimes motivated by race, color, religion, national origin, disability, sexual orientation, gender identity, or gender expression when the defendant was engaged in a federally protected activity. The Shepard-Byrd Act also empowers the department to prosecute crimes committed because of a victim’s sexual orientation, gender identity, gender or disability as hate crimes. The law also marked the first time that the words “lesbian, gay, bisexual and transgender” appeared in the U.S. Code. Under the leadership of the Justice Department’s Civil Rights Division and U.S. attorney’s offices around the country have used that law to address the most serious hate crimes. Over the last 4 years, 44 people in 16 States have been convicted under the Shepard-Byrd Act for their discrimination in crimes against others on the basis of race, religion, national origin, sexual orientation, gender identity or disability.

This is what we expect from the Department of Justice crimes against gay, lesbians, bisexuals, and transgender are tragically common in this country. Discrimination, hate, and violence is not rare in this community. It is real. It is a scourge. It must be stopped, and the highest law enforcement officer in the land must follow the Federal law, must see it as a priority. It must be seen as an emergency, must use their prosecutorial discretion to put resources toward those prosecutions.

So when Civil Rights leaders like John Lewis understand the truth that the Civil Rights Movement wasn’t about Black people, it was about American people, it was about justice for all, it was about freedom from violence for all, it was about equal rights for all, that he cannot be silent when someone is discriminated against because of how they pray or how they love.

None of us can be silent if we believe in those words: liberty and justice for all. And with this as a real problem, we should trust that the highest law enforcement officer would do something about it, would vigorously and seriously defend and fight against "the kind of horrific crimes that are still being perpetrated in America. That is not all.

We see that in his testimony. We see that Jeff Sessions spoke at length about this idea of law and order. I respect that idea of law and order, but the call of our country isn’t law and order. We have seen totalitarian States. We have seen dictatorships. We have seen all kinds of oppressive, restrained freedoms and liberties, found the oppression and suppression. We found that law and order can be established in many ways. This country was founded with a higher ideal to pursue. It is what has called so many Americans forth in pursuit of this high ideal.

It is not just law and order. It is the pursuit of justice. It is an understanding that as King said, “Injustice anywhere is a threat to justice everywhere.” One of those fundamental principles of justice is this idea of equal protection under the law.

The Attorney General has an obligation to pursue this idea of equal justice. I used to be a mayor. In the city in which I still live, in Newark, NJ, we were always looking to fight crime, and we knew lowering crime didn’t just have to do with police. Sometimes police are busily working on the symptoms of the deeper problems, and we as a society have to address them. That is why drug treatment is such a critical way of delivering justice and fighting crime. That is why programs that help people coming home help to lower crime. That is why mental health care is so important for fighting crime, but you cannot take it away from any American.

The truth is there is so much of a need to celebrate our law enforcement in this country. I have watched law enforcement officers do acts of heroism and courage that shows they are worthy of the highest celebrations, and so many Americans know that. They don’t understand that too many law enforcement officers every single day risk danger, and our law enforcement officers should be lauded for these great women and men, who, every single day, are out in our communities enlisting into difficult circumstances.

I still remember my police director—one time he was on the phone. There was an awful hostage situation, and we were discussing how to deal with it. The phone I heard gun shots go off, and suddenly in the background I heard officers yelling, “Go, go, go!” These officers, hearing bullets firing, had no situational awareness whatsoever and stormed into that situation. Meanwhile, the fire would drop down: these men and women stood up. Most of us hearing gun fire might run in the other direction; these men ran toward that problem.

As the mayor of a city working directly with police officers, I could give countless examples and great testimony as to the strength and courage of
officers, I commend JEFF SESSIONS for talking about how important our police officers are, but understand that it does not diminish our respect and our love and our admiration and our gratitude toward police officers, toward law enforcement in this country. I ask that we might continue through systems of accountability, that we are holding law enforcement officers to the highest levels of professional conduct. There is not an officer I know that has any problem with that.

This is what concerns me: We know in this country that we have challenges with an equal application of the law. One recent study from researchers at the University of Louisville and the University of South Carolina documented that unarmed Black men were shot and killed in 2015 at disproportionately higher rates. We have seen other challenges with poor communities and African-American communities having unjust usage of the law directed toward them. About a year ago, in MIAMI, where the city’s law enforcement practices disproportionately impacted African Americans. It was the Justice Department that investigated the Ferguson Police Department and found that in 2014 and when they pulled that data, put a lot of resources into analyzing it, they found about 80 percent of the Newark Police Department stops and arrests involved Blacks, while the population is 33.9 percent Black. Black residents of Newark are 39 percent of the 1,353 people were arrested for disorderly conduct. There was a trend to be subjected to a pedestrian stop. The data that was pulled by the Department of Justice helped us to step up our work with the ACLU and others to address these issues. Believe it or not, the Department of Justice’s investigations, accountability, working with local law enforcement departments have helped make changes in Newark and Ferguson and will help make change in Balti-
more and all around our country.

But Senator SESSIONS has aggressively criticized the use of these kinds of consent decrees, this kind of intervention. This is a critical tool that the Justice Department is now using to curtail patterns and practices of discrimination within police departments. But Senator Sessions calls them an end run around the democratic process.

In Baltimore, the Department of Justice found that the Baltimore Police Department targeted policing of certain Baltimore neighborhoods with minimal oversight or accountability, disproportionately harming Black residents; the Baltimore Police Department stops African-American drivers at disproportionately race. African Americans accounted for 82 percent of all vehicle stops compared to 45 percent of the driving age population in the city and only 27 percent of the driving age population in the greater metropolitan area. Racial disparities in the Baltimore Police Department’s arrests are more pronounced for highly discretion ary offenses. Blacks accounted for 91 percent of the people charged solely with failure to obey or “trustpurs.” Blacks were 89 percent of the 1,353 people charged for making a false statement to an office; 91 percent of the people were arrested for disorderly conduct.

These challenges with policing are complex. Even communities very conscious of and sensitive to these issues struggle with the equal application of justice. I don’t just say this; I experienced it.

When I was mayor of Newark, we were making a very conscious effort to improve, yet we still found difficulties. When the Department of Justice came to our city, they were able to do data gathering that we did not do. Perhaps we didn’t have the resources, didn’t understand the urgency. But when the Department of Justice came in and pulled that data, put a lot of resources into analyzing it, they found about 80 percent of the Newark Police Department stops and arrests involved Blacks, while the population is 33.9 percent Black. Black residents of Newark are 39 percent of the 1,353 people were arrested for disorderly conduct. There was a trend to be subjected to a pedestrian stop. The data that was pulled by the Department of Justice helped us to step up our work with the ACLU and others to address these issues. Believe it or not, the Department of Justice’s investigations, accountability, working with local law enforcement departments have helped make changes in Newark and Ferguson and will help make change in Baltimore and all around our country.

But Senator Sessions has aggressively criticized the use of these kinds of consent decrees, this kind of intervention. This is a critical tool that the Justice Department is now using to curtail patterns and practices of discrimination within police departments. But Senator Sessions calls them an end run around the democratic process.

In his confirmation hearings, Senator Sessions said: “I think there is a concern that good police officers may feel good officers may be sued by the Department of Justice when you just have some individuals within the department doing things wrong.” That is problematic to me because it is a failure to understand the larger challenge we confront in America: This is not something; it is just a few bad officers. And even that construction of this idea that it is somehow bad officers versus good officers—when it comes to implicit racial bias, and how it is impacting law enforcement in America, sometimes people don’t even feel comfortable with those terms, “implicit racial bias,” as if it is somehow calling people racist, which it is not. It is actually this idea that we, at the FBI, are collecting data, and comes to objective conclusions that are not, as Director Comey says, “ideological thunderbolts.” And what they seem to be finding where they do these investigations is: Do you know what? Yes, a lot of
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These communities have a right to be upset because the policing practices do reflect bias, and there is not an equal application of the law.

If we are to breathe understanding and cooperation—trust me, I know this—to lead to even more effective policing, and to develop community relations, we need to get the data out there. But we now have someone who is nominated to the highest law enforcement office in the land who has criticized this kind of work during a time over the last few years that we have seen cities erupting in protests. We have seen the call of hundreds of thousands, if not millions, of people trying to talk about Black Lives Matter, at a time when people are questioning law enforcement. What Director Comey and others are saying is: Let’s get to the bottom of this. Let’s not talk from sentiments or feelings; let’s talk from experience and data.

So Senator Sessions’ views on this are dangerous and run contrary to where criminal justice reform is moving. They are in direct conflict with the people whose office obliges itself to serve.

Given what he has said on the record, we can help reform criminals when the issue of policing will be a priority if he is leading the Justice Department. In fact, we actually, with some certainty, can be confident that the Justice Department will not do this kind of aggressive data collection to understand the facts—the kind of work the FBI Director is calling for.

But it is not just the FBI Director. Listen to a letter from a group of over 160 law enforcement officials that was sent to the Senate about the need for comprehensive criminal justice reform. They write:

As current and former leaders of the law enforcement community—police chiefs, U.S. Attorneys, federal law enforcement, and heads of enforcement organizations—we believe that protecting public safety is a vital goal. Our experience has shown us that the country can reduce crime while also reducing unnecessary arrests, prosecutions, and incarceration. We believe the Sentencing Reform and Corrections Act will accomplish this goal and respectfully urge you to support it. We appreciate your leadership on and concerns for the important criminal justice issues facing the country today.

Our group, Law Enforcement Leaders to Reduce Crime and Incarceration, unites more than 160 current and former police chiefs, district attorneys, U.S. Attorneys, and attorneys general from all 50 states. Our mission is to replace ineffective police policies with new solutions that both reduce crime and incarceration. To achieve this goal, we focus on four policy priorities—one of which is reforming mandatory minimum sentences.

Let me pause there for a second. The wisdom in law enforcement now understands that you have to build faith and legitimacy in a department, and you do that through police-community relations. Law enforcement officers know that data collection is important.

When I was mayor of Newark, we made CompStat stronger and better—an analysis of crime patterns and data. We use it to more effectively fight crime. But at a time of heightened suspicion and concern, at a time when leaders are talking about the reality of implicit racial bias, the highest law enforcement officer in the land should be representing and supporting the truth and direction of criminal justice reform. But it is not just in policing; it is also in how we are looking at overall criminal justice reform.

In the United States of America, we have seen now that our criminal justice system has changed over the Federal level has grown close to 800 percent, costing us as taxpayers billions and billions of dollars to lock up nonviolent offenders. We are disproportionately with the rest of planet Earth. We only have 4 to 5 percent of planet Earth’s population, but one out of every four imprisoned people on the planet Earth is right here in the United States of America.

Do not tell me that when it comes to human beings on the planet Earth, Americans have a greater proclivity for criminality. That is just not true. Yet our so-called War on Drugs took us from being on par with the rest of planet Earth and suddenly shot us up with terrible crime rates. We have by our Federal crime level—500 percent overall in our Nation in throwing people in jail. This is disproportionately overwhelmingly nonviolent people.

This drug war, incontrovertibly, has been personified on the poor. Drug laws are not equally enforced in this country, leading one great legal mind in our country, Bryan Stevenson, to say: We have a nation that seems to sometimes treat you better if you are rich and guilty than poor and innocent.

Well, let me tell you, in America, if you just use the lens of race, there is no difference between Blacks and Whites for using drugs or dealing drugs—none whatsoever. But if you are African American, you are 7.7 times more likely to be arrested for a drug violation than Whites. You are about 3.7 times more likely to be arrested for those nonviolent drug crimes. But the truth is, if you use just race, socioeconomic status, you look at these issues, you see the poorest Americans disproportionately filling our jails and prisons. But what is worse than that, disproportionately you see addicted Americans not getting treatment, getting jail time; mentally ill people not getting health care, getting jail time.

All of this is running up the bill to a point in American history—at around the time I went to law school to the time I became mayor of Newark, we were building a new prison—about one every 12 days. The rest of the world was building better bridges, faster trains, better infrastructure than us. Our infrastructure has been crumbling, but, hey, as we are battling it out for infrastructure bills in this body—or hopefully will be—the reality is that we have been building out infrastructure bills, only to see the rest of the world Earth to shame when it comes to building one type of infrastructure: prisons—overwhelmingly, disproportionately warehousing poor people, addicted people, mentally ill people, and people of color.

What is beautiful about this issue amidst all of the negativity that I am expressing is that there is a bipartisanship of America from Grover Norquist, to Newt Gingrich, the Koch brothers, Heritage Foundation, the American Enterprise Institute—these are all folks on the right—who believe we need to reform our criminal justice laws, joining with people like Senator Sessions, Senator Jeff Sessions, Senator Cornyn—all came together to put together a bill that was talked about by these law enforcement officers, a bill that would help us to bring justice to our criminal justice system, a bill that has been endorsed by Republicans like Senator Cornyn, senators—overwhelmingly, disproportionately warehousing poor people, addicted people, mentally ill people, and people of color.

So Senator Sessions’ views on this are dangerous and run contrary to where criminal justice reform is moving. They are in direct conflict with the people whose office obliges itself to serve.
I want to read from one of our great Americans, a man named Learned Hand. Judge Learned Hand wrote a speech called the "Spirit of Liberty." He hand-delivered the speech during World War II to 1.5 million people. It is about some of the wrong things the Justice Department has been doing,以及it is about some of the right things the Justice Department has been doing. He spoke to第一条-generation Americans and folks who could have traced their lineage far, far back.

He writes:

We have gathered here to affirm a faith, a faith in a common purpose, a common conviction, a common devotion. Some of us have chosen America as the land of our birth, have come from those who did the same. For this reason, we have some right to consider ourselves a picked group, a group of those who have the courage to break from the past and brave the dangers and the loneliness of a strange land. What was the object that nurtured us, or those who went before us, to this choice? We sought liberty—freedom from oppression, freedom from want, freedom to be ourselves. This then we sought: this we now believe that we are by way of winning.

What do we mean when we say that first of all we seek liberty? I often ask myself whether we do not rest our hopes too much upon constitutions, upon laws, upon the courts. These are false hopes; believe me, they are false hopes.

Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it; no constitution, no law, no court can give the freedom of speech and of religion, or freedom from want and from fear, to anyone who does not enjoy it. While it lies there, needs no constitution, no law, no court to save it.

And what is this liberty which must lie in the hearts of men? It is not the ruthless, the unbridled will; it is not freedom to do as one likes. That is the denial of liberty, and leads straight to its overthrow. A society in which men recognize no check upon their freedom so soon becomes a society where freedom is the possession of only a savage few, as we have learned to our sorrow.

What then is the spirit of liberty? I cannot define it; I can only tell you my own faith. The spirit of liberty is the spirit which is too sure that it is right; the spirit of liberty is the spirit which seeks to understand the minds of other men and women; the spirit of liberty is the spirit which is not perturbed by any man's worshipping or his not worshipping, his worshipping in his own way and his own form; the spirit of liberty remembers that not even a sparrow falls to Earth without bias; the spirit of liberty is the spirit of liberty which is the possession of only a savage few, as we have learned to our sorrow.

And now in that spirit, that spirit of an American which is not too sure that it is right; the spirit of liberty which is not sure that it is right; the spirit of liberty is the spirit which seeks to understand the minds of other men and women; the spirit of liberty is the spirit which is too sure that it is right; the spirit of liberty is the spirit which is not perturbed by any man's worshipping or his not worshipping, his worshipping in his own way and his own form; the spirit of liberty remembers that not even a sparrow falls to Earth without bias; the spirit of liberty is the spirit of liberty which is the possession of only a savage few, as we have learned to our sorrow.

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point. Lots of people—almost everybody in the world—everybody in this country does not have the luxury of worrying about decorum. What a luxury we have to debate if a stray comment crossed some theoretical line.

This was the place, the Venice of commerce, this place, the same name door built by slaves, this place, where there were hardly any women or people of color or gay people out of the closet until very recently, yet we spent hours worrying about whether Elizabeth hurt Jeff’s feelings. It is a sense of decorum. What a luxury it is to worry about that.

In the meantime, Muslim families in America are terrified. In the meantime, DACA kids are worrying about whether they have to go into hiding. In the meantime, LGBT youth are bullied in school. In the meantime, anti-Semitic attacks are on the rise across the country.

And we are here worrying about whether it is impolite to quote in full the statement of the widow of Dr. Martin Luther King, Jr.

Look, I am for this body. I am old-school. I like the rules. I spend a lot of time talking with the Parliamentarian at the Senate, who can better understand it. But this body and its rules have to be in service to the country. The country is not in service to the rules and the body of the Senate.

Before I go on, I just want to thank the stenographers who are such a critical aspect of the Senate and have been running marathon sessions—literally marathon sessions. We rotate through. There are at least 30 of us doing about 30 hours of debate, but there are only seven of you, and your legs are sore. This is incredibly challenging. Yet without you, we have no Senate record.

So thank you for your service and your contributions to the world’s greatest deliberative body.

In his final speech as Attorney General, Eric Holder gave us a warning and a challenge. Throughout Senator Sessions’ career, he has been on the wrong side of history. If you look at the key issues that this Attorney General will work on, it is clear that Senator Sessions’ views fall outside the mainstream of America.

That is certainly true when it comes to critical issues. Look at Senator Sessions’ opposition to the Sentencing Reform and Corrections Act. This bill would have reduced mandatory minimum sentencing for low-level, nonviolent crimes, while keeping tougher penalties for serious or violent crimes; it would strengthen drug addiction, rehabilitation and mental health treatments, and improve our efforts to help people who were leaving prison to set into their communities and get back on track. Everybody liked it. Senator Grassley introduced it with cosponsors from both sides of the aisle. The bill had support from the House Speaker, the International Association of Chiefs of Police, the Major Counties Sheriffs’ Association, the National District Attorneys Association, the Leadership Conference on Civil and Human Rights, among many others.

Even the Koch brothers liked this piece of legislation. That is because it tackled problems we all agreed needed to be solved.

No one wants to see excessively punitive policies for the Federal prison population, which has grown by 734 percent between the year 1980 and 2015. Now one wants to see unnecessary barriers that make it harder for formerly incarcerated people to stay out of jail. No one wants to see taxpayer money spent needlessly.

So we had a thoughtful, bipartisan bill, but we were not able to enact it into law. Senator Sessions personally blocked the bill from being considered on the Senate floor. The Judiciary Committee last Congress. Anderson said he said: “Federal drug and sentencing laws have already been considerably relaxed.”

The failure of reform impacts the lives of people who are hurt by unfair and outdated sentencing rules. It especially affects the families and communities of color who have been ravaged by the overincarceration of minorities.

This is an issue for everyone. The official reports that imposed on Black men in the Federal system are almost 20 percent longer than sentences imposed on White men with similar crimes. Think about that—the same crime, and you get 20 percent more time if you are African American. And while people of color are just as likely as White people to sell or use illegal drugs, they are more likely to be arrested. Think about how preposterous that is—equal for justice for all, equal application of the laws, right?

People of color and Caucasians use drugs and distribute drugs in the same percentages, yet they are more likely to be arrested. African Americans make up 14 percent of regular drug users but 37 percent of people arrested for drug offenses. This raises the question of bias in law enforcement. Senator Sessions opposes holding State and local law enforcement accountable for racial bias and policing or the excessive use of force. He has called the Justice Department “incompetent.”

This is 2016. This isn’t 1975. This is 2016. Our Attorney General nominee says “good people don’t smoke marijuana.” Tell that to the cancer victim. Tell that to my good friend John Radcliffe, who has stage 4 liver and colon cancer.

Senator Sessions supports aggressive Federal intervention in States that have legalized medical or recreational marijuana. He criticized the Federal Government’s guidance on Federal marijuana regulation, which directed the Justice Department to reexamine the decision to continue to use Federal law to determine their own criminal laws. Because of this guidance, Federal prosecutors stopped targeting patients who rely on medical marijuana products for relief. The ACLU reports that sentences of nonviolent, low-level drug offenders, and he opposed President Obama’s initiative to address racial disparities in our criminal justice system. In his April 2016 hearing, he suggested that the Federal Government must send the message that “good people don’t smoke marijuana.”

But Senator Sessions’ views on drug policy are even more out of the mainstream. He has been one of the most outspoken advocates against the legalization of marijuana, both recreational and medicinal. In an April 2016 hearing, he suggested that the Federal Government must send the message that “good people don’t smoke marijuana.”

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smart prioritization of resources within the Justice Department—not going after people who want to utilize marijuana to alleviate pain but rather going after violent drug crimes. That seems smart, but Senator Sessions opposed the Preventing the Illegal Growth of Marijuana on Federal Lands Act, which reverses 20 years almost of hostilities in drugs that began really when Nancy Reagan started the war on drugs.

The respect for federalism reflected in the Justice Department’s guidance should be right in line with conservative values. Under the guidance, as long as States are preventing the distribution of marijuana to minors, if they are not helping or facilitating the growing of marijuana on Federal lands, and they are stopping State-authorized marijuana activities being used as fronts for other illegal activities, then the Justice Department doesn’t interfere.

I would like to quote from Senator Sessions’ argument against this policy. He said:

I think one of Obama’s great failures that is obvious to me is his lax treatment and comments on marijuana. It reverses 20 years of hostility in drugs that began really when Nancy Reagan started the war on drugs. That is not a stretch to ask whether or not his enforcement would be vigorous. In fact, Senator Sessions has repeatedly opposed hate crimes protections against LGBTQ Americans, even attempting to insert a poison pill amendment to stop the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act from moving forward. He has argued against Federal prosecution of hate crimes, saying on the Senate floor that there is no need for the Justice Department to get involved. As Attorney General, Mr. Sessions would be in charge of enforcing the Hate Crimes Prevention Act. It is not a stretch to ask whether or not his enforcement would be vigorous. In fact, Senator Sessions has repeatedly supported laws that criminalize the LGBTQ community. In the 1990s, he tried to block an LGBTQ student conference. He supported laws that criminalize the use of drugs; instead, they crowded our prisons, hurt taxpayers, and increased drug-related violence in other countries.

There is another area where I believe Senator Sessions is out of the mainstream, and that is his views on LGBTQ equality. Senator Sessions opposed the Employment Nondiscrimination Act, a bill that I was proud to support that would have ended workplace discrimination for LGBTQ people. Right now there are no Federal laws that explicitly protect LGBTQ individuals from discrimination. There is a reason we haven’t tried. Last Congress, I cosponsored a bill to prohibit this kind of discrimination, but even without a law on the books, the Justice Department has interpreted the Civil Rights Act to include sexual orientation and gender identity. That could change, however, under the next Attorney General.

As head of the Justice Department, Senator Sessions could choose to interpret the law differently, and his record on immigration concerns. Senator Sessions also voted against the reauthorization of the Violence Against Women Act because of a provision that ensures that lawsuits to ensure that victims of domestic violence are not turned away because of their sexual orientation or gender identity. That is why he voted against VAWA, because there is a provision that says you have to provide services to individuals regardless of their sexual identity. He advocated for stripping that provision and ultimately voted against the bill. As Attorney General, he could choose not to enforce this nondiscrimination clause.

The Senator has a similarly out-of-step approach on immigration. Mr. Sessions was instrumental in defeating the 2007 immigration reform bill, referring to it as “terrorist.” He is a strong opponent of a 2013 bipartisan immigration bill, even though the bill had the strongest border security provision ever seen in an immigration bill. It was such a strong security border provision that I hated it. I had to think about whether I was going to vote for this bill because I felt it was too much of a militarization of our southern border. I thought it was a giveaway and a waste of money. But it had a strong border security provision, and it was voted out of the Senate by a wide margin.

If it were up to him, we would also limit legal immigrants coming to our country. During the markup in the Judiciary Committee, Senator Sessions offered an amendment to limit legal immigration, which failed 17 to 1. If you are wondering whether it is rhetorical to say his views on immigration are out of the mainstream, the record shows 17 to 1—17 to 1.

In addition, he promotes cutting Federal funding for sanctuary cities. Sanctuary cities is a brand. People aren’t sure what that means. Let’s be clear what we mean by that. Stripping funding from sanctuary cities is wrong because cities have decided that the strength of their relationship between their police and their citizens is more important for public safety than doing the Federal Government’s job of enforcing immigration laws.

Senator Sessions, of course, is against the right of children born in the United States to be American citizens. He is against helping the many DREAMers in this country.

Let’s have an honest discussion about immigration. We need to start talking about why people come to this country. Some of them come because they want to escape their own awful circumstances and live in freedom and opportunity. It is my grandparents story. It is my wife’s grandparents leaving China. It is the Schatz; it is the Binders; it is the Kwoks. It is Albert Einstein; it is Madeline Albright. This is who we are. We are people from all over the world who are tied not by our ethnic extraction or our religious affiliation, but tied together by our love for America and our belief in this country as the beacon of hope, the shining city on the hill. The idea that we would shred that legacy in the face of some imaginary public desire for immigration reductions, frankly, is disturbing.

Look at the protests happening every weekend at our country’s international
Let’s be honest. Our right to vote is being restricted. It is being restricted even though the United States has some of the lowest voter turnouts of any developed democracy on the planet, and it is being restricted based on a lie. There is no voter fraud. Voter fraud is not the problem, and voter disenfranchisement is the problem.

I talked with a buddy of mine back home who was watching FOX News and he was watching MSNBC, and he said: Democrats are saying there is voter fraud, and Republicans are saying there is voter fraud, and I don’t know what to believe. Well, here are the facts. There is a vanishingly small amount of voter fraud. You are more likely to be struck by lightning than to be convicted of voter fraud. This is a made-up problem. Why would you make up a problem such as this? Because it gives you a context and a pretext to do the systematic dismantling of voting rights. This is happening all over the country. This is happening in Wisconsin, and this is happening all over the country.

The final policy area I would like to raise is women’s rights. The nominee’s record is very clear on these issues. He opposed the Lilly Ledbetter Fair Pay Act, which lifts the legal restrictions for people who may have faced pay discrimination. That, in itself, is extraordinary, because Lilly Ledbetter is from Senator SESSIONS’ home State. She worked in a factory in Alabama for 30 years, and then one day someone slipped her an anonymous note—what a story. Someone slipped her an anonymous note that said: You are paid way less than everyone else in this same job.

But when Ms. Ledbetter tried to address the pay disparities, she hit a brick wall and at every turn. When she turned to the justice system for help, she found that the laws had statutes of limitations that kept her from getting the pay she deserved for years and years, working side by side with men, doing the same job, and getting paid less in that factory.

The Lilly Ledbetter Fair Pay Act changes that. It makes it so that if women find themselves in an ugly, unequal pay structure, just as Ms. Ledbetter did—and we all know people, such as sisters, wives, children, and mothers who have a suspicion they are being paid less than everyone else in the same job, they need to consider. It is also his priority to prioritize certain things over others. It is a battle for things that we take for granted.

I worry that under an Attorney General Sessions, we are going to have a hard time. That is because even if we really don’t have great laws on climate—and we don’t yet—they are being rolled back as we speak. Even if Senator Sessions is back on those laws, he still has the ability to prioritize certain things over others. It is not just his policies that we need to consider. It is also his priorities.

Every AG makes decisions about what problems the Justice Department should move to the front of the line. I have seen lots of reports that leave me wondering if Senator SESSIONS’ priorities might be misguided.

The Washington Post wrote a piece about Senator SESSIONS’ confirmation process, and I wish to read a section of it now. “I care about civil rights,” Sessions said. “I care about voting rights.” Sessions has cited his record as evidence.

In 2009, he said he’d been involved in 20 or 30 desegregation cases as a prosecutor, and this year, he told the Judiciary Committee that four civil rights cases were among the 10 most important cases on in his career. Some committee members were skeptical.

Democratic Sen. Al Franken of Minnesota said Tuesday that Sessions had overstated his role in the anti-segregation litigation. This is an area where the administration’s priorities are clearly going to matter.

The number of anti-discrimination and voting-rights cases brought by the Justice Department civil rights division dropped sharply under President George W. Bush. Sessions welcomed his predecessor, Bill Clinton. The Voting Rights Act recently moved closer to Sessions’ personal beliefs.

When a 2013 Supreme Court ruling weakened the law, Sessions said it was “good news . . . for the South.” On Tuesday, Sessions called the act “intrusive.”
So what does this write-up say about what priorities an Attorney General Sessions might choose? Well, to me, it says that voting rights are going to be dealt a bigger blow than we have seen in the past few years. Again, we come back to the same being extreme. Senator Sessions’ priorities and his policy views are not in the mainstream for the Justice Department.

I don’t think the American people are comfortable with letting politics about data. I don’t think they are comfortable with looking over our history and our commitment to democracy. So why are we comfortable with this nomination?

The final area I want to touch on is Senator Sessions’ philosophy. The Washington Post published a news article about a week ago that looks at the Executive orders we have seen out of this White House. It is called “Trump’s hard-line actions have an intellectual godfather: United Sessions.”

I would like to read a few excerpts from the article.

In jaded black strokes, President Trump’s signature was scribbled onto a catalogue of executive actions that have been isolated in his own party, a dynamic that he denied—is finding little resistance in Congress to his proposed role as Trump’s attorney general.

The early days of the Trump presidency have rushed a nationalist agenda long on the fringes of American life into action. Inside Sessions, the quiet Alabamian who long cultivated those ideas as a Senate backbencher, has become a singular power in this new Washington. Sessions’ ideology is driven by a visceral averse to what he calls “soulless globalization,” a term used on the extreme right to convey a perceived threat to the United States from free trade, international alliances and the immigration of nonwhites.

And despite many reservations among Republicans about that world view, Sessions’—whose seat for a federal judgeship was doomed by accusations of racism that he denied—is finding little resistance in Congress to his proposed role as Trump’s attorney general.

Sessions’ nomination is scheduled to be voted on Tuesday by the Senate Judiciary Committee, but his influence in the administration stretches far beyond the Justice Department.

From immigration and health care to national security and trade, Sessions is the intellectual godfather of the President’s policies. His reach extends throughout the White House with his aides and allies accelerating the president’s most dramatic moves, including the ban on refugees and citizens from seven mostly Muslim nations that has triggered fear around the globe.

The directive on Trump’s agenda into law is deputy chief of staff Rick Dearborn, Sessions’ long time chief of staff in the Senate. The mastermind behind Trump’s incendiary brand of populism is chief strategist Stephen K. Bannon, who, as chairman of the Breitbart website, promoted Sessions for years.

Here’s a quote from Bannon:

Throughout the campaign, Sessions has been the fiercest, most dedicated, and most loyal supporter in Congress of Trump’s agenda, and has played a critical role as the clearance and philosophic undergird of the implementation of that agenda.

Sessions helped devise the President’s first-week strategy, in which Trump signed a blizzard of Executive orders that begin to fulfill his signature campaign promises—although they were going even faster. The senator lobbied for a “shock and awe” period of executive action that would rattle Congress.

I think we got that—impress Trump’s base—

I assume we got that—and can’t tell the difference—

I don’t know about that—according to the two officials involved in the transition plan.

Trump opted for a slightly slower pace, these officials said, because he wanted to maximize news coverage by spreading out his directives over several weeks. Trump makes his own decisions, but Sessions was one of the key lawmakers who shared his impulses.

There are limits to Sessions’s influence, however. He has not persuaded Trump—so far, at least—to eliminate the Deferred Action for Childhood Arrivals program, under which children who were brought to the United States illegally are allowed to stay in the country.

Sessions became a daily presence at Trump Tower in New York, mapping out the policy agenda and crafting legislation. Once former New York mayor Rudy Giuliani was out of consideration for secretary of state, Trump considered nominating Sessions because he was trusted by the inner circle, including Kushner, although Sessions’s preference was to be attorney general, according to people familiar with the talks.

Since his nomination, Sessions has been careful to not be formally involved even as his ideas animate the White House. In a statement on Tuesday, he denied that he had had any “communications” with his former advisers or reviewed the executive orders.

I have no reason to doubt that he established a proper distance while he was the nominee.

Sessions has installed close allies throughout the administration. He persuaded Cliff Sims, a friend and adviser, to sell his Alabama media outlet and take a job directing message strategy at the White House.

Sessions also headed the selection of Peter Navarro, an economist and friend with whom he coauthored an op-ed last fall warning that the administration has shown a willingness to trample on rights to satisfy political objectives. This should trouble everybody on both sides of the aisle who cares about Executive overreach.

This week, John Yoo—the driving force of enhanced interrogation under the Bush administration, the torture man, the famous John Yoo from the Office of Legal Counsel, the John Yoo demonized by progressives for sort of being the key thinker behind understanding Executive power as more expansive than it had ever been understood before—this week, John Yoo came out saying that he thinks this President has taken Executive power too far. John Yoo is saying that—not Sheldon Whitehouse, not the ACLU; John Yoo from George W. Bush’s administration. If that is what John Yoo is saying, then we should all be worried.

Think of what the President might do with an Attorney General who shares his philosophy on immigrants, minority communities, gay Americans, voting rights, and women’s rights.

The NAACP has pulled together a list of facts about the Senator that further flushes out this philosophy, and it is deeply concerning.

In July 2015, during the confirmation hearing of a district court nominee from Maryland, Sessions made the nominee answer for being a public defender and a woman who defend rights lawyer, and invoked Freddie Gray, the teenager unlawfully arrested and killed by Baltimore police in 2015, as a client inappropriate for a lawyer nominated to the bench—“Can you assure the police officers in Baltimore and all over Maryland that might be brought before your court, that they’ll get a standing Executive power as more expansive than it had ever been understood before—”

“I raise that particularly because I see your firm is representing Mr. Freddie Gray in the case that’s generating a lot of attention in Maryland, and there’s lots of law enforcement officers throughout the state and they want to know that they don’t have to worry about who has an agenda to bring to the bench—can you assure them that you won’t bring that to the bench?”
In December 2010, Sessions took to the Senate floor to rally against judicial nominees who have what he calls “ACLU DNA” or the “ACLU chromosome.” The ACLU “seeks to destroy the law as applied to the American people,” he said, “and has taken positions far to the left of mainstream American and the ideals and values the majority of Americans hold dear.

In October 2009, Sessions opposed a district court nominee and former ACLU staff attorney by saying, “I think we’re seeing a common DNA run through the Obama nominees, and the ACLU chromosome.”

I know people have mixed feelings about the ACLU. Sometimes I have mixed feelings about the ACLU. But remember what happened when this Executive order was issued: It was the ACLU that took them to court to protect every American’s civil liberties, and they were the ones who won in court right away. So I say that we need to have special respect for the lawyers who protect our civil liberties.

These events should give us all pause because history has long isolated groups like the NAACP and the ACLU with the mission of the Justice Department, and now we may have an Attorney General who has, at least in the past, relished opposition to these groups.

Before concluding, I just want to say that I understand there may be a distinction between politician-elected official representing a certain State and a certain perspective JEFF SESSIONS, Senator Sessions, and Attorney General. These same events happen as people move from legislative to executive or as they advance in their careers. It is entirely possible, and I sure hope that there will be an evolution, that he understands he may have his views or he may have been vigorously advocating for the views of his constituents, but now he has a different role as the chief law enforcement officer for the United States of America, somebody who is there to uphold the law and protect everyone.

So as critical as I have been of his record, I hope to be proven wrong. There are people on the other side of the aisle and one Democrat on our side of the aisle whom I respect greatly who really love JEFF SESSIONS. I hope everyone on the other side of the aisle and one Democrat on our side of the aisle who respect views about him and the way he will conduct himself as Attorney General.

I took away more from that experience than an appreciation of the Senator’s legislative skills. I got a sense of his character: how he saw the world, what he believed, and why. If I had to sum it up, I would say this is a man who loves the law, who has spent decades doing all he could.

Senator Sessions knows the law shouldn’t be the spider’s web of old, which catches the weak but cannot constrain the mighty. It is supposed to uphold the entire community so all Americans can thrive. What we have is a legal system that at its best strives to be a justice system.

I think if you look at Senator Sessions’ career, you can see the same qualities represented by the balance, the blindfold, and the sword of Lady Justice. First, like the balance, he has a judicious mind—honored over his 12 years as U.S. Attorney and his 2 years as attorney general of the State of Alabama. He evaluates the evidence carefully and comes to a well-considered
conclusion. I would argue it is this very approach that led him to advocate for an immigration system that works for working Americans. I have every confidence, as our top law enforcement officer, he will keep the interests of American citizens uppermost in his mind.

Second, like the blindfold, he is impartial and fair-minded. I think of the fair sentencing law he passed, with bipartisan support, to bring harsh penalties that fell disproportionately on African Americans more in line with the kinds of penalties that fell on other criminals. I also think of his work on behalf of a more equitable distribution of funding for HIV-AIDS patients. Just as Senator Sessions strove to represent the interests of all Alabamians, I think Attorney General Sessions will strive to uphold the rights of all Americans.

Third, like the sword, Senator Sessions believes in swift and strong enforcement of the best argument for his candidacy is the extensive list of endorsements he has received: the Fraternal Order of Police, the National Sheriffs' Association, and the list goes on. I would think such widespread support for people he would oversee would make a deep impression on any Senator's mind. If the people who actually enforce the law believe in his leadership, then so do I.

So I am sorry to see him say goodbye to this august body, but I am confident that he will perform as well for American people well. He is the right man for the job. I urge all Senators to vote for his confirmation.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. PERDUE). Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, I am rising to speak this morning about the nomination of our colleague, Senator JEFF SESSIONS from Alabama, to become the 84th Attorney General of the United States. As the highest law enforcement officer in the land, it is the responsibility of the Attorney General to ensure that all Americans receive the equal justice under the law they are entitled to as American citizens.

A commitment to that equal justice has rarely been more necessary than it is today. We need an Attorney General who fights to expand America's civil rights, not to restrict them, to hobble them, or eliminate them, or to dismantle the Justice Department's Civil Rights Division. We need an Attorney General who will stand up to the President when he tries to put an illegal and unconstitu-
not doing work, instead says: These are complaints we must investigate and remedy that situation. That is the responsibility of the Civil Rights Division, to investigate and to remedy, and that is what this division did under President Obama. They did it with a blind eye. They didn’t say that would be embarrassing to the Department, but my colleague had a different take, saying: We need to be careful before we do that because it might create an impression that they are not doing their job well. Just think if we take that attitude.

We anticipate to have hearings for a labor commissioner. The nominee for Labor runs a company that has a tremendous number of Hardee’s and Carl’s Jr. outlets, and those outlets have a horrendous record of labor rights abuses, but we wouldn’t know about those abuses if the investigator said: We won’t investigate because it might create an impression that they are doing something wrong.

So I am very concerned about the attitude that you don’t investigate because you might embarrass someone.

What do the reports of injustice, that is the point, that it gets investigated. And it not only gets investigated in order that the problems will get remedied but also so it will send a message to others to operate within the bounds of the law.

Our next Attorney General needs to make civil rights a priority, fighting for them, ensuring them, securing them as the North Star of the Justice Department. Something that can simply be left to the States, not something that can be ignored, not something that will be allowed to slip backward.

Communities of color aren’t the only ones watching Senator Sessions’ confirmation process with some anxiety. Over the last 8 years, the rights of the LGBTQ community have leapt forward in incredible ways, from the greater acceptance of gay and lesbian Americans and transgender Americans. And certainly we cannot forget the historic milestone of the legalization of same-sex marriage a year and a half ago. But so many of these long-fought-for and hard-won rights are so new that the community is terrified that President Trump’s administration will work to restrict those rights or roll those rights back. But it is the duty of the Attorney General to protect those rights, not fight for those rights.

So it is of concern—for me, it is a substantial concern—that the nominee voted against the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act. This act was passed on October 22, 2009, and signed by President Obama 6 days later. It was part of the National Defense Authorization Act of 2010, and it expands the 1969 U.S. Federal hate crime law to include crimes motivated by a victim’s actual or perceived gender, sexual orientation, gender identity, or disability.

The bill removes the prerequisite that the victim be engaging in a federally protected activity, like voting or going to schools. It is much, much broader. It gives Federal authorities a greater ability to engage in hate crimes investigations that local authorities choose not to pursue. It was in the last session of years 2010 to 2012 to help State and local agencies pay for investigations and prosecuting hate crimes.

It requires the FBI—the Federal Bureau of Investigation—to track statistics of hate crimes based on gender and gender identity. Hate crimes for other groups were already being tracked.

It was named after Matthew Shepard and James Byrd Jr. In 1998, Matthew Shepard, a student, was tied to a fence by two white supremacists. He was dragged behind it and was decapitated in Jasper, TX. At the time, Wyoming had no hate crimes law to protect homosexuals as a subset class, and Texas had no hate crimes laws at all.

Supporters of an expansion in hate crimes laws argue that hate crimes are worse than regular crimes without a prejudice component from a psychological perspective. The time it takes to mentally recover from a hate crime is almost twice as long as it is for a regular crime. And LGBTQ people feel as if they are being punished for their perceived orientation, which leads to a higher incidence of depression, anxiety, and post-traumatic stress disorder.

In short, in multiple ways, in ways I have enumerated, this law more aggressively pursued justice. I was pleased to be here as a first-year Senator to be able to support that law. Hate crimes tear at our collective spirit. They are based on divisions in our society, divisions that some choose to amplify and inflame, divisions that victimize people for being who they are as individuals.

I was proud of this Chamber, of this Senate, that we passed a bill that would give State and local law enforcement the necessary tools to prevent and prosecute these types of crimes and move our Nation down a path toward equality—equality under the law and freedom from persecution. But my colleague, the nominee, voted against this pursuit of greater justice for a persecuted minority and, that and certainly bothers me substantially. It is my understanding that he didn’t feel that people actually faced discrimination, but the fact is, they do.

LGBTQ individuals, especially transgender women of color, are more likely than any other group to be targets of discrimination and hate crimes. Across the category, and more so in some, look at the 49 people killed, the 53 more injured at the Pulse nightclub in Orlando last summer. The attacker pumped a bullet for every death. These weight of his attack. LGBTQ people are twice as likely as African Americans to be targets of hate crimes. Nearly one-fifth of the 5,462 so-called single-bias hate crimes reported to the FBI in 2014 were because of the person’s sexuality or perceived orientation.

Another issue was raised in 2010 when the proposal was put forward to repeal the don’t ask, don’t tell law, which barred openly gay and lesbian individuals from serving in our armed services. My colleague, our nominee, said that gay servicemembers would have a corrosive effect on moral character essentially saying discrimination is justified because of the prejudices of others who serve. But it is not justified, and the prejudices have taken a bit of movement along that journey toward justice.

More than 14,500 people were discharged from the military during the 18 years of don’t ask, don’t tell. An estimated 66,000 lesbian, gay, and bisexual servicemembers were in the military at the time the ban was lifted. But the ban lasted after that 2010 change—a change that our nominee opposed. The military family embraced the LGBTQ community, and instead of having a corrosive effect, repealing don’t ask, don’t tell has strengthened the military family.

In 2016, just last year, the first openly gay Army Secretary was confirmed, Eric Fanning. Last year, the Navy named a ship after Harvey Milk, the gay politician and former member of the Navy who was assassinated.

So a robust pursuit of equality would have been to voice principled opposition to this discrimination in armed services that was actually robbing our armed services of a tremendous amount of talent and experience and was damaging the lives of those who were expelled from the military. That would have been a principled pursuit of justice, but that is not the path my colleague, our nominee, chose to travel. Instead, it was a path of justifying discrimination, justifying injustice.

During the confirmation hearing, my colleague, our nominee, softened his stance on LGBTQ issues, and he said he would uphold the statute protecting LGBT people’s safety and ensure that the community’s civil rights are enforced. Well, I wish we had more statutes that protected LGBT people’s safety. Promising to uphold them when they largely don’t exist is somewhat of an empty promise. It sounds good, but it is a weak punch.

We had a debate in this Chamber about the Employment Non-Discrimination Act. This act was specifically about anti-discrimination in the process of job hiring in America, and I was deeply involved in this effort. Back in Oregon, when I became speaker, I worked to end discrimination for our LGBT community—discrimination in hiring, discrimination in public accommodations, discrimination on a whole spectrum of aspects of our society. And we passed a very strong law in the State of Oregon to end that discrimination, and a piece of
it—a big piece of it—was to end employment discrimination. How can we claim, as a nation, that we are the land of opportunity if we slam the door to opportunity on a large number of our fellow Americans by allowing discrimination in employment?

Well, because that work I did in Oregon—when I came here to the Senate, Senator Kennedy was ill. Senator Kennedy who had been here—on the floor, I believe it was 1998 or 1996. And that bill had only failed by one vote back before the turn of the century. It was a 50-to-49 vote. The individual who was not here probably have voted for it. The Vice President breaking a tie probably would have passed it. It would have been adopted. It would have been signed.

Fast-forward to 2013, and here we were on the floor debating this issue, and I was very pleased to see it on the floor. Senator Kennedy, and this team had asked me to carry the torch on the bill and work to see it passed. I had worked for us to hold hearings, and I had advocated with our leadership that it was time to put this issue on the floor. There wasn’t a way to allow this discrimination to continue without at least working to address it. We might fall on the floor to pass this bill, but we should at least put it before the body, make the case, have the arguments on this discrimination.

Here on the floor, we no longer have to get 50 votes and the President because the habits of the Senate changed, and now it is almost always required to get a supermajority to close debate. So we had to get 60 votes, not 51, but we did get 60 votes. We did close debate and go to a final vote. But one of the individuals who placed himself directly in the path to obstruct success on the bill, to obstruct the end of discrimination—job discrimination for LGBTQ communities—was our colleague and our nominee for Attorney General. I would hope to have a voice in the office that was seasoned through tough battles and stood up in difficult times to fight any discrimination, not to perpetuate discrimination. So that concerns me—substantially concerns me.

In 2013, the Senate voted to reauthorize the Violence Against Women Act, often referred to as VAWA, after Congress was an important effort because a woman should never be a victim of violence in her own home. Nobody should be a victim of violence, but particularly to address the challenges that we see. And the National Center for Injury Prevention and Control notes that women in the United States experience roughly 4.8 million assaults and rapes per year from their intimate partner, and they are afraid to seek medical treatment. Less than 20 percent of battered women sought medical treatment and encouragement best practices, which have proven to be effective to prevent domestic violence homicides by training law enforcement, victim service providers, and court personnel to identify and connect high-risk victims with crisis intervention services—all of this in response to violence against women, and when such violence occurs, to get the treatment to be as robust and available as possible to assist those women.

Here is the problem: we have the champion in this fight to decrease violence against women in the position of Attorney General of the United States of America, but my colleague, our nominee for Attorney General, voted against these practices for decreasing violence, voted against these efforts to provide greater support when the violence did occur, and that, for me, is a very substantial concern. This turned many women’s advocacy groups into a position of opposing this confirmation.

In October of this last year when our nominee for Attorney General was asked his opinion about a 2005 audio recording which then-Candidate Trump was—well, he wasn’t yet a candidate at that time. I asked the Speaker of the House if he would provide that audio recording—but he was heard bragging about inappropriately groping women. The nominee said he didn’t think the behavior that was described was sexual assault. Senator Sessions said: “I don’t characterize that as sexual assault. I think that is a stretch,” he said.

I couldn’t more profoundly disagree. When someone grabs the intimate parts of an individual, that is an assault. How can one reach any other conclusion? Envision that your loved one is the one who is groped—your wife, your sister, your mother, or your daughter. You don’t believe that is a sexual assault? I would like to have as our Attorney General an individual who would understand the core of his or her being that this is an assault and wrong. The law makes it an assault. Morality makes it an assault. So that bothers me a great deal.

I do want to note that in a confirmation hearing, my colleague Senator Sessions changed his opinion on this and he noted what we would expect one to note. He said that yes, activity such as was noted on the recording of our now President, when asked whether it was a sexual assault, he said he didn’t think it was. When someone grabs the intimate parts of an individual, that is an assault. I would hope to have the champion in this fight to decrease violence against women in the position of Attorney General of the United States of America, but my colleague, our nominee for Attorney General, voted against these practices for decreasing violence, voted against these efforts to provide greater support when the violence did occur, and that, for me, is a very substantial concern. This turned many women’s advocacy groups into a position of opposing this confirmation.
This goal to champion justice for all—perhaps it is easy to champion justice for the groups one most closely identifies with, but the role is to fight for justice for everyone throughout our society, and that is why this is of substantial concern.

The letter went on to say: “Selective application of the law and outward hostility towards victims of sexual and domestic violence in historically marginalized populations has a chilling effect on their willingness and ability to seek protection because it noted that the Attorney General of the United States must be an individual committed to protecting the inalienable rights of equal protection under the law to all—to all within the jurisdiction of the United States.

Let me say it again. We need an Attorney General who fights for equal justice for all.

Another issue we face—set of issues, really—is related to immigration. As we know, President Trump recently signed an Executive order barring travel by those from seven Muslim countries and also barring refugees into our country and having a longer ban on refugees specifically from Syria. And the first Muslim ban, came to me, Rudy Giuliani told us of instructions to create a Muslim ban that would be changed enough to make it legal under the law.

There are many reasons to be concerned about this ban based on religion. We have a tradition of freedom of religion in our country. It is a freedom enshrined in our Constitution. We have a tradition of religious tolerance. If we are a nation with religious freedom, religious tolerance goes hand in hand with that, but we have heard over the course of President Trump’s campaign statement after statement that essentially presented a war on Islam, the Nation is at war with Islam—the opposite of religious freedom, the opposite of religious tolerance.

The worst aspect of this—and there are many bad aspects to it—is that it endangers our national security because of the recruiting strategy of ISIS. Our President says he wants to end this. There is the real intent of this wasn't national security but was religious discrimination.

Then there is the fact that the Executive order itself has a clause that says we will not call religious references—letting in Christians while closing out Muslims. They will consider all of that. We will see what they say.

There is considerable power in the executive branch and the Presidency for making rules related to immigration. There is considerable power to take actions related to national security, but the design of this suggests serious constitutional problems, and two very capable lawyers—one, the acting AG, whom I grew up with, and second, a district court judge—have found it fails the test.

I would like for us to have a nominee for Attorney General who would have the courage and convictions to stand up to a President when the President goes off track in violating the Constitution, and I am concerned that our nominee wouldn't reach the same courageous point of view that Sally Yates found or James Robart found.

Even while noting that the courts are yet to ultimately resolve these certainly heavy concerns that should be weighed intensely in this consideration, and I am not sure that would happen.

In 2015, Senator Sessions, my colleague, authored a bill that would automatically cut off Federal funding to sanctuary cities that refused to have their police officers act as agents of our immigration force, as ICE agents. Just today, I had the pleasure of Multnomah County, City of Portland, come and speak to me. He was formerly the police chief of our largest city—the city of Portland. What he conveyed was that if you have police officers pursuing each person they interact with on the basis of immigration, pretty soon people in the community will not work with you to solve crimes, and you actually create enormous public safety risks for the citizens in Multnomah County. Numerous mayors have pointed this out; if you see your police force as one that is continuously trying to make an immigration agent rather than a police officer and you are pursuing folks with profiling—stopping everyone in the Hispanic community— that pretty soon the Hispanic community doesn’t want to talk to you. They will not help you solve the crimes that occur. The community becomes less safe.

So this assault on public safety is a profound concern across this country.

I am disturbed that our nominee authored a bill to penalize cities and States that are seeking to reduce public violence and enhance public safety. That seems the opposite of what an Attorney General should do.

During his nomination hearing, Senator Sessions advocated for ending the Deferred Action for Childhood Arrivals Program, or DACA. This is a program on which one needs to understand it by meeting individuals who are childhood arrivals. There are folks who have crossed the border into our country who have brought with them a baby in their arms, or a toddler, or a 4-year-old. Those children— those children, no matter where they come from, speak English. They only know America. Most of the time—I will not say most of the time, but in many cases they don't know they were even born outside the country.

So these children were put into a position of saying: If you disclose your status and fill out all this paperwork, we will not send you back to a country you don't even know, that speaks a language you don't even know because because you were born up here. We are only asking: Are you going to contribute to America, if we embrace you. And you will just be a lost citizen—a citizen without a country—if you are sent out of the country to somewhere that would be totally unfamiliar to you.

In this position that our nominee took, that he thinks we should end this program, it means that those children would now be eligible for deportation. There is a substantial concern here because they were promised that if information would not be used, it would not be turned over for their deportation when they signed up. They trusted that when the United States of America
made this promise to them, that promise would be kept, but it appears we have a nominee who wants to end that program and, therefore, place all of these children at risk of deportation.

The nominee had no answer for what to do with the 900,000 children who have come out of the shadows because of that program.

In December 2015, Senator Sessions' nomination to be the U.S. Attorney General was opposed by 46 Senators. In opposition to the nomination, the statement I read is OK to discriminate based on religion. Our nominee was one of those four Senators who conveyed through their vote that it would be OK to use a religious test for those entering the United States.

According to The Leadership Conference on Civil Rights and Human Rights gives our nominee a zero-percent score. The Leadership Conference on Civil Rights and the ACLU have voiced vigorous opposition.

I will share some of the letter from back home. Cobb from Portland, an assistant professor, writes: I am writing today to state my strong dissent for the nominee to be U.S. Attorney General. Whomever should self-evidently have his record, in light of this past week's events, is all the more critical we have an Attorney General willing to fight for our Constitution. Protecting our fundamental values as Americans is priceless.

From Southern Oregon, Karen of Jackson County writes: I am strongly opposed to the nomination of Jeff Sessions as Attorney General. His support of President Trump's views regarding immigration and voting rights are unacceptable and make him unacceptable to be the Nation's chief law enforcer.

Letter after letter expresses concerns about the record.

Earlier tonight, my colleague from Massachusetts was sharing testimony of Coretta Scott King presented on March 13, 1986, to the Senate Judiciary Committee when my colleague was nominated to the U.S. District Court for the Southern District of Alabama. The Senate Judiciary Committee was concerned about the qualifications of the nominee. They did not examine a whole series of events which had transpired under his leadership. I can’t read those events under the rules of the Senate because they would constitute a critique of a fellow Senator. So I am not going to read the whole background information. I note at least five words from our colleagues that this man is unacceptable, and the Senate Judiciary Committee fully explored the issues presented by Coretta Scott King, and by many others, and decided there wasn’t the judicial vision appropriate for someone to be a judge in the United States of America.

If that series of events led to the unusual outcome of the Senate deciding that an individual’s background—a background related to efforts to prevent African Americans from voting, weighs it incorrectly, not right that an individual be serving as a judge, that same background should be considered by all of us here this morning, in the debate, over whether or not a nominee has the judicial heart of Lady Liberty to judge everyone without discrimination, to fight equally for everyone without discrimination. The answer years ago by this Chamber was no.

After all of those positions presented tonight which are deeply troubling, and the history that led this Chamber to make the decision it did back in 1986, I will have to join those who say and vote no on this nomination.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I come to the floor this morning to join my colleague from the Pacific Northwest speaking in opposition to the nomination of our colleague to the position of U.S. Attorney General.

I thank the Senator from Oregon. I know he has been here for several hours. I listened to much of his remarks and many of the positions he brought up in his statement reflect the issues that we in the Pacific Northwest are dealing with—the population of the Pacific Northwest concerned—and how many people in our part of the country have had so many important issues of equal protection for all Americans under the law. So I thank my colleague for being here. I thank him for the many things he had to say this evening on this subject.

I hearken back in my own life, as I reflect on this decision, to the time I grew up. This is something that has been instilled in me as a young person growing up in the 1960s and 1970s.

I saw the most incredible events happen in our Nation’s government, and I saw a position—both the Attorney General and Deputy Attorney General, someone who is now a Pacific Northwest resident—use that office, the power of the Attorney General and Deputy Attorney General, to say they disagreed with the President of the United States. Not only did they disagree with the President of the United States, they would rather resign from office than carry out the acts he was asking them to carry out.

As a young person, that Saturday night massacre was an incredible indelible image of how people should act responsibly in carrying out their duties.

So when I think about this position of Attorney General, I think of that very issue; first, I would say that Attorney General who will stand up for the citizens of the United States, no matter what, even if he has to go against the President of the United States. That, to me, is the ultimate in serving the people of this country.

In many ways, in the last several weeks, I feel like we have been reitigating the 1960s and 1970s. When we
talk about the civil liberties of American citizens, whether they are the LGBT community; or whether we are talking about government maybe using backdoor devices to spy on American citizens; or whether we are talking about immigrant rights, we are talking about artificial barriers people fought for in the 1960s and 1970s. So it is no surprise that my colleague—also from Massachusetts—reflected on this in some of the comments she made last night, such a rush to conclusion and concern on the floor. I certainly supported her and supported her in her rights to make those comments, but these larger issues about how one wields power at the enormous office of responsibility of Attorney General is what is at question in the Senate. I could go on this morning about many other issues I am concerned about in relation to the nexus of the Attorney General to the other positions that we are also considering, but this morning I am going to focus remarks specifically to the Attorney General.

In this new information era—and I have been out here on other nights, in fact with my colleague from Kentucky Mr. PAUL, to discuss these very important issues about encryption and making sure the U.S. government does not un-duly spy on U.S. citizens.

I am concerned that the President’s nominee has supported President Bush’s warrantsless wiretapping and domestic surveillance programs. He also has supported law enforcement’s back-door key to encryption.

I will say, there are many things we need to do to fight this war on terrorism and to help enforce the law and deter these kinds of crimes and make sure that we have someone to fight for civil liberties. It is important in this era and time, because of the hate crimes and the horrific things that have happened to these individuals, that we have someone who not only recognizes the fact that these individuals are facing discrimination and must continually—continually—have someone to fight for their civil liberties.

The nominee sponsored legislation to roll back the LGBT rights in housing, employment, and health care, and there are an estimated 10 million LGBT Americans who are protected by our Nation’s hate crime and anti-discrimination laws. What we want is leadership to continue on these issues. We want leadership that when we see problems, they are going to be addressed, even if it means fighting what the President of the United States has to say.

My colleague also had opposed the reinstatement of the Voting Rights Act and strongly supported voter ID laws that put barriers up for the elderly, indigent communities, and communities of color to get access to their ballots. I believe it is a problem when we recognize that nothing is more important to us than this issue of voting rights, and I would match our system with any other State in the Nation. We vote by mail. We have seen as high as 84-percent voter turnout for the national law. It is something many people in my State feel strongly about, and, yes, in the past, we have experienced violence at clinics.

In fact, in September 2015, there was a devastating bombing of a Planned Parenthood clinic inPullman, WA—a tragedy that was unbelievable. The fact that those clinicians showed up in the parking lot the next day and continued to deliver services, and that law enforcement was there to help them and respect them is what I expect out of our system and the U.S. Attorney General—that someone will be there to help enforce the law and deter these kinds of crimes and make sure that we are moving forward as a country.

I said earlier that I feel as though we are re-litigating the sixties and seventies. I wish that those issues had all gone away, but I feel as if they are still with us. These examples of disrespect toward the civil liberties of individuals, and using violence as a way to demonstrate that disrespect, require a swift hand of justice to oppose them.

My colleague voted against the Lilly Ledbetter Fair Pay Act, which amended the Civil Rights Act of 1964 so that generally, individuals could not bring claims beyond 180 days of a paycheck. I believe there are a lot of ways to combat fraud and corruption in the voting system in the State of Washington because it is based on your signature. We have had people make mistakes in the system? Yes. They have been caught or corrected.

The notion that our system needs all of these other artificial barriers is not true. It is a system that has worked well for us and, as I said, has empow- ered more people to participate in our election system.

I want someone who is going to help us move forward in this country. The notion that we are putting up lines of obstacles for voting in this country should not be the way we are going to move forward. We need to go in the other direction.

I am concerned that the next Attorney General will fail to protect the civil liberties of all Americans, irrespective of their race, and protect opportunities to participate in our democracy and to make sure we are continuing to move forward. He has called the work of the National Association for the Advancement of Colored People and the American Civil Liberties Union un-American. Let us remember that in this time, we need people who are going to recognize the rights of individuals and stand up for them. If in the past his judgment and temperament on these issues has expressed a lack of concern for these individuals, my ques-tion for the nominee is what kind of leadership will that drive for the next Attorney General?

He has called the decision in Roe v. Wade “a colossal mistake” and has cast 96 anti-choice votes, including a vote against protecting abortion provi-ders and their patients from anti-choice violence. Washington State has one of the strongest statutes in the country for protecting a woman’s right to choose. It was something we did before the national law. It is something many people in my State feel strongly about, and, yes, in the past, we have experienced violence at clinics.

In fact, in September 2015, there was a devastating bombing of a Planned Parenthood clinic in Pullman, WA—a tragedy that was unbelievable. The fact that those clinicians showed up in the parking lot the next day and continued to deliver services, and that law enforcement was there to help them and respect them is what I expect out of our system and the U.S. Attorney General—that someone will be there to help enforce the law and deter these kinds of crimes and make sure that we are moving forward as a country.
their wives to make the salary they deserve, to make certain their family has the income it deserves.

These are battles that we are going to continue to fight in the United States of America until we have fair pay. I do view this as a civil rights issue. As I said, Lilly Ledbetter amended the Civil Rights Act.

He also voted against the 2013 reauthorization of the Violence Against Women Act, which ensures that law enforcement has the every resource necessary to investigate cases of rape, and provides colleges with the tools to educate students about dating violence, sexual assault, and to maintain the National Domestic Violence Hotline, which fields 22,000 calls a month from Americans facing threats of domestic violence.

That issue in and of itself, along with the amount of domestic violence that women face in the United States of America, is something that needs constant vigilance and constant attention in order to fight against. I don’t know all the reasons he did not support that legislation, but I know one aspect. He opposed language in the Violence Against Women Act allowing tribes to prosecute local crimes.

In fact, they did. They opened the trunk of his car, and as they did, he ran, and with good reason because they saw a car full of explosive materials in the trunk. That so-called Millennial Bomber was caught. Since then, I have been an advocate for using biometrics as a standard for us pushing visa waiver countries for letting people into our country, as Mr. Ressam did, whether they are replacing our embassy and consulate staff or coming onto the soil of our country, that because Washington had a case in the United States at Port Angeles, WA. He had come from Algiers, and then when he got to France, he cooked up a new identity. When he left France and went to Canada, he cooked up another identity, and then he arrived at the U.S. border from Canada on a boat with explosives and a plan to either blow up the Space Needle or travel to LAX and blow up the LAX Airport.

There was very good work by customs and border agents who found something unusual about this individual. It didn’t add up. His passport looked as though it was valid, but something that was said gave the border agents reason to conduct a more thorough check.

In fact, they did. They opened the trunk of his car, and as they did, he ran, and with good reason because they saw a car full of explosive materials in the trunk. That so-called Millennial Bomber was caught. Since then, I have been an advocate for using biometrics as a standard for us pushing visa waiver countries for letting people into our country, as Mr. Ressam did travel, as I said, from Algiers to France, to Canada, and then from Canada to the United States, each time cooking up an identity.
in our government to clearly support all people—black, brown, white, male, female, transgender, gay, lesbian, bisexual, queer, Jew, Christian, Muslim, Buddhist, Native, atheists, and people of all ethnicity. The Attorney General is responsible for upholding The Constitution which shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. This means upholding the Constitution, including Press’s right to cover Mr. Trump and report as they see fit—not censored news. This also means supporting The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized. This means insisting that the Justice Department hold themselves and local police forces accountable for detaining and searching people—and do not promulgate brutality from behind the badge. Instead of Jeff Sessions, please garner support for and vote for a legal mind who has a demonstrated record of upholding all people’s rights. There are many fine minds and hearts in our country who are qualified to fill this task. It is your responsibility as a Senator of our fine Democracy to vote only for one of them.”

GARY from Spokane, WA: “Jeff Sessions does not believe that our laws should protect everyone. He believes certain groups should have less rights and/or less protection under the law. He will allow discrimination, based on his record. There is enough volatility in this time of ours to understand the importance of a fair-minded, tempered and balanced person to head the department of justice. There is no denying we are entering a tumultuous time. There is enough concern over Jeff Sessions to give pause, consider the times we are in, and come up with a better choice. Concerns over our country turning to totalitarianism are real. The president elect is extremely polarizing and may very well be breaking the US Constitution as soon as he’s gate brutality from behind the badge. The attorney general certainly needs to understand these concerns and be able to enforce the laws of the American people. There are many other talented legal professionals with a wide variety of skill sets related to law enforcement. This is the time to slow down a bit; delay . . . at least this appointment. There is an appointment process for a reason. Make Mr. Trump come up with a better choice. No matter what happens in becoming a rubber stamp for Mr. Trump. I vote nay for Jeff Session as Attorney General. Consider the importance of this time, consider the future of our country, consider the rights guaranteed in the bill of rights. The choice then is easy, nay for Sessions, yay for thoughtful, accountable and tempered governance.”

BETSY from Waldron, WA, writes: “Please oppose the appointment of Jeff Sessions as Attorney General. He is opposed to basic civil rights for all people and he cannot be in charge of protecting those same laws. He does not support and promote laws that are enacted to protect the civil rights for all people—black, brown, white, male, female, transgender, gay, lesbian, bisexual, queer, Jew, Christian, Muslim, Buddhist, Native, atheists, and people of all ethnicity. The Attorney General is responsible for upholding The Constitution which shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. This means upholding the Constitution, including Press’s right to cover Mr. Trump and report as they see fit—not censored news. This also means supporting The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized. This means insisting that the Justice Department hold themselves and local police forces accountable for detaining and searching people—and do not promulgate brutality from behind the badge. Instead of Jeff Sessions, please garner support for and vote for a legal mind who has a demonstrated record of upholding all people’s rights. There are many fine minds and hearts in our country who are qualified to fill this task. It is your responsibility as a Senator of our fine Democracy to vote only for one of them.”

JG from Seattle, WA, writes: “You must vote against confirming Jeff Sessions as Attorney General. His record makes clear that he will not support voting rights for all Americans and will not act to protect the rights of minorities or work to improve the criminal justice system. In fact, his record makes clear he will move to suppress voting rights and support theSJ actions that will hurt minorities in particular. He is not fit to serve as this country’s Attorney General.”

AM from Seattle, WA, writes: “I am a criminal defense attorney in Seattle. I have two thoughts on this. First, I ask you to con-firm Jeff Sessions as United States Attorney General. Under the Obama administration, many inroads have been made into remedying the harms of mandatory minimum drug sentencing and other forms of injustice reform. Additionally, states like Washing-ton have been allowed to sell mari-jana, legal under state law, without
fear of federal prosecution. Finally, the Obama administration made good use of the civil rights division to assist in reforming police departments engaged in improper policing practices, such as Seattle. I have no confidence that Jeff Sessions will continue to support any of these policies. Please do not vote to confirm him.

LB from Seattle, WA, writes: “Please block Jeff Sessions from becoming Attorney General. The idea of having a racist attorney general is appalling. We need to improve race relations in this country and in our law enforcement officials, especially. I am 41 and feel like the race relations in this country had been improving steadily throughout my life, at least on the west coast. It’s very scary to me that this new administration has to bring to light all the issues that still remain but to be a great country we cannot be a divided one anymore to paint him in a positive light and asking people to contact senators to urge confirmation. I continue to have concerns about what he will do to lessen voter rights and other issues under his authority. The advertisement did not change my opinion and I feel it’s just full of alternative facts. Please continue to ask tough questions on all of these appointments.”

LR from Seattle, WA, writes: “I am writing to urge you to continue due diligence on the appointment of Jeff Sessions as Attorney General. His record shows his hostility toward civil rights, the ACLU, the NAACP, the LGBT community and more. I am especially concerned about his ability to send us backwards on gay marriage and other civil rights laws. His appointment to head the Justice Department would be a disaster for civil rights law in this country. Please help stop this travesty.”

MV from Edmonds, WA, writes: “I am writing to urge you to continue due diligence on the appointment of Jeff Sessions as Attorney General. His views, clearly displayed over the course of his career, are the antithesis of what our country stands for around the world. The United States has been a bastion of freedom and democracy. Sadly, those qualities are rapidly disappearing, faster than I thought possible, under the Trump administration. ALL of our citizens are entitled to equality under the law. All of our citizens deserve to live freely and without prejudice and bias regardless of their race, religion, lack of religious affiliation, gender or sexuality. Jeff Sessions is dangerous. He will dismantle civil rights laws, allow racial profiling, support laws that prevent access to voting and encourage the abuse of the LGBT community. Please vote no.”

I also knew there are letters from many organizations that also have opposed this nomination, and my colleague has talked about many of those, but the NAACP, civil and human rights organizations, the HRC, and the American Federation of State and County Municipal Employees have said they question the objectivity and sense of justice needed on these important issues.

I mentioned the Lilly Ledbetter Fair Pay Act and other issues of the Individuals with Disabilities Education Act, there are a couple of concerns that they get the fair attention and enforcement of law. I ask unanimous consent that these letters be printed in the Record.

There being no objection, the materials ordered to be printed in the Record, as follows:

National Association for the Advancement of Colored People,
Re The NAACP Strongly Urges the U.S. Senate To Vote No on Sen. Jeff Sessions Nomination as Attorney General.
U.S. Senate, Washington, DC.
Dear Senator: On behalf of the NAACP, our nation’s oldest, largest and most widely-recognized grassroots-based civil rights organization, we strongly oppose the vote against Jefferson “Jeff” Beauregard Sessions III for Attorney General. Throughout this contentious debate, and through his past actions, his recorded words, and his voting record as a United States Senator, Sen. Sessions has demonstrated a clear disregard, disrespect, and disdain for the rights and needs of all American citizens, possesses neither the political nor the moral temperament to serve as Attorney General.

The NAACP staunchly opposes the confirmation of Senator Jeff Sessions based on several factors, including the fact that he does not agree with us on a majority of issues as is reflected in our federal legislative report card. Since 1914, our report card has been reflective of our bread-and-butter civil rights issues, and the fact that Senator Sessions has averaged, since coming into question, over 10%, demonstrates his clear disregard for issues that are important to us and to those we represent and serve. It would be a disservice to these people who support us and for us not to speak out against this nomination. Supporters of the NAACP would argue, in fact, that the Department of Justice is a crucial enforcer of civil rights laws and advisor to the President and Congress on what can and should be done if those laws are threatened. Given his disregard for issues which protect the rights, and in some cases, the lives, of our constituents, there is no way that the NAACP can or should be expected to sit by and support Senator Sessions’ nomination to head the U.S. Department of Justice.

The disdain Senator Sessions has shown for civil rights organizations, including the NAACP, is as palpable as it is disturbing. During his confirmation hearing in 1986 for a federal judgeship in Alabama, Senator Sessions replied to one question by saying, “I’m often loose with my words.” He may have said something about the NAACP being un-American or Communist, but I meant no harm by it.” Yet he denied saying anything disparaging about the NAACP in a recent hearing before the Senate Judiciary Committee on January 9, 2017.

Lastly, in a floor statement made earlier today, Senator Graham suggested that the opposition of the national NAACP is out of step with the sentiments of Alabamians. Nothing could be further from the truth. In fact, the President of the Alabama State Conference of NAACP Branches has been a leader in opposing this nomination. He was here on Thursday to hear Senator Sessions’ testimony, a trip he took with busloads of NAACP Members who also opposed the confirmation. This was a day after he was arrested for participating in Senator Sessions’ office in Mobile as a means of protest in which he urged Senator Sessions to withdraw his nomination from consideration by the Senate.

In summation, I would like to reiterate that it is the experiences of the NAACP that lead us to oppose Senator Sessions’ nomination. We further call on President Trump to nominate an individual who has a demonstrated commitment to the constitutional promises of civil rights, voting rights and civil liberties protection and enforcement for all, and an articulated respect and promise to promote the civil and human rights of all people, regardless of their race, ethnicity, religion, sexual orientation or station in life. Thank you in advance for your attention to the position of the NAACP. Should you have any questions or comments, please do not hesitate to contact me at my office.

Sincerely,
Hilary O. Shelton,
Director, NAACP
Washington Bureau & Senior Vice President for Policy and Advocacy

The Leadership Conference on Civil and Human Rights, Washington, DC, December 1, 2016.
An Open Letter to the United States Senate
Civil and Human Rights Organizations Oppose Confirmation of Jeff Sessions

Dear Majority Leader McConnell, Democratic Leader Reid, Chairman Grassley, and Ranking Member Leahy: On behalf of The Leadership Conference on Civil and Human Rights and more than 200 national organizations committed to promote and protect the civil and human rights of all persons in the United States, and the 140 undersigned organizations writing to express our strong opposition to the confirmation of Senator Jeffery B. Sessions (R-AL) to be the 86th Attorney General of the United States.

Senator Sessions has a 30-year record of racial insensitivity, bias against immigrants, disregard for the rule of law, and hostility to the protection of civil rights that makes him unfit to serve as the Attorney General of the United States. In our democracy, the Attorney General is charged with enforcing our nation’s laws without prejudice and with an eye toward justice. And, just as important, the Attorney General has been chosen by the public, from every community—as a fair arbiter of justice. Unfortunately, there is little in Senator Sessions’ record that demonstrates that he would meet such a standard.

In 1986, when then-U.S. Attorney Sessions was nominated by former President Ronald Reagan to serve as a judge on the U.S. District Court for the Southern District of Alabama, the Republican-controlled Senate upheld its constitutional duty, undertaking a careful and comprehensive review of his record at that time. The Judiciary Committee was presented with compelling evidence that then-U.S. Attorney Sessions had a troubling commitment to civil rights enforcement, a champion of voter suppression tactics targeting African
Americans, and a history of making racially-insensitive statements. This record included warning an African-American colleague to be careful about what he said to “white folks,” and unfavorably comparing him to Klux Klan, as well as his prosecution of three African-American voting rights activists on dozens of charges that were promptly rejected by a jury.

As you know, the Attorney General is our nation’s highest law enforcement official, with a particular responsibility to protect the civil and human rights of all Americans. The Leadership Conference opposes Senator Sessions’ nomination to become Attorney General because of the record we have cited. However, it would be a grave mistake to assume that our opposition is based only on incidents prior to his judicial nomination.

Indeed, the following are examples of his actions as a Senator over the past 20 years that raise very disturbing questions about his fitness to serve as Attorney General:

Voting Rights: In addition to his failed 1985 prosecution of three voting rights activists who were working to increase African-American voter turnout, Senator Sessions has voiced strong support for restrictive voter ID laws that have had the effect of disenfranchising many otherwise eligible voters. Senator Sessions’ actions are consistent with his “loyalty as a liberal” as it seeks to protect eligible minority voters, and praised the Supreme Court ruling in Shelby County v. Holder (2013) that gutted the Voting Rights Act of 1965. This is hardly the record of someone to be entrusted with the protection of voting rights for all Americans.

Women’s Rights: Senator Sessions is an ally with White Nationalist and Hate Groups regarding Immigration Policy: Senator Sessions has been a fierce opponent of comprehensive immigration reform, even to a bipartisan 2007 bill as “terrorist assistance.” He has closely associated himself with NumbersUSA, the Federation for American Immigration Reform, and the Center for Immigration Studies, all three of which were founded by John Tanton, who held white nationalist beliefs and called for the preservation of a “European-American majority.” Senator Sessions has also received awards from the David Horowitz Freedom Center and Frank Gaffney’s Center for Security Policy, both designated as malign actors by the Southern Poverty Law Center.

Hate Crimes and LGBT Rights: Senator Sessions co-sponsored the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, even though a unanimous Supreme Court had long ago upheld a similar state law in Wisconsin v. Mitchell (1993). This is particularly disturbing at a time when there have reportedly been more than 700 hate incidents committed in the weeks since the election. Senator Sessions’ record on hate crimes and immigration with integrity, fairness and a sense of justice.

The burden on Senator Sessions is not to prove that he is not a “racist.” For the record, The Leadership Conference has never made such an allegation, as we do not claim to know what has been in his heart when he has taken the actions and made the statements we have described above. Nevertheless, we believe those actions and statements are themselves disqualifying.

This is notwithstanding our recognition that Senator Sessions’ record does include some positive actions. For example, the Southern Poverty Law Center, while expressing opposition to his confirmation, acknowledged that he was helpful in the Center’s successful effort to sue the Ku Klux Klan following its role in the 1981 lynching death of Michael Donald. The Leadership Conference also worked with Senator Sessions in an effort that culminated in the passage of the Fair Sentencing Act of 2010, which reduced racial disparities in federal cocaine sentencing provisions. While these actions are noteworthy, we believe our conclusion that Senator Sessions’ overall record is too troubling for him to be confirmed as Attorney General.

The collegiality that ordinarily governs Senate decorum is no substitute for, and must not supersede, the Senate’s profoundly important duty to vigorously and fairly review each nominee who comes before it. We believe that based on this review, there can be only one conclusion: Senator Sessions is not the right person to serve as the U.S. Attorney General.

Thank you for your consideration of our views. If you would like to discuss this matter with me personally, please contact Wade Henderson, President and CEO, or Nancy Zirkin, Executive Vice President.
reauthorization of the Violence Against Women Act and the Shepard-Byrd Hate Crimes Act.

Sen. Sessions has expressed strong support for voter ID laws which restrict the rights of many, otherwise, eligible voters. He has called the Voting Rights Act “intrusive” as it seeks to protect minority voters and praised Supreme Court Justice Antonin Scalia for his opinion in Shelby County v. Holder which gutted a key part of the Voting Rights Act of 1965.

Sessions helped to block bipartisan efforts to reduce sentences for certain nonviolent drug offenses. He has also criticized the Department of Justice’s use of consent decrees addressing misconduct and violations of civil rights by law enforcement agencies.

Testimony provided by Sen. Sessions during his confirmation hearing has not alleviated our grave concerns about his suitability to lead the Department of Justice. We urge you to reject his nomination.

Sincerely,

SCOTT FREY,
Director of Federal Government Affairs.

NATIONAL NURSES UNITED,

Ms. CANTWELL. I also note that the National Nurses United, on behalf of Current and future generations cannot afford to have a fox minding the hen house on the important issue of environmental protections under the control of the Attorney General. We urge you to set aside your personal loyalty to Senator Sessions and evaluate honestly his record and fitness for the position Senator Sessions, nominee for Attorney General. We urge you to set aside your personal loyalty to Senator Sessions and evaluate honestly his record and fitness for the position.

Sincerely,

JEAN ROSS, RN,
Co-President, National Nurses United.

February 8, 2017

CONGRESSIONAL RECORD — SENATE
February 8, 2017
We are not under the illusion that somehow, magically, the vote is going to turn out any differently than it did on the last nominee. Why are we here at 4:30 in the morning to talk about this? Why are we continuing to pursue this issue in the midst of other things we are concerned about? We are going to do that because we have great concerns about their record. And, frankly, in the case of the next two nominees who are coming before us, we had specific questions asked about their actual actions and statements and the testimonies before the Finance Committee. Instead of the majority answering those questions for us, they decided not to answer them and push the vote to the floor of the United States Senate.

I am very concerned about the Price nomination, and the discussion that I hope we are going to have time to have here on that nomination and to bring light to the issues that we didn't get to bring to light in the Finance Committee.

The Treasury nominee that we will give time to in the next several days, the discussion of that record, the things I am interested in, obviously, are the effects of Medicaid and Medicare, and making sure we expose what is the concept and idea to either cap or cut the benefits that Americans are getting under those programs today and to have a great discussion about every implication that was talked about during the campaign and was put into party platforms on both sides of the aisle, but now all of a sudden seem to be forgotten. That mysterious, but all-important issue, something called Glass-Steagall, the separation of commercial and investment banking. That is what the Trump campaign, now President Trump, working with Republicans, put into a platform. Let us have Glass-Steagall.

Let us have separation of commercial and investment banking. Why? Because it is the disaster that brought us the implosion of our economy and cost our economy $14 trillion, according to the Dallas fed. Yet, many Americans have not fully recovered from that event. I get that a lot of banks have recovered because we gave them the keys to the Treasury, and they got bailed out, but a lot of everyday Americans have not recovered. And certainly there are pensions and other questions about what Renée Mnuchin. There was some discussion, "Well, that is not what we meant. That is in the party platform, but that is not what we meant, and that is not what we are going to pursue." And certainly the rollback of Dodd-Frank provisions, that were just done in a Congressional Review Act, without very much discussion or fanfare or understanding by the American public, these kinds of actions are the things we seek debate on.

As these nominees come right after this, my constituents in the State of Washington are feeling as if these nominees need to be questioned on how they are going to uphold existing law and how they are going to implement and enforce existing law as it relates to these many issues. We are doing our best here. We would rather not do it at 4:30 in the morning. We would rather do it in the afternoon, but we will do it at 4:30 in the morning if that is what it takes to get the airing on these issues and this amount of attention.

So I do find that the other side of the aisle, trying to gavel down my colleagues from Massachusetts, was an attempt to try to say that you can control this debate. You can control the questions we have or the discussions we want to have or the concerns that our constituents have, which are real. I don't think it takes a genius to see that many people marching in Seattle on women's issues or an attorney general or a Governor who files a case or all the discussion that is happening, as I said, in response to a bombing at a school in Dallas just a few years ago or a bombing that happened in Spokane, an attempt on a Martin Luther King Day parade just several years ago, where somebody left a backpack trying to do harm—these are issues that we need to discuss.

They may be the same struggles that our Nation has had, but we have made it through, and we want a law enforcement officer in the land to uphold the law, enforce it, and to fight for the civil rights of individuals. So I go back to my opening comments about this. And that is that I truly believe that mark that was set in the Saturday night massacre is the mark we should always strive for. I happened to ask at the time, when I first got on the Senate, I sat on the Judiciary Commission for 2 years, and I asked Attorney General Ashcroft about these issues. I asked him specifically, if you become the Attorney General for the Nation, if at this time that we had a law that had been implemented, the roadless area rule. Even though it had become the force of law, would he enforce it, and to fight for the civil rights of individuals.

So it is of concern. As I said, the notion that a previous Attorney General did not agree—not this past Obama administration, but the previous Bush administration literally came to our State when we had a medical marijuana law and forced the investigation and shutdown of some facilities, caused great concern to medical patients throughout our State. So this is raising a question for people here. It is my obligation to make sure these issues are raised and brought up as we seek this discussion on the Sessions nomination to be Attorney General for our country.

I again thank my colleagues for being out here and for all of the discussions we have had on these issues. We should not be afraid to have these discussions. We should not be afraid to think about how we are going to work not only across the aisle, as I have done with my colleague SUSAN COLLINS on those homeland security Court issues—we worked successfully with Jeh Johnson, the last Homeland Security director, to make sure that we were moving some of our airport border control issues to overseas airports. We were able to get that done in December
after the San Bernardino event and make sure that we are now working. Why do we want them over there? Why do we want the border control and efficiency over there? Because then you can work more in coordination with law enforcement who bad actors know and so she and I have worked on that issue. That is the best nexus for us, about individuals we have concerns about. That is the best nexus for us, and so she and I have worked on that issue.

As I mentioned earlier, Senator Col- liens and I are big advocates for the use of biometrics because you can identify people. As I mentioned, in the Ressam case, if we had identified Ressam the first time he entered France, we would have known who he was when he got to Canada. It would not have taken him going to the U.S. border. We would have found out when he arrived in Can- ada, and the United States using our clout and using our efforts to say to our European counterparts: We have implemented these biometric standards, and we want you to implement them, and we want to work together to make sure people we have great sus- picion and concern about are being ad- dressed.

So, yes, we can work across the aisle on these issues. We can find ways to make sure that we are protecting civil liberties and also addressing the most heinous of these crimes and working to find individuals in a cooperative fash- ion, knowing that we are going to have to do this on an international basis.

So I urge our colleagues on the other side of the aisle to think about what America now needs in moving forward on the protection of civil liberties. I hope that—I am sure it is tempting to want to reach and to do some of these issues in Executive orders. I mention the other issues of gov- ernment surveillance in the Pacific Northwest that the State of Wash- ington for sure has concerns about. These are our issues.

Infringing on the civil liberties of American citizens is not a pursuit we should be following. We should be working in coordination with law en- forcement on verifying that people are who they say they are and pursuing an agenda, working with our international counterparts, to stop people in those countries before they even plot a case like the Ressam case in the State of Wash- ington.

I know my other colleagues will be showing up here shortly, but I just wanted to put an additional note in. If any of our colleagues on the other side of the aisle are up early and just hap- pen to turn on the television, if that is one of the things they do in the morn- ing—we asked our colleagues to give us ample time to debate on the Price and Mnuchin nominations. We can continue to do the all-night thing. We can. I feel for the floor staff and the people who are here all night and the extra strain that it puts on the stenographers who are here and have been working around the clock. But what we want is to have a hearing on the issues we are con- cerned about. We want to be able to have these issues discussed not nec- essarily in the middle of the night but we are going to do that during the broad daylight so that we can engage the American people on what these choices are so that our col- leagues on both sides of the aisle will hear from their constituents and will hear why these issues are so important.

In the two cases we are going to see following this nomination for Attorney General, we are going to individuals who did not fully respond and answer the questions we wanted answered as it related to information they supplied to the Finance Committee.

So when you talk about—some people say: Why are you guys doing this? We say: Well, it is the Treasury nominee and the head of our health care system. So basically all of our rev- enue and a big chunk of our spending. That is what those two individuals rep- resent. They represent the revenue that our country raises and a big chunk of the money. In fact, I think health care is 7 percent of our econ- omy; any change of our revenue and a big chunk of our economy—those two individuals. So we want to make sure we have ample time to discuss those nominees, to raise the questions we have about those nom- inees. Maybe in that discussion here on the Senate floor in the bright light of day, we will get some answers. We will get some answers about some of the things that were discussed in the hear- ing about opposition to certain issues or incorrect information. We will en- gage our colleagues in a debate, and maybe they can help us understand the support for ideas like basically, you know, changing Medicare into a pro- gram that caps the benefits on individ- uals or taking Medicaid and doing the same thing.

I am a big proponent of changes in delivery system reform that have driven great efficiencies into the health care system. I think many of our col- leagues don’t know, for example, about a program that got people out of nurs- ing homes and into community-based care; that a lot of States in the coun- try that use this part of the Affordable Care Act are driving more effi- cient health care services into those people who need it. If the top law enforcement officer in the land, the Secretary of State or the Attorney General, does not support President Obama, did not sup- port the Affordable Care Act, but took the money from the Affordable Care Act and are now implementing a much better delivery system for those who are living longer and need assistance on health care.

Why is that so important? Because back to my point about Glass-Steagall and the implosion of our economy, what we are going to see is a very great tragedy on retirement and health care. We are going to see a lot of people who don’t have enough money to retire and cer- tainly not enough to take care of their health care. So what happens then?

Those individuals end up on Medicaid. If they end up on a Medicaid system that is based on nursing home care, the U.S. Government is going to be paying a lot more money for those services. Those are all issues that we want to debate with those nominees. And I hope to have an opportunity to do so during the next several days. We hope you will give us the ability to do that instead of holding all-night sessions— do that during the day—and give us ample time on those nominees and discuss the issues that we can have that discussion now.

Again, I want to thank the floor staff and everybody who has been here these two nights. It is a long haul. It is a long haul to do there. But behind every Member who has spoken on my side of the aisle, I can tell you, there is a pas- sion of our constituents. There are true concerns, both by individuals and I would say businesses, as you can prob- ably see from those who joined the case on the Northwest our Pacific Northwest has is our economy. You can see that there are issues here of how our economy works and how businesses work as well.

The passion and fervor that drive people to come here and speak on these issues is really remarkable. I think the whole society we in the Northwest represent, the economic issues and the challenges that we face and how we have lived together in the diversity that has emerged and how much that supports the Pacific Northwest has grown our economy. That is what people are telling us. People want to know: What is the economic engine of the Pacific Northwest? And one of the things that scientists and researchers come up and say is that it is diversity.

The diversity adds to the creativity, the creativity adds to the inventive- ness and the ingenuity, and the inge- nuity is what is propelling these various businesses all across the various sectors. I am not just talking about high tech sectors; I am talking about in agriculture, in aerospace, certainly in tech, but in many other aspects of manufacturing as well. So we want a nominee for Attorney General who is going to recognize that diversity, fight for that diversity, who is going to stand up to the President of the United States when they need to stand up and continue to make the effort that pre- vious Attorney Generals have made in doing the job that it takes to be the top law enforcement officer in the land of the United States.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. Younkin). Without objection, it is so or- dered.

Mr. MURPHY. Mr. President, as I began last night at 4 in the morning—
now 5:30—I thank the staff, both the nonpartisan staff and those in the majority and minority for enduring another late night. These are exceptional times. Thus we are here again in the early, early morning to talk about a nomination to the President’s Cabinet.

This is my first time on the floor since Senator Warren was gavelled down last evening. Let me just speak for a moment about my deep, deep disappointment at the events of early last evening. I want to put this in the context of the political moment that we are living in.

We have a President of the United States today who is a bully, who is using his office to try to stifle and quell debate. If you dare oppose him—frankly, whether you are a Republican or a Democrat—you are going to be called names, you are going to be mocked in an effort to try to silence you.

In the last week, we have seen President Trump attempt this tactic on members of the judiciary. When he got a ruling he didn’t like from a judge in Washington that temporarily halted his ban on Muslims entering the country, he started personally attacking this judge, sending a signal to those in the judicial branch that, if you dare oppose him, you are going to be singled out for ridicule.

The President of the United States is going to try to destroy your reputation and your judicial career, as a jurist, as an impartial arbiter of the law if you rule against his political interests. It is an exceptional moment. It is an exceptional moment in which the President of the United States is trying to bully judges into ruling in his favor. It is an exceptional moment, though we have been watching it for the last 2 years, in which the President is trying to bully Members of Congress to cow to his interests.

I want to be very careful about how I talk about this because I have great respect for the parliamentary rulings of this body. But I don’t understand why our majority leader chose to gavel down Senator Warren when she was simply reading a letter from Coretta Scott King.

We celebrate the legacy of Martin Luther King with a holiday every year in this country. In the pantheon of individual greatness in the United States of American history and culture, none greater than Martin Luther King. His widow wrote us a letter expressing her objections to the nomination of Jeff Sessions based upon the belief that he would not live up to the legacy of her husband and his work in civil rights.

Now, I am very careful to this discussion than the opinion of a member of Martin Luther King’s family on whether or not this nominee was going to enforce appropriately, vigorously the civil rights laws of this Nation and Senator Warren was silenced.

Now, I don’t know what the motive was, and it certainly would be inappropriate for me to guess at it. But the effect of the majority leader’s action is to stifle debate, to make it less likely that Members of the Democratic minority will raise objections to Senator Sessions’ nomination and record objections as an act.

I am not trying to equate what happened here last night with what our President has done, but there is a practice now. There is a pattern of behavior among Republicans, trying to stifle and quell opposition to this President. The President is the focal point of power, of Twitter, and the majority leader now is twisting the rules of the Senate.

I say that because, while it may be true that technically the rules of the Senate don’t allow you to talk about the conduct of a fellow Senator, how on Earth can you debate a nominee from this body to the Cabinet without questioning their conduct?

So technically, the rule may say that you cannot talk about the conduct of a fellow Senator, but can this body operate when Members of it are nominated to important positions if we cannot talk about the conduct of fellow Members and we cannot criticize the conduct of fellow Members?

Now, I appreciate the fact that Senator Merkley was able to come down to the floor and read the full letter into the Record overnight, I appreciate the fact that Senator Booker was able to read into the Record testimony from the Attorney General regarding the Voting Rights Act, without being similarly gavelled down for his conduct.

But this effort, this continued effort to try to stop people who oppose President Trump and his agenda from speaking truth to power is not right. It is not right. And it will, frankly, have the opposite effect.

You have seen what happened overnight on our side. We are not going to stop talking about Senator Sessions’ record of trying to disqualifying for his nomination for Attorney General. The protests and the numbers of people gathering around the country to object to the policies of President Trump are getting bigger and bigger the more that he bullies and bullies. This isn’t going to work.

So I am going to speak to Senator Sessions’ record. I am going to speak to how I believe it does not qualify him to be Attorney General, and that doesn’t mean that I don’t have great respect for him. I have worked with Senator Sessions on a number of issues. But if I can’t talk about Senator Sessions’ record, if I can’t talk about his conduct as a Senator, as it relates to whether or not he can be the chief law enforcement official in this country, then there is no use in having this debate at all.

Senator Sessions has publicly called the Voting Rights Act intrusive. In response to the Supreme Court’s 2013 decision in Shelby County v. Holder, which gutted section 5 of the Voting Rights Act, Senator Sessions called it a good thing for the South.

That decision made it vastly more difficult for the Federal Government to protect individuals from racial discrimination in voting. The Supreme Court effectively substituted their political judgment on the status of racism in America for the judgment of this Congress. Effectively, by its decision, the Supreme Court was saying that in that moment, in our belief, racism is no longer a problem in the way that it was when the Voting Rights Act was passed, and, thus, there is no longer an imperative to enforce the Voting Rights Act, which allows for the Federal Government to oversee the voting laws of a select number of counties with patterns of racial discrimination.

That was an absurd ruling. I have great respect for the members of the Supreme Court, but they live inside the ivory-ensconced marble of the Supreme Court chamber. They don’t have experience on the ground, like the elected Members of this body do, to understand the reality of America today. I wish it were gone, but it is not. Blacks and Hispanics are still discriminated against.

You just have to look to see what happened in North Carolina last year, when the North Carolina passed a number of laws which, on their face, they argued were not discriminatory. They were just, in their words, voter protections, buffers against voter fraud. And then, when we went to the courts, the members of the State legislature to pass that law, what we learned is that they were specifically intended to try to stop African Americans from voting. The people who were passing those laws were talking to each other trying to figure out how they could most effectively target laws to stop African Americans from voting. That was their clear intent, even though they argue that there was no racial bias implicit in the passage of those laws.

Racism is not dead in America. You don’t wash away discrimination in just one generation—a generation and a half, maybe—after laws that separated the races with respect to public accommodations and restaurants and drinking fountains and bathrooms. That doesn’t just vanish in one generation later. Everybody understands that.

Poll after poll will show you that there are still people in this country who believe that the African Americans and Hispanics are inferior. I wish it weren’t the case, but it still is. So we still need the Voting Rights Act. We still need the Civil Rights Act. And we are about to vote on a nominee to be Attorney General who calls the Voting Rights Act intrusive, who says that a Supreme Court decision that guts the Voting Rights Act is “a good thing for the South.” It is not a good thing for African Americans in the South. It is not a good thing for Hispanics in the South. It is not a good thing for the people who wrote those discriminatory laws, but it is not a good thing for those who are trying to vote who have
witnessed and lived through decades of discrimination.

Let me talk about Senator Sessions’ record on immigration. In 2007, Senator Sessions referred to a comprehensive immigration reform bill as “terrorist assistance.” That has been a leading voice in Congress in arguing against immigration reform. In two decades in the Senate, Senator Sessions has opposed every single immigration bill that has included a pathway to citizenship. He has favored, similar to President Trump, an ideological test for admission to the United States. He said this:

Immigration policy must be guided by our understanding that western society is unique and special. Our values, our rules, our traditions are what make our society succeed where others fail. It is necessary and proper to keep people who among the world’s 7 billion people will be granted the high honor of immigration to the United States on the basis of confidence that they share our values.

That is a radical idea. Why don’t we think about it for a second. The Attorney General of the United States will make important decisions about the enforcement of immigration law in this country. Much of what happens in immigration policy happens in the Department of Homeland Security. And the Attorney General makes important decisions about upholding the law on immigration policy, and we are about to vote to confirm a Member of this body who has said that there should be an ideological test for admission. I think the United States and that you have to share our values. I don’t know what that means, but the greatness of the United States is based on the fact that we have been able to bring people from a variety of different backgrounds, a variety of different value sets, a variety of different religions—brings them into this country and allow them to keep part of their heritage, part of their belief system from the places they came from, whether they be Ireland, England or China or Mexico, and then also assimilate into the whole and adopt part of this country’s short history of tradition over the last 210 years. What makes America great is that we allow people to bring values different from ours into this country, which in turn strengthens our collective set of values. We are constantly challenging ourselves with new ideas, with new perspectives.

Senator Sessions has been an opponent of Delayed Action for Childhood Arrivals policy. This is commonly referred to as DACA—the idea that if you are a child who came to this country when you were very young, knowing nothing other than the United States, an American in name if not legal status, then you should be able to stay in this country. It is cruel and inhumane to take a young man or woman who came to this country when they were 3 or 4 years old and send them back to their country of origin, to their constituents, who I would argue will have an upward effect on the rates of violent crime. Why? Because those individuals, having gone through the process of incarceration and coming out reformed, untreated, will be no less a danger to society...

Finally, I want to talk about the issue of gun violence in this country. Obviously this is very personal to me, still watching the community of Newtown spiral through ripples of grief associated with the trauma of December of 2012. Senator Sessions and I clearly have differences about the way in which the Federal Government should restrict the flow of firearms in this country.

You know, it has to be relevant to the decision that I make. This is the chief law enforcement official of this country, so the views on firearms are relevant. Whether or not the Attorney General has the discretion to make policy on the issue of what firearms are legal and what aren’t or what sales are subject to background checks and what aren’t, there is a bully pulpit associated with the chief law enforcement official that carries weight, so Senator Sessions’ beliefs on firearms policy are relevant. His record and his conduct in the U.S. Senate on the question of gun violence is relevant as to whether he should be our next Attorney General. Senator Sessions has lined up with the gun lobby over and over again against commonsense reform of our gun laws that are supported by 90 percent of Americans.

He has voted against expanding background checks to cover sales at gun shows or online. He has voted against a bipartisan effort in the Senate to make sure that if you are on the terrorist watch list that you cannot purchase a weapon. He has voted against efforts to try to restrict sales of high capacity magazines and assault weapons, the kinds of magazines and the kinds of weapons that were used in the horrific crime in Sandy Hook. What Senator Sessions has said is that, if he were confirmed, he would take on the rising homicide rates in some American cities by working against illegal firearms use. He has pledged that he will enforce the law. Yet, again, coming back to his conduct and his record in this body, he has moved to remove part of the Attorney General’s powers to strip from the Department of Justice and its appendages the tools they need in order to enforce the law. Every year we have on our appropriations bills riders that specifically stop the ATF from enforcing existing law. We restrict their ability to do inventories of gun dealers. We prohibit them from keeping modern databases on gun sales across the country.

The policy that Senator Sessions has backed and voted for in this body runs contrary to the statements that he has made. He has supported efforts to rob from the Department of Justice the ability to enforce the existing law on guns, yet he says when he gets there that he is going to use all efforts to enforce the law. Further, he has opposed efforts to give new tools to the Department of Justice to try to keep our streets safer. Shortly after Sandy Hook, he specifically debated on this floor legislation that would make it a misdemeanor to bring guns. I don’t know how much less controversial you can get when it comes to gun policy. We all agree that you shouldn’t...
be able to walk into a store, buy guns, say they are for you, and then go out on to the streets and sell them to criminals. It happens all the time in our cities.

Somebody goes and buys a mess of guns at a store or gun show and then goes into a city and sells them out of a trunk of a car to criminals who couldn’t otherwise go buy these guns because of their criminal background.

So he proposed a simple Federal law that would make it a Federal crime to do that, and you need that, because States can’t enforce that on a State by State basis because these guns are often trafficked across State lines. Senator Sessions voted against that. He is not going to be a champion for enforcing the gun laws of this Nation. His record is not going to magically transform when he becomes Attorney General. I have great respect for Senator Sessions, but he has been a chief opponent of the gun laws of this country more amenable to proper and appropriate and efficient enforcement, and that is not going to change when he becomes Attorney General.

So I am going to vote against his nomination today, and I encourage my colleagues to do so as well. His record on civil rights, on criminal justice, on immigration, and on gun policy do not qualify him to be Attorney General.

I am deeply sad about what happened here last night with respect to the letter read into the RECORD by Senator Warren. I understand that things seem to be breaking down a little bit in this Chamber, that nerves are frayed and people are acting in ways that maybe they wouldn’t have acted a few years ago. These are exceptional times. I have never seen a President like this, trying to divide us from each other, using his position to bully and intimidate his political opponents. Raving about a brutal dictator in Moscow who murders people. We have never seen a moment like this. We should be really careful that we don’t model that behavior here in the Senate.

What makes me sad is that it looked to me like that is what happened—that in this body the majority party tried to use the rules of the Senate in order to bully Members of the minority into silence. It is not going to work. If we want to get back to being able to function as a body, then we better be OK with being able to have some open, honest conversations about the future of this country and the future of this body.

I am going to vote against Senator Sessions today. That doesn’t mean that I haven’t enjoyed working with him on a number of subjects, but he is not the right person to be Attorney General—not close, frankly—and I hope that over the course of the day my colleagues continue to talk about his conduct, continue to talk about his record, and continue to explain why it does not qualify him in any way, shape, or form to be the chief law enforcement official in this country. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. HASSAN. Mr. President, I suggest unanimous consent that the order for the quorum be quashed.

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

Ms. HASSAN. Mr. President, I rise today to join my colleagues in opposing the nomination of Senator Jeff Sessions to be Attorney General of the United States.

Now more than ever, it is critical to have an Attorney General who is an independent defender of our Constitution, who puts the rule of law before all else, and who is committed to ensuring that all Americans have equal access to justice. Unfortunately, I do not believe that Senator Sessions is fully committed to enacting those principles, and I am concerned that he will not independently stand up to President Trump.

Senator Sessions was one of Trump’s earliest supporters and has been a key source of influence for the President’s actions. White House Strategist Stephen Bannon recently wrote to the Washington Post: “Throughout the campaign, Sessions has been the fiercest, most dedicated, and most loyal promoter in Congress of Trump’s agenda, and will remain as the clearinghouse for policy and philosophy to undergird the implementation of that agenda.”

In the wake of President Trump’s first few weeks in office, in which he signed dozens of Executive orders—including the un-American backdoor Muslim ban—it was reported that Senator Sessions played a role in influencing the President’s policy and strategy.

My office has heard from thousands in New Hampshire who have had serious legitimate concerns about the President’s actions in his first few weeks. I am concerned by reports that Senator Sessions pushed for an even more aggressive approach.

The Washington Post reported: ‘The Senator lobbed for a ‘shock-and-awe’ period of executive action that would rattle Congress, impress Trump’s base, and catch his critics unaware.’ Senator Sessions’ record in Congress and his history of standing against the constitutionally protected rights of millions of Americans is deeply troubling. These are issues that my office has heard from constituents across New Hampshire. As a resident from Merrimack wrote: “Pick a current civil rights issue and Sessions is on the wrong side of history.”

I do not have confidence that Senator Sessions would be an independent Attorney General who would put the rights of all Americans before the whims of this President, and that is why I oppose this nomination.

I am incredibly proud that my home State of New Hampshire understands that the values of inclusion and equality are at the very core of what makes us American and at the core of our constitutional system. We believe in free-press, the value of free speech, and that our duty and our destiny—to extend the same freedoms we enjoy to all of our people. We value human rights and we see inclusion and equality as core principles in our laws. These values helped our State become a leader in advancing the rights of the lesbian, gay, bisexual, transgender, and queer community, recognizing that all people deserve the legal right to fully participate in the social, civic, and economic life of our communities.

Years ago, New Hampshire led the way in becoming one of the first States in the Nation to pass marriage equality, and I took great pride in casting my vote for that legislation as a State senator. When we reformed our legislation, we made clear once again that when we as a State or a country bring people in from the margins into the heart and soul of our democracy, we get stronger.

About a year after we took that step in New Hampshire to enact marriage equality, I was sitting on a plane in the window seat, and the man next to me noticed my name on the notebook I was reading and said: Aren’t you elected in New Hampshire? What do you do there?

I told him I had been a State senator. He looked at me and said: Did you have anything to do with marriage equality passing?

Now, I wasn’t sure what this man’s point of view was as I sat next to him on this plane ride. I said: Well, yes, I was in the New Hampshire Senate, and I voted to pass marriage equality.

He said: I want to thank you for it. I am a recruiter for one of our State’s largest employers, and marriage equality is one of the best recruitment tools we have.

I asked him to expand a little bit on that. He said: It isn’t that we have any particular percentage of LGBTQ applicants or employees that is unusual, but the fact that New Hampshire passed marriage equality signals to people we are trying to recruit that we are an open and inclusive State, where everybody is welcome if they are willing to work hard and do their part to move us forward.

During my time as Governor, we continued to fight for progress for the LGBTQ community, including issuing an executive order to prohibit discrimination in our State government on the basis of gender identity or gender expression.

Unfortunately, Senator Sessions’ record and previous comments call into question whether he will enforce the Federal laws designed to promote equality and protect the LGBTQ community. Senator Sessions has been a vocal opponent of marriage equality, going as far as to label same-sex marriages as dangerous.
In 2004, he stated: "But I do believe that it is not disputable that adopting a same-sex marriage culture undermines and weakens marriage."

Following the Supreme Court's 2015 decision that guaranteed marriage equality in all 50 States, Senator Sessions said: "The marriage case goes beyond what I consider to be the realm of reality."

As Attorney General, it would be Senator Sessions' job to implement and defend this ruling. I am extremely concerned that he would not follow through with that responsibility.

Senator Sessions has also worked to undermine the Federal hate crimes law designed to protect LGBTQ Americans. In explaining his vote against the 2009 Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, Sessions argued that Federal protections for LGBTQ Americans were not necessary. When debating the law, Sessions said: "I am not sure if some women or people with different sexual orientations face that kind of discrimination."

Following Senator Sessions' nomination as Attorney General, Judy Shepard, the mother of Matthew Shepard, that law was named, wrote a letter for the Human Rights Campaign opposing Sessions' nomination. Shepard wrote:

"In 1998 my son, Matthew, was murdered because he was gay, a brutal hate crime that continues to resonate around the world even now."

When we work alongside members of Congress, both Democrats and Republicans, who championed the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act with the determination, compassion, and vision to match ours as the parents of a child targeted for simply wanting to be himself. Senator Jeff Sessions was not one of these members. In fact, Senator Sessions strongly opposed the hate crimes bill—characterizing hate crimes as mere "thought crimes."

My son was not killed by "thoughts" or because his murderers said hateful things. My son was murdered with the butt of a .357 magnum pistol. They tied him to a fence, and left him to die in freezing temperatures because he was gay. Senator Sessions' repeated efforts to diminish the life-changing acts of violence covered by the Hate Crimes Prevention Act horrified me then, as a parent who knows the true cost of hate, and it terrifies me today to see that this same person is now being nominated as the country's highest authority to represent justice and equal protection under the law for all Americans.

As Attorney General, Senator Sessions would be responsible for not only enforcing the Hate Crimes Prevention Act, but a myriad of other Civil Rights laws including the Violence Against Women Act, which includes explicit protections for LGBTQ people. Senator Sessions' very public record of hostility toward our community and federal legislation designed to protect vulnerable Americans, including the Voting Rights Act, makes it nearly impossible to believe that he will work to uphold these statutes and ideas that he worked so hard to defeat.

I agree with Judy Shepard, and it is clear that Senator Sessions' record shows that he will not stand up for the rights of LGBTQ Granite Staters and Americans if he becomes Attorney General.

There are other issues of concern as well. I have always fought to protect a woman's constitutionally protected right to make her own health care decisions and control her own destiny, and I always will. Roe v. Wade is a landmark decision that protects women and their access to abortion. It guarantees a fundamental right for women to control their reproductive health. Senator Sessions has the right to decide whether to continue or terminate a pregnancy without government interference.

Sessions' record leaves questions on whether he will enforce the law in this area. During his time in the Senate, Sessions has been dedicated to opposing a woman's constitutional right to safe and legal abortion. He voted to grant legal status to an embryo. He has repeatedly voted to deny women in the military her pregnancy. And then she vote funds for abortion care at military hospitals. He has said that he would like to see a woman's constitutional right to make her own health care decisions overturned.

This is unacceptable for a nominee to lead the Department of Justice whose role would be to uphold the very law that he seeks to overturn. We also know that a woman's right to make her own health decisions isn't just a matter of freedom. It is a matter of health. It is also a matter of economics and finances.

When women have to pay more for their health care, and it puts them in an economic disadvantage. As Governor, I restored family planning funds and pushed to restore State funding to Planned Parenthood because I know how critical access to these services are for the women and families of my State.

Planned Parenthood provides critical primary and preventive health care services to thousands of New Hampshire women, including preventive care, birth control, and cancer screenings. There are countless stories of women whose lives have been changed as a result of access to Planned Parenthood in my State. A young woman named Alyssa in my State lost her health insurance. She was on her father's health insurance. She was younger than age 26. Suddenly her father passed away. She had a medical emergency. She didn't know where to go. Grieving for her father, she was also without health insurance. She turned to Planned Parenthood, and they were able to provide her the care that she needed.

Alyssa's story and the stories of thousands of others across our State make it clear why it is essential that we have an Attorney General who will protect a woman's constitutionally protected right to make her own health care decisions.

Senator Sessions has voted six times to block patients from accessing health care at Planned Parenthood health centers. Senator Sessions has stated that Planned Parenthood should not receive Federal funds for any services because, among the other health care services it provides, it provides the constitutionally protected care—abortion services—she decides she must terminate a pregnancy.

Senator Sessions has opposed women's access to no-cost birth control that is now provided through the Affordable Care Act. Sessions' record leaves questions on whether he will enforce the Lilly Ledbetter Fair Pay Act with the determination that a woman's access to no-cost birth control is a matter of freedom. It is also a matter of economics and finances.

Senator Sessions has also worked to roll back the progress of women's rights. Senator Sessions voted against the Lilly Ledbetter Fair Pay Act and has consistently voted against the Paycheck Fairness Act.

I am far from the only one in New Hampshire who opposes the idea of Senator Sessions as our Nation's top law enforcement officer. I have heard from many of my constituents regarding the impact of Senator Sessions' nomination on women's rights.

One constituent wrote:

"I truly fear for the future of women's rights and my daughter's right to an autonomous life if Jeff Sessions is confirmed. The bottom line, Senator Sessions has a record of undermining the civil and constitutional rights of women in this country."

On another topic, in recent weeks there has been much discussion about the Individuals with Disabilities Education Act, otherwise known as IDEA, and the fact that Education Secretary Betsy DeVos seemed confused about the fact that IDEA is Federal law and also declined to commit to enforcing it. I have contributed to this imbalance against Mrs. DeVos's nomination yesterday.

What is also appalling is Senator Sessions' previous comments on IDEA.

In 2000, Senator Sessions gave a speech...
on the Senate floor suggesting that disciplinary problems in schools stemmed from IDEA. SESSIONS said:

"Teachers I have been talking to have shared stories with me. I have been in 15 schools around Alabama this year. I have talked to them about a lot of subjects. I ask them about this subject in every school I go to, and I am told in every school that this is a major problem for them. In fact, it may be the single most irritating problem for teachers throughout America today."

He continued:

"There is no telling how many instructional hours are lost by teachers in dealing with behavior challenges. That is an increasing problem in our competitive, global society. It is no wonder American students fall short. Certain children are allowed to remain in the classroom robbing the other children of hours that can never be replaced."

"There is no need to extend the school day. There is no need to extend the school year. If politicians would just make it possible for educators to take back the time that is lost on a daily basis to certain individuals, there is no doubt we would have better educated students.

He added:

"It is clear that IDEA '97 not only undermines the educational process, it also undermines the authority of educators. In a time when our profession is being called upon to protect our students from increasingly dangerous sources, our credibility is being stripped from us.

As I have discussed over the last couple of weeks, the passage of IDEA was a groundbreaking moment in American history for people who experience disabilities in their families. After IDEA was passed, all schools—all public schools in our country—were required to provide a free and appropriate education for children with disabilities.

Children like my son, now 28 years old, and a graduate of Exeter High School, who used to be relegated to institutions, subjected to inhumane conditions and maltreatment, treated as truly less than human were included in our public schools. This is not a parent of a child like my son who does not acknowledge that including new people with different needs in any setting can be challenging, but we are Americans, and we are supposed to do challenging things, and that is what IDEA challenged us to.

I have seen the power of inclusion not only in my own home, but in my community and in our schools. I have seen it strengthen other students. Just last week my son's classmates from fifth grade reached out because he had seen the coverage of the hearing concerning Mrs. DeVos's nomination. He said in an email to me: You know, I don't remember much about fifth grade, but I do remember having lunch with Ben. And I remember even now Ben's lighthearted disposition.

What a lesson for our children to learn that even if you have severe and debilitating physical disabilities that prevent you from speaking or typing or walking, you can be lighthearted and love your life. There are always challenges connected to including new students with different learning styles, different behaviors. But because of IDEA, we have learned how to help those students cope and learn and adjust their behavior. And for anybody to suggest that it is the fault of people with disabilities, that it is their disability that is undermining our education, is appalling.

"Various groups who represent individuals with disabilities have, therefore, voiced their opposition to Senator Sessions' nomination. The Coalition of Parent Attorneys and Advocates has written to the Judiciary Committee arguing that:

"[Sessions] has compiled a longstanding and consistent record, including public statements, policy proposals, and other various actions that serve to discriminate against the rights and dignity of children and adults with disabilities.

"Senator Sessions' disdain for special education and opposition to community integration of individuals with disabilities is at odds with the laws, inconsistent with our nation's commitment to people with disabilities, and will lead to far higher societal costs in the future.

And a constituent with Etna, NH, wrote to share her concerns on Senator Sessions' record on individuals with disabilities. She said:

"Senator Sessions has a long, well-documented history of active opposition to respect for the human rights of the American citizenry, particularly those of us who experience multiple marginalizations in our society. And as such, he is unfit for the office of Attorney General. It is abundantly clear to us that a disbarred individual with disabilities, and will lead to far higher societal costs in the future.

"Americans with disabilities and their families deserve better than an Attorney General who has consistently spoken out against their rights.

"I also have concerns about Senator Sessions' voting rights record. Voting is our most fundamental right, and ensuring that everyone can exercise that right without making our democracy successful. Everyone deserves representation and the opportunity to vote on who represents them.

Throughout his time in office, Senator Sessions has demonstrated an opposition to ensuring that all Americans have the right to vote. In 1986, Senator Sessions called the Voting Rights Act "an intrusive piece of legislation." In 2006, after the Senate passed the Voting Rights Act reauthorization, Senator Sessions voted to support. Chief Justice Roberts cited the report in his Shelby County v. Holder opinion, which gutted a key provision of the Voting Rights Act. Senator Sessions celebrated the Shelby County decision and stated it was, "good news for the South."

"Since that decision, and despite the passage of voting restrictions in several States by Republican legislatures, Senator Sessions has said, "I don't think the Supreme Court ruling has damaged voting rights in any real way."

It is clear that Senator Sessions is not committed to protecting voting rights. Many Granite Staters have written to my office, highlighting Senator Sessions' record on voting rights as a reason that the Senate should oppose his nomination.

A constituent from Tilton, NH, said:

"Our country has battled long and hard to throw off the errors of our past, but voting rights are under assault. Jeff Sessions is not the right person to safeguard the integrity of our voting process, nor can he be trusted to work on behalf of all Americans in the cause of justice.

At a time when we are discussing ensuring equality, justice, and inclusion for all of our citizens, I am reminded of my father's story. My father was born and raised in the segregated South. His father was a traveling shoe salesman, and his mother was a school teacher who, during the Depression, got paid in food stamps. That is what kept the family going. Through hard work, a scholarship, taking on jobs like waitressing tables and moving furniture, and a bit of good luck, my dad was able to attend Princeton University. It wasn't long before his studies were interrupted, however, when, following the bombing of Pearl Harbor, he left to volunteer to fight in World War II, eventually being thrown into the Battle of the Bulge.

The Battle of the Bulge marked one of the first times in World War II that White and Black American soldiers fought alongside each other. Thousands of miles away from the school where he had been studying, this young man from the Deep South found himself learning more about the values of equality, and inclusion than he ever could have learned back at home. And after my father's experience in that battle, where African-American soldiers fought and died alongside their White counterparts, Dad returned to his classroom and brought home to a life of working to make the notion that every single one of us counts a reality. Our Founders believed in that principle, that when you count everyone and bring more people in from the margins, we all grow stronger.

We know that our Founders didn't count everyone at first, but they had faith that we would continue striving, as our Constitution commands us to, to build a more perfect union, that generation after generation, we would continue to deliver on our Nation's promise of equality. And while the road to greater inclusion is not without significant challenges, time and again, we have persevered to build a better future.

We need leaders who are committed to those values and who are committed to enforcing the laws that have included more and more Americans. Senator Jeff Sessions' record shows that he is not committed to those values, and he has demonstrated that he lacks the independence needed to stand up to President Trump.

For these reasons, I cannot support Senator Sessions to be the next Attorney General of the United States. I
urge my colleagues to vote no on this nomination.

Mr. President, I yield the floor.

I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. Barrasso). Without objection, it is so ordered.

Mrs. GILLIBRAND. Mr. President, I rise today to oppose the nomination of Senator Sessions for Attorney General.

I would like to preface my remarks with just a statement and recognition of the outpouring I have received from my State, from constituents. I have letters, I have postcards sent, some with the Statue of Liberty. I have letters from constituents from every corner of my State passionately writing about their views on President Trump's nominations, particularly Senator Sessions.

I would like to read one letter because I think it really summarizes the views of New Yorkers. This constituent writes:

As your constituent and as a Reform Jew, I strongly urge you to oppose the nomination of Jeff Sessions as Attorney General.

As the top law enforcement official in the country, the Attorney General has substantial power over the administration of key legislation that advances the fundamental rights of all people, regardless of race, class, sex, sexual orientation, gender identity or national origin. Senator Sessions' firmly established record of opposition to protection of and advancements in voting rights, LGBTQ equality, women's rights, immigration reform and religious freedom suggests that he would not fulfill the Department of Justice's mandate to provide equal protection under the law for all people.

The letter goes on to talk about his votes particularly against the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act when it was added as an amendment to the 2008 Defense Authorization Act because it added sexual orientation and gender identity to the list of classes protected under federal hate crimes law. In addition, Senator Sessions joined 21 other senators to vote against the 2012 reauthorization of the Violence Against Women Act, which included new protections for immigrants and LGBTQ people. Finally, he staked out positions that put him far outside the mainstream as the Senate considered and passed comprehensive immigration reform legislation in 2013 and has expressed support for a religious test for entry into the country.

I urge my colleagues to vote no on this nomination.

Mr. President, I ask unanimous consent that the letter I referred to be printed in the Record.

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

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

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

The PRESIDING OFFICER (Mr. Barrasso). Without objection, it is so ordered.

Mr. President, I suggest the absence of a quorum.

Mr. BROWN. Mr. President, the job of the Attorney General of the United States is to enforce laws that protect the rights of each and every American. More than ever—more than ever—we need leaders who can bring Americans together to improve police-community relations, to ensure that all Americans have access to the ballot, and to reform our criminal justice system.

In the city in which I live, in Cleveland, we are under a consent decree today which already is improving relations between the police and the community. We saw that only three decades ago in Cincinnati, where Mayor Cranley—then a member of the council and now the mayor—has worked with the community, as have others. We see more people of color in the police department, and we see better training for the police. We see improvements in that community, in large part because the community came together—police, community leaders, citizens—to make
for better relationships and better relations inside the community. The consent decree there made a huge difference in that city. The consent decree in Cleveland is making a difference there. That is partly the job of the Attorney General—to make sure the Department of Justice stays on course to do that. When we think of leaders whom we need to improve police-community relations, to ensure Americans have access to the ballot, and to reform our criminal justice system, Senator Sessions is simply not that leader. It is not personal. I have worked with Senator Sessions on issues like trade. I actually told him that, if he had been nominated as the Trade Representative, I would have happily voted for him. But we have strong policy differences on the issues that directly fall under the role of the Attorney General.

I examined his nearly 40-year record as a U.S. attorney, the attorney general as U.S. Senator, and his record as Attorney General. Based on that record, I was the first in the Senate to say I cannot support his nomination. I told Senator Sessions on the floor of the Senate after I made that decision, before I announced it:

I have serious concerns that Senator Sessions' record on civil rights is at direct odds with the task of promoting justice and equality for all. What is more important in an Attorney General than that?

Senator Sessions has a history of racial insensitivity, bias against immigrants, disregard for the rule of law, hostility to the protection of civil rights—exactly what we don't need in the Attorney General of the United States and Senator Sessions is simply not that leader. It is not personal. I have worked with Senator Sessions on issues like trade. I actually told him that, if he had been nominated as the Trade Representative, I would have happily voted for him. But we have strong policy differences on the issues that directly fall under the role of the Attorney General.

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system and stop ruining the lives of far too many young Black men over non-violent offenses. Senator Sessions has opposed bipartisan efforts, and there have been a number of them and a number of courageous leaders in this body who have sometimes taken positions on criminal justice reform and done the right thing. Senator Sessions, however, has opposed bipartisan efforts in the criminal justice reform. At the outset of my speech, I mentioned Cleveland and Cincinnati, where it is a decade and a half later, and it has proven to be a success.

In Cleveland, it is shaping up to be a success. He has called consent decrees that mandate reform of law enforcement agencies “an end run around the democratic process.” Reform of law enforcement agencies in many ways means better police training, with real dollars and real effort put into that police training.

Again, he calls all of this “an end run around the democratic process.” Senator Sessions blocked bipartisan efforts to reduce sentences for certain nonviolent drug offenses.

There is surely a need for an independent Attorney General, and that is my third macro concern about my colleague Senator Sessions being elevated to be the Attorney General of the United States of America. In light of President Trump’s cruel and foolish and badly executed Executive order on immigration, we need an Attorney General who will be an independent voice beholden to the Constitution and the American people, not to the President. We have seen this order wreak havoc on Ohio students and families.

A Cleveland father who had waited 4 years to reunite with his 14-year-old son was forced to wait even longer when his refugee son was banned. We are a nation that embraces refugees. My son-in-law, at the age of 10, was living in El Salvador with his family. His mother was a journalist. His duty Attorney General has an obligation to the Constitution and the American people, not to the President. We have seen this order wreak havoc on Ohio students and families.

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are questionable. Other than Senator Murkowski and Senator Collins, I have not seen any of my Republican colleagues—out of fear of this President personally attacking them, publicly and personally—themselves shrink back from doing their constitutional duty and voting their conscience.

I hope maybe today, maybe in Senator Sessions’ vote, which I believe will be tonight, some of my Republican colleagues will realize they need to do their jobs and stand up for what they believe when they realize this Attorney General-designee, Senator Sessions—a colleague I like personally, but a colleague that simply is not prepared—is not independent. He has not had a record of support for voting rights, for criminal justice reform—all the things that we want in the Attorney General of the United States of America. I plan to vote no today. I ask my colleagues to join me.

I suggest issuing a quorum call.

The PRESIDING OFFICER. The clerk will call the roll.

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

The PRESIDING OFFICER (Mr. Paul). Without objection, it is so ordered.

Mr. CASEY. Mr. President, I want to outline a number of concerns that I have this morning about Senator Sessions’ nomination to be the next Attorney General. I will try to keep it to a short list. I have limited time this morning. But I wanted to start with the voting rights issue.

In our State of Pennsylvania, we have a long history of litigation and battles about the right to vote. And when the Supreme Court decision in Shelby v. Holder was issued a couple of years ago the Senate took one, two, or three different positions. The position that I took was one of disagreement with the basic holding of Shelby v. Holder, which in my judgment gutted the Voting Rights Act’s requirements that certain States and certain jurisdictions with histories of discrimination seek what is called preclearance from the Federal government before changing voting rules. That was a substantial change from the policies that had been in place for years.

Since the Shelby decision, more than half of the so-called preclearance States have implemented restrictive voting laws—some as soon as the very next day after the decision was handed down. And over 800 polling places in Pennsylvania have been closed since the decision. So on this issue, it is a basic difference of opinion. I think Shelby was decided the wrong way, and Senator Sessions believes it was decided the right way. That is a fundamental disagreement. I have real concerns about an Attorney General who would have that position or that point of view on that case. I don’t know for sure what he would do as Attorney General. I can’t predict that, but I can certainly raise concerns about that decision.

When you think about what led to decisions like that over time, it is hard to encapsulate when you are speaking on the Senate floor all of the misery, all of the suffering, all of the trauma to individuals, all of the trauma that our country endured first to get the right to vote, and then to enforce the law and to make it real. There is no way—if I had 9 hours on the floor, I probably couldn’t encapsulate or do justice to all of that work. So it is a fundamental divide, a fundamental disagreement I will continue voting rights.

As someone who represents Pennsylvania, we have a particular interest in the issue of voter ID laws. They are the kinds of laws that follow the Shelby decision. It is a premeditated attempt to disenfranchise. Shelby. But we had a major debate in Pennsylvania back in 2012, where the Pennsylvania General Assembly passed—meaning the House and Senate passed—and the Governor signed into law a voter ID law. Litigation commenced and went all the way through the court system in Pennsylvania. The final decision was that the law was struck down. The voter ID law was struck down, so it is a major point of contention in Pennsylvania.

Over time, some have asserted that there is widespread voter fraud. We have heard that even more recently. I am still waiting for the evidence of that, but that is certainly an issue that we will continue to debate here in Washington.

I think the last thing we need in the United States of America is more restrictive voter ID laws. We should be expanding opportunities for people to vote. Where there are barriers erected, knock them down. Where there are impediments to the right to vote, push through them or put in place strategies to overcome them. Again, that is a major basic difference between Senator Sessions and me, in terms of our approach to voter ID laws. We had a searing experience in Pennsylvania, which left a lasting impression on the people of our State.

Another issue, which I think is of critical importance in every administration at every time, but maybe even more so today with regard to this new issue of marriage equality, is an issue in a major litigation battle regarding what has been described as a travel ban. It is probably shorthand, but that is my best description of it. It has been a matter that has been litigated in lower courts, District courts, and now it is in front of an appellate court. Who knows, the next step after this may be the U.S. Supreme Court. I raise that not to debate the substance of it; we can do that for a long while. I guess, but I raise it on the question of independence.

There are certain jobs in government—I had one of them in State government. I was elected as a State auditor general in Pennsylvania. I served two terms. In that job, for example, at the State level, the most important quality or metric by which you are judged is your independence. You are independent when you are independent, and if you are independent, you can do auditing investigations that demonstrate that independence. Then you are doing what the people expect.

At the Federal level, even though the Attorney General is appointed by a President, I also believe the Attorney General has to demonstrate independence every day, in every decision, in every interaction with our government and our citizens across the country. I hope that Jeff Sessions can do that, were he to be confirmed. I have some doubts, not only based upon the recent campaign statements made, but I also have some significant concerns in light of the parts. It doesn’t mean you can’t work together. It doesn’t mean you can’t have a good relationship. But I would hope that the Attorney General of the United States, of either party, would make sure that decision as it relates to marriage equality, would be decided on a full measure of inclusion, when it came to the decision the Supreme Court made on marriage equality.

It is another basic difference that I have with the nominee for Attorney General. Once again, I think that is one of those basic issues that divides the parties. It doesn’t mean you can’t work together. It doesn’t mean you can’t have a good relationship. But I would hope that the Attorney General of the United States, of either party, would make sure that decision as it relates to marriage equality, would be decided on a full measure of inclusion, when it came to the decision the Supreme Court made on marriage equality.

I think the country took a step in the right direction, where every American, whether they are gay or lesbian or bisexual or transgender, was finally accorded the full measure of respect, the full measure of inclusion, when it came to the decision of marriage equality. That is an issue of major importance to me, but I disagree with the President on a number of issues. I have some doubts in the case of this nominee. So independence is a significant concern across the country. We have had a long debate in this country. Part of it, I think, came to closure a couple of years ago in the Supreme Court with regard to marriage equality. That worked its way through the courts, as well. I was in support of, and happy about, the decision the Supreme Court made on marriage equality.

One, two, or three different positions. In that job, for example, at the State level, the most important quality or metric by which you are judged is your independence. You are independent when you are independent, and if you are independent, you can do auditing investigations that demonstrate that independence. Then you are doing what the people expect.

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In that hearing, Senator Sessions said, “You have to watch out because people will be asking you to do things you just need to say ‘no’ about.” He then asked Ms. Yates, “Do you think the Attorney General has the responsibility to say no to the President if he asks for something that is improper?”

I completely agree with Senator Sessions. The Attorney General has the responsibility to tell the President no when he is wrong.

And that is why I cannot vote to confirm Senator Sessions. I don’t have the faith that he will tell President Trump no when the situation requires it. But I have even less faith that the President will listen. Sally Yates told him no—she refused to let the Justice Department defend the President’s misguided travel ban. She was fired for doing exactly what the position of Attorney General requires.

And when Acting AG Yates said his travel ban was wrong, the President didn’t simply relieve her of her position. Instead, he put out a press release attacking her. Sally Yates had served the country for almost three decades as a career prosecutor and Justice Department attorney. She deserved the president’s respect, regardless of whether he agreed with her. Time and time again, President Trump has shown that he will not tolerate dissent. You are either with him or—in his mind—you are wrong. And you become the enemy. President Trump has put the “bully” back into the bully pulpit. He frequently—and publicly—lashes out against those who express different views. And more dangerously, he lashes out at the institutions that are the fabric of our democracy.

This weekend he attacked a Federal judge who ruled against his travel ban. Rather than respecting the rule of law, and the coeunal judicial branch, he once again took to Twitter personally attacking him. The judge who dared to rule against his policy—Federal judge who was appointed by George W. Bush. President Trump dissparges the free press at every opportunity. Any article or story that is critical of his policies is now dubbed “fake news.” Members of the press are punished for coverage of the administration that he deems negative. He said he wants to weaken libel laws so it is easier for him to sue the press.

President Trump will continue his assault on the first amendment, defining the press that holds him accountable as the enemy, deriding and belittling those who speak out against him and attacking the free expression of religion and targeting those who practice Islam.

And when he takes these actions, it is up to the Attorney General to tell him that he is wrong. It is up to the Attorney General to speak truth to power, and to be ready to be fired for doing so.

But it is far from clear that Senator Sessions will be that independent voice within the Department of Justice necessary to protect the American public needs.

The Washington Post reports—that Senator Sessions not only agreed with the President’s flurry of extreme executive orders, but that he wanted the president to go further and faster.

In an email to the Post Senior Strategist Stephen Bannon said that throughout the campaign, Senator Sessions “has been the fiercest, most dedicated, and most loyal promoter in Commander of Trump.” He has played a critical role as the clearing-house for policy and philosophy to undergird the implementation of that agenda. What we are witnessing now is the birth of a new political order...

Loyalty is a valued characteristic in politics. But the Nation’s chief law enforcement officer must be independent, first and foremost. He or she must defend the Constitution and all Americans, not be the President’s personal architect of “a new political order” that excludes many Americans.

Mr. President, for these reasons I must vote no on this nomination.

We have had a very, very long night, and I want to say that I saw my good friend Senator Casey here. I want to thank all the Senators on the Democratic side who have spoken up over the course of these 30 hours. We are trying to address this issue—a very, very important issue—of whether Senator Sessions should be Attorney General of the United States.

In the remarks I am going to give now, I may draw some of them from the formal remarks I have.

I just want to say that my home State of New Mexico is a majority minority State. We have—and these are the rough numbers—about 46, 47 percent Hispanic, 10 percent Native American. Those are our large minority populations. It is a majority minority State.

I can tell you, since this administration has come in, people are very worried about their voting rights, and they are worried about their democracy. I have been home in New Mexico and heard the exchanges. I have read the various emails. People are concerned about the issue that goes to the heart of this nomination, which is how Senator Sessions would behave as Attorney General on the issue of voting rights.

I fully understand the importance of rule XIX and civility. In my activity here on the Senate floor, I try to be as civil as possible, but I think there is a bigger issue here. So I fully understand the importance of rule XIX. God knows we need to maintain civility in this esteemed body. But when a Member of this body has chosen to be considered for an office outside this body—and in the case of Senator Sessions, for an office in a department in which he has previously served—then his record in this chamber, better or worse, is critical to our consideration.

When Mr. Sessions exercised his duties as U.S. attorney in Alabama under
the supervision of the U.S. Attorney General—the office he now seeks—his record on voting rights, the backbone of our democracy, was subject to serious question. In the context of this confirmation, that record must be included in the context of this confirmation history. So here we are on the floor. We have debated. The record must be included in the debate on the floor.

As Senator Warren has brought to our attention, in 1986, was the judgment of Coretta Scott King, widow of slain civil rights leader Martin Luther King, that he used the Office of the U.S. Attorney for Alabama to—these are Coretta Scott King’s words—“chill the free exercise of the vote by black citizens.” That was her opinion at the time.

Similarly, in the words of our former colleague Senator Ted Kennedy, he was “a disgrace to the Justice Department,” the department which Mr. Sessions has confirmed. I would like to read into the RECORD today the letter from Mrs. King, which supports her opinion of Mr. Sessions’ lack of commitment to justice for all and leave this for my colleagues here today to assess in considering his nomination.

To me, the letter she wrote back on March 19, 1986, goes right to the heart of what we are debating here on the Senate floor. What we are debating is the confirmation of Jefferson B. Sessions as a Federal district court judge for the Southern District of Alabama. My professional and personal roots in Alabama are deep and lasting. Anyone who has used the power of his office as United States Attorney to intimidate and chill the free exercise of the ballot by black citizens should not be rewarded with a federal judgeship.

I regret that a longstanding commitment prevents me from appearing in person to testify against this nominee. However, I have attached a copy of my statement opposing Mr. Sessions’ confirmation, and I request that my statement as well as this letter be made part of the hearing record.

I do sincerely urge you to oppose the confirmation of Mr. Sessions.

There is a carbon copy of this to Senator Joe Biden. This happened in March of 1986. Coretta Scott King is speaking out against Jeff Sessions, who was at the time a U.S. attorney, and he was going to be promoted as a Federal judge. We all know the history—he was not promoted as a Federal judge.

Here is her statement, which she asked to have read at the Senate Judiciary Committee on Thursday, March 13, 1986.

Mr. Chairman and members of the Committee:

Thank you for allowing me this opportunity to express my strong opposition to the nomination of Jefferson Sessions for a federal district judgeship for the Southern District of Alabama, the district where he now seeks to serve as a federal judge.

This simply cannot be allowed to happen. Mr. Sessions’ conduct as U.S. attorney, from his politically motivated voting fraud prosecutions to his indifference towards criminal violations of civil rights laws, indicates that he lacks the temperament, fairness, and judgment to be a federal judge.

Civil rights leaders, including my husband and Albert Turner, have fought long and hard to achieve free and unfettered access to the ballot box. Mr. Sessions has used the awesome power of his office to intimidate and chill the free exercise of the vote by black citizens in the district he now seeks to serve as a federal judge. This simply cannot be allowed to happen. Mr. Sessions’ conduct as U.S. attorney, from his politically motivated voting fraud prosecutions to his indifference towards criminal violations of civil rights laws, indicates that he lacks the temperament, fairness, and judgment to be a federal judge.

I urge the Senate to reject Mr. Sessions' confirmation. He should not be rewarded with a federal judgeship.

Sincerely,

Coretta Scott King

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Mr. UDALL. This letter is dated on March 19, 1986. It is a letter from Coretta Scott King, The Martin Luther King, Jr. Center for Nonviolent Social Change. This is at the top of the letterhead. She is writing a letter to Strom Thurmond, and she says: “I write you to express my sincere opposition to the confirmation of Jefferson B. Sessions as a Federal district court judge for the Southern District of Alabama. My professional and personal roots in Alabama are deep and lasting. Anyone who has used the power of his office as United States Attorney to intimidate and chill the free exercise of the ballot by black citizens should not be rewarded with a federal judgeship.

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Hon. Strom Thurmond, Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

Dear Senator Thurmond:

I write to express my sincere opposition to the confirmation of Jefferson B. Sessions as a federal district court judge for the Southern District of Alabama. My professional and personal roots in Alabama are deep and lasting. Anyone who has used the power of his office as United States Attorney to intimidate and chill the free exercise of the ballot by citizens should not be elevated to our courts. Mr. Sessions has used the awesome power of his office in a shabby attempt to intimidate and frighten elderly black voters.

I request that a longstanding commitment prevents me from appearing in person to testify against this nominee. However, I have attached a copy of my statement opposing Mr. Sessions’ confirmation, and I request that my statement as well as this letter be made part of the hearing record.

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been using the absentee process to their advantage for years without incident. Then, when Blacks, realizing its strength, began to use it with success, criminal investigations were begun.

In these investigations, Mr. Sessions, as U.S. Attorney, exhibited an eagerness to bring the ballot box, with Texas Attorney General Jim Hightower's support from the Perry County Civil League, including Albert Turner, despite evidence clearly demonstrating their innocence of any wrongdoing in initiating the investigation. Mr. Sessions ignored allegations of similar behavior by whites, choosing instead to chill the exercise of the franchise by blacks by his misconduct. With their integrity so compromised, persons accused of violating the Voting Rights Act of 1965, and the Fifteenth Amendment, are concerned about discrimination at the polls. If we are going to make our time-honored democratic system work, those who are governing will be responsible. We still have a long way to go before we can say that minorities no longer need to be active and go out and file civil rights cases, you can protect voting rights, you can do numerous things. I urge you to consider carefully Mr. Sessions' conduct in these matters. Such a review would be serious and would focus attention on his commitment to the protection of the voting rights of all American citizens and consequently his fair and unbiased judgment regarding this fundamental right.

When the circumstances and facts surrounding the indictments of Al Turner, his wife, Evelyn, and Spencer Hogue are analyzed, I believe that the motivation was political, and the result frightening—the wide-scale chill of the exercise of the ballot for black citizens was created to remove that right in the first place. Therefore, it is my strongly-held view that the appointment of Jefferson Sessions to the federal bench would damage the Western District, his husband, Al Turner, and countless others who risked their lives and freedom over the past twenty years to ensure equal participation in our democratic system.

The exercise of the franchise is an essential means by which our citizens ensure that those who are governing will be responsible. My husband called it the number one civil right. The denial of access to the ballot box ultimately results in the denial of other fundamentals. It is only when a poor and disadvantaged are in power that they are able to participate actively in the solutions to their own problems.

We are not so far away as to go before we can say that minorities no longer need to be concerned about discrimination at the polls. Blacks, Hispanics, Native Americans and Asian-Americans are grossly under-represented at every level of government in America. If we are going to make our timelessness a part of democracy, as a reality, we must take every possible step to ensure that the spirit and intent of the Voting Rights Act of 1965, and the Fifteenth Amendment, will find their fulfillment.

The federal courts hold a unique position in our constitutional system, ensuring that minorities and other citizens without political power have a forum in which to vindicate their rights. Because of this unique role, it is essential that the people selected to be federal judges understand the terms of our legal system: respect for individual rights and a commitment to equal justice for all. The integrity of the Courts, and thus the rights we have been able to maintain if citizens feel competent that those selected as federal judges will be able to judge with fairness others holding differing views.

I do not believe Mr. Sessions possesses the requisite judgment, competence, and sensitivity to the rights guaranteed by our Constitution. I believe his record at the time, was not allowed to become a Federal judge. Today, the issue that was, the issue we have before us is, is he fit to be our Attorney General of the United States, based on his overall record, and this is part of the record.

When the majority leader comes to the floor and says, the words of Elizabeth Warren for just reading parts of this letter, he is not allowing the full record to be before the American people, and he is not allowing a full debate to occur in this Chamber. That is really what this is about today. Are we going to, as a Senate, where we have debate, we have open debate, cut off that debate? Are we able to say things about one another—and especially in this case. This just isn't a debate from one Senator to another. As to Senator Warren, in which it was said she impugned the integrity of Senator Sessions. Senator Sessions is in a different category here today. Senator Sessions is seeking the office of U.S. Attorney General. This is the most important law office in the land—the most important law enforcement office. This is an office where you can be active and go out and file civil rights cases, you can protect voting rights, you can do numerous things. I understand this. This is extremely important. So I think this should be part of the RECORD, and I believe it is very important that we put it in the RECORD, that we talk about it, and then we look at the whole picture.

As I said earlier, I rise in opposition to the confirmation of Senator Sessions. It is not easy to oppose a nominee, especially when one is your Senate colleague. And I generally think the President should be able to assemble his team. But with this nomination, the President we are in uncharted territory.

President Trump doesn’t want to hire a team who will represent the American people. Many of the nominees are billionaires who are out of touch with the struggles of average Americans, and many of them have shown great disdain for the very agencies they will lead. People such as Betsy DeVos, a billionaire, Senate Education Committee, selected to run the Department of Education. As we all know, yesterday, we saw what happened; two courageous Republicans—Lisa Murkowski and Susan Collins—voted against Betsy DeVos. If this unprecedented move, the Vice President of the United States had to come and sit where the President of the Senate is and cast the tie-breaking vote in order to get her through. I think we are going to look back on that as a sad day for public education because she sure doesn’t stand up for public education.

People such as Scott Pruitt to be head of the Environmental Protection Agency, which he had managing. When the people appointed to the President’s Cabinet are intent on dismantling the very Agency they are nominated to run, our constitutional role of advice and consent takes on a new importance.

The position of Attorney General is unique. The nominee requires even more scrutiny. The Attorney General, as our nation’s chief law enforcement officer, has enormous power to either advance or roll back our constitutional protections, and that power resides in that one person.

The other important role of the Attorney General is to make sure the President is obeying the law. So we need an Attorney General who is going to stand up for what the law is, not be political and not be ideological.

Perhaps Senator Sessions said it best during the confirmation hearings for his Team member, Betsy DeVos to be Deputy Attorney General. In that hearing, Senator Sessions said: “You have to have faith, because people will be asking you to do things you just need to say ‘no’ about.” That is his full quote there.

When he asked Ms. Yates, “Do you think the Attorney General has the responsibility to say no to the President if he asks for something that is improper?” That is the standard we are setting. As to Senator Sessions, “You have to watch out, because the Attorney General has the responsibility to say no to the President if he asks for something that is improper.” That is his full quote there. We need an Attorney General who is going to stand up for what the law is, and not be ideological.

I completely agree with Senator Sessions that the Attorney General has the responsibility to say no to the President if he asks for something that is improper. That is why I cannot vote to confirm Senator Sessions. I don’t have the faith that he will tell President Trump no when he is wrong. That is why I cannot vote to confirm Senator Sessions. I don’t have the faith that he will tell President Trump no when he is wrong. That is why I cannot vote to confirm Senator Sessions.

Sally Yates told the President no. She refused to let the Justice Department defend the President’s misguided
travel ban. She was fired for doing exactly what the position of Attorney General requires.

When the Acting AG, Acting AG Yates, said his travel ban was wrong, the President didn’t simply relieve her of her assignment, he released a press release attacking her personally. Sally Yates, who served the government for three decades as a career prosecutor, Justice Department attorney, deserved the President’s respect regardless of whether he agreed with her or not.

Time and again, President Trump has shown that he will not tolerate dissent. You are either with him or in his mind you are wrong, and you become the enemy. President Trump has put the bully back into the bully pulpit. He frequently and publicly lashes out against those who express different views, and more dangerously, he lashes out at the institutions that are the fabric of this democracy. Over the weekend he fired a Federal prosecutor who ruled against his travel ban, rather than respecting the rule of law and the coequal judicial branch.

Once again, Trump attacked the press at every opportunity. Any article or story that is critical of his policies is now dubbed “fake news.” Members of the press are punished for coverage of the administration that he deems negative. He says he wants to weaken libel laws so it is easier for him to sue the press.

President Trump will continue his assault on the First Amendment, defining the press that holds him accountable as the enemy, deriding and belittling those who speak out against him, attacking the free expression of religion and those who practice Islam.

When he takes these actions, it is up to the Attorney General of the United States to tell him he is wrong. That is where that awesome responsibility resides.

It is up to the Attorney General to speak truth to power and to be ready to be fired for doing so, but it is far from clear that Senator Sessions will be that independent voice within the Department of Justice that the American public needs.

The Washington Post reports that Senator Sessions not only agreed with the President on his order of extrajudicial executive orders but that he wanted the President to go further and faster.

In an email to the Post, senior strategist Stephen Bannon said that although Senator Sessions had not publicly supported the President’s executive orders, “the Attorney General is the most loyal promoter in Congress of Trump’s agenda and has played a critical role as the clearinghouse for policy and philosophy to undergird the implementation of that agenda. We are witnessing now is the birth of a new political order.”

Stephen Bannon. This is an amazing quote, a contemporary quote from the President’s top strategist. Everybody who is now talking in the press—and there are a lot of leaks out of this White House—say Steve Bannon is the puppeteer. He is the one telling Trump what to do. It is absolutely clear, of all the people in the White House, this is the puppet who decides, and it is a debate for all whether he is the puppeteer in telling the President what to do.

But listen again to what he said about Senator Sessions, that he “has been the fiercest, most dedicated, and most loyal promoter in Congress of Trump’s agenda, and has played a critical role as the clearinghouse for policy and philosophy to undergird the implementation of that agenda. What we are witnessing now is the birth of a new political order.”

I don’t know what this new political order is, where you don’t respect the rule of law and don’t respect democracy—headed in the wrong direction, in my opinion.

Loyalty is a valued characteristic in politics, but the Nation’s chief law enforcement officer must be independent, first and foremost. I hearken back to when Senator Sessions and I were both attorneys general back many years ago, and I remember assuming that role at the State level. It is an awesome role because early on in my administration they brought me cases where Democrats who were in the State legislature were violating the law, and they said: They are violating the law. They said they are violating the law. We have to enforce the law, and I did, and we prosecuted people in my own party.

We had many rulings that came in as Attorney General where people would say: Interpret this law. And the law could be interpreted in a political way to where you moved it toward your party, or the law could be interpreted the way it was written, with fairness. It ended up that we did everything we could to try to be fair to the law and fair as it was written.

I don’t think Senator Sessions is able to do that, not only based on his history in Alabama as U.S. attorney, but his entire career up to this date.

We talk about loyalty being a valued characteristic in politics. The Nation’s chief law enforcement officer must be independent, first and foremost. He or she must defend the Constitution and all Americans, not be the President’s architect of a new political order that excludes many people.

For these reasons, I must vote no on this nomination.

Mr. President, I ask unanimous consent to have printed in the Record the Washington Post article I referred to so that people can see that full article and be able to judge Steve Bannon’s quote, who is the President’s top strategist.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Washington Post, Jan. 30, 2017]

TRUMP’S HARD-LINE ACTIONS HAVE AN INTELLECTUAL GODFATHER: JEFF SESSIONS

(Philip Rucker and Robert Costa)

In jagged black strokes, President Trump’s signature was scribbled onto a catalogue of executive orders that translated the hard-line promises of his campaign into the policies of his government. The directives bore Trump’s name, but another man’s fingerprints were on nearly all of them: Jeff Sessions.

The early days of the Trump presidency have roused a nationalist agenda long on the fringes of American life. And Sessions, the quiet Alabaman who long cultivated those ideas as a Senate backbencher, has become a singular power in this new Washington.

Sessions’s ideology is driven by a visceral aversion to what he calls “soulless global-alism,” a term used on the extreme right to convey a perceived threat to the United States from free trade, international alliances and the immigration of nonwhites.

And despite many reservations among Republicans about that worldview, Sessions’s 1986 nomination for a federal judgeship was doomed by accusations that the then—denied—is a racist to Justice in Congress to his proposed role as Trump’s attorney general.

Sessions’s nomination is scheduled to be voted on Tuesday by the Senate Judiciary Committee, but his influence in the administration stretches far beyond the Justice Department. From immigration and health care to national security and trade, Sessions is the intellectual godfather of the president’s policies. His reach extends throughout the White House, with his aides and allies across the administration advising the president on a range of moves, including the ban on refugees and citizens from seven mostly Muslim nations that has triggered fear around the globe.

The author of many of Trump’s executive orders is senior policy adviser Stephen Miller, a Sessions confidant who was mentored by him and who spent the weekend overseeing the government’s implementation of the refugee ban. The tactician turning Trump’s agenda into law is deputy chief of staff Rick Dearborn, Sessions’s longtime aide in the chamber and a formerinent in Congress to his proposed role as Trump’s attorney general.

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Mr. UDALL. Thank you.

I grew up believing civil rights was something that was moving us forward, while what I found was something where we really cared about every per-

The job of the United States Senator is to represent your State. My State of New Mexico is majority-minority, very diverse, and I am very proud to speak out for the people of New Mexico and their civil rights. I have told many of them back home the story I learned through my father and through his public service, when he was a college student at the University of Arizona’s women’s rights movement—women’s suffrage,

Both he and my Uncle Morris Udall, who served in the Congress.

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The job of the United States Senator is to represent your State. My State of New Mexico is majority-minority, very diverse, and I am very proud to speak out for the people of New Mexico and their civil rights. I have told many of them back home the story I learned through my father and through his public service, when he was a college student at the University of Arizona’s women’s rights movement—women’s suffrage,

Both he and my Uncle Morris Udall, who served in the Congress.

I grew up believing civil rights was something that was moving us forward, while what I found was something where we really cared about every per-

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people served looking at him like they were a little shocked and surprised. They said: He is our friend. He is going to have lunch with us. They served him, and they sat down at the lunch table in the lunchroom. It ended up that they had a good lunch that day.

But that push to bring Morgan Maxwell, a Black student, into a segregated lunchroom ended up with the president of the university facing a decision: Was he going to discipline the Udall brothers or was he going to change the rule and integrate the lunchroom? Thank God, he integrated the lunchroom, and the University of Arizona, at that time, moved forward with integration.

I had always heard that story, and it resonated with me a lot. Then, later, as I was growing up here in Washington when my father was Secretary of the Interior, there was a great commotion around the Washington Redskins was the last team in the NFL to integrate their team. Here, we are talking in the 1960s. The owner of the Washington Redskins was named George Preston Marshall. Everyone knew that. He was quoted and reported as saying: This is never going to happen. We are not going to integrate the Redskins. So there was a big movement in Washington to get my father to do something about it.

He took this in a serious way and passed it on to the Solicitor. The Solicitor came back and said: Stewart, actually, you can do something about it. The stadium resides on Park Service property, you don’t own it. Tell him next year when he gets his lease, if his team isn’t integrated, you can terminate the lease, or he can integrate. George Preston Marshall raised hell and went to Jack Kent and Bobby Kennedy and said: If he doesn’t, I will do everything they could to push it aside. The Kennedys backed my dad.

I know my colleague Senator HIRONO is here.

The short story is that the Washington Redskins got Bobby Mitchell and had the first winning season the next year in a long, long time.

Those civil rights are things you grow up with. They are things you want to move forward with. That is why I rise today to say I am deeply disturbed about what Coretta Scott King said about JEFF SESSIONS in 1986 when he was going to be promoted. As U.S. attorney, he chilled the free exercise of the ballot by citizens. My professional and personal roots in Alabama are deep and lasting. As United States Attorney and as Solicitor, his view that chill the free exercise of the ballot by citizens should not be elevated to our courts. Mr. Sessions has used the awesome powers of his office in a shabby attempt to intimidate and frighten elderly black voters. For this reprehensible conduct, he should not be rewarded with the federal judgeship.

I regret that a long-standing commitment prevents me from appearing in person to testify against this nominee. However, I have attached a copy of my statement opposing JEFF SESSIONS’ nomination. I request that my statement as well as this be made a part of the hearing record.

I do so in hopes you will oppose the confirmation of Mr. Sessions.

Sincerely,
Coretta Scott King.

I suggest the absence of a quorum.

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

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

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

Ms. HIRONO. Mr. President, I have served with JEFF SESSIONS throughout my time in the Senate and respect him very much as a colleague. I come to the floor of the Senate today not to decide whether JEFF SESSIONS is doing a good job as the Senator from Alabama, for, of course, that is for his constituents to decide. I come to the floor today to vote on whether to support JEFF SESSIONS for Attorney General of all the people of America, not just the people of Alabama. That is an awesomely different role and responsibility.

I have deep concerns about JEFF SESSIONS independence from the President and how he would use his prosecutorial discretion to address a number of critical issues confronting our country.

The Attorney General is the American, private sector employer. In this job, the President, and the job requires the Attorney General to stand up to the President as the people’s lawyer.

In his first 2 weeks in office, President Trump has demonstrated his intolerance of constitutional independent thinking. He fired Acting Attorney General Sally Yates because she did what an Attorney General is supposed to do: She stood up and refused to defend President Trump’s Executive order effectively restricting Muslims from coming to our country. Would JEFF SESSIONS have stood up to the President as Sally Yates did?

During his confirmation hearing, I asked Senator SESSIONS if he would honor the historical role of the Attorney General and maintain strict independence from the White House. I did not receive a satisfactory answer. This is deeply troubling in light of the investigation in federal court challenging the President’s Muslim ban as overreaching and unconstitutional.

Since the President announced the ban just over a week ago, hundreds of thousands of protesters have taken to the streets to protest. Lawyers have been coming out in arrivals terminals in airports across the country to help those who are trying to come back or come to our country with legal visas. State attorneys general have been speaking out and filing lawsuits to block this ban.

Last week, Hawaii attorney general Doug Chin filed a lawsuit to block the Executive order. I wish to read a section from the State’s brief outlining the State’s case.

Hawaii joins the many voices that have condemned the Order. But this pleading is not about politics or rhetoric—it is about the law. The simple fact is that the Order is unlawful. By banning Muslims and creating a preference for Christian refugees, the Order violates the Establishment Clause of the United States Constitution. By those same acts, it violates the equal protection guarantee of the fifth amendment. By falling utterly to provide procedures or protections of any kind for people detained or turned away at our airports, it violates the Due Process Clause. And by enshrining rank discrimination on the basis of nationality and religion, it flies in the face of statutes enacted by Congress.

Attorney General Chin is standing up for the people of Hawaii. The people of the United States deserve the same from our Attorney General.

To understand how an Attorney General should discharge his responsibilities, we need only turn to Senator SESSIONS’ own words in an exchange between Sally Yates and Senator SESSIONS during her confirmation hearing in 2015.

I wish to read the exchange. Senator SESSIONS said at her confirmation hearing:

Do you understand that in this political world, there will be people calling, demanding, pushing, insisting on things that they do not know what they are asking for and could indeed be corrosive of the rule of law, could diminish the respect for the Department of Justice and the law in the United States? Are you aware of that? You’ve already learned that the time you’ve been there.

Nominee Yates said:
Well, you’re right, Senator; I’m not from here. I’ve only been here for a couple of months, but I can tell you I’m committed to the Department of Justice.

I love our department. I care deeply about our mission, and I would do everything in my power to protect the integrity that is the Department of Justice.”

Senator SESSIONS said:
You have to watch out, because people will be asking you to do things you just need to say no about. Do you think the Attorney General has the responsibility to say “no” to
the President if he asks for something that is improper? If the views of the President are unlawful, should the Attorney General or the Deputy Attorney General say no?

Yates’ response:

Senator, I believe the AG or deputy AG has an obligation to follow the law and the Constitution and to give their independent legal advice to the President.

The people of the United States need an Attorney General who will stand up to the President to defend the Constitution—especially, as Senator Sessions pointed out in his questions of Nominee Yates, when the President is wrong.

Based on Nominee Sessions’ long-held restrictive views on immigration, I do not think he would stand up to the President as Sally Yates did. I am also deeply concerned about how Senator Sessions would use his prosecutorial discretion to address a number of critical issues.

During his confirmation hearing, I pressed Senator Sessions for a commitment to vigorously protect every citizen’s right to vote, particularly with regard to section 2 of the Voting Rights Act, which safeguards Americans of all races against discriminatory voting laws.

At a time when our President is making unsubstantiated claims of massive voter fraud, we need an Attorney General who will vigorously protect the right to vote and not give in to these kinds of alternative facts to justify voter suppression laws.

Senator Sessions did not provide me with a satisfactory answer that he would affirmatively scrutinize voting laws for impermissible discriminatory impact. If the Attorney General does not weigh in on these kinds of situations, this means that challenging these kinds of voting laws, these kinds of impermissible discriminatory voting laws, will be left to individuals and groups with limited resources, such as the NAACP.

I also asked Senator Sessions whether he would honor the Department of Justice’s consent decrees, some 20 of them, that address police misconduct and enhance accountability. Senator Sessions did not adequately assure me that as Attorney General, he would uphold these amendments. In fact, he left the door open for renegotiating these agreements.

I pressed Senator Sessions for a commitment to defend Roe v. Wade in Federal court and to enforce laws that guarantee the constitutionally protected women’s right to choose. Senator Sessions refused to disavow his past comments that Roe v. Wade was one of the worst Supreme Court cases ever decided and, in his view, not based on the Constitution, when, in fact, the majority decision had a constitutional basis.

Should the Supreme Court be presented with a case that provides them the opportunity to overturn Roe v. Wade, I asked Senator Sessions, would he instruct the Solicitor General to argue for the overturning of Roe v. Wade? He said that was a hypothetical and did not respond. Senator Sessions’ view on Roe v. Wade is clear. Would anyone be surprised if, as Attorney General, he would support overturning Roe v. Wade given that opportunity?

In addition, in one of his first actions, he reinstated a ban on foreign aid to health providers abroad who discussed abortion. This vow would compromise the health care of millions of women in places where the need is greatest. Taking the President’s lead, I seriously question whether he would hold restrictive views on immigration, because our next Attorney General will likely weigh in on this, as well as other immigration cases. In fact, the Justice Department is already in Federal courts right now defending President Trump’s Muslim ban. So while there is a real argument that this really is not a Muslim ban, I say, you can call a duck a chicken, but if it looks like a duck, quacks like a duck, walks like a duck, it is a duck. That is what this Executive order is, a Muslim ban. Senator Sessions, a man who has years in minorities and immigrants is a tragic but undeniable part of our Nation’s history, and this fear has been used to justify the terrible treatment of minorities from Native peoples to slaves, to immigrants and immigrants who helped build our country. In 1882, decades of incitement against Chinese immigrants resulted in the passage of the Chinese Exclusion Act, an immoral law that banned all Chinese immigration. This law, and others that followed, created a culture of fear that culminated in the mass internment of Japanese Americans during World War II.

This was one of the darkest periods of American history, and it took decades for our country to acknowledge our error.

Last week, we commemorated what would have been civil rights icon Fred Korematsu’s 98th birthday. As Japanese Americans were rounded up for incarceration, Mr. Korematsu, who was only 23 at the time, bravely resisted internment all the way to the Supreme Court, which upheld Mr. Korematsu’s conviction as being justified by the exigencies of war. Forty years later, documents kept from the Supreme Court showed that the Americans of Japanese ancestry were not involved in sedition actions justifying mass incarceration. Mr. Korematsu waited more than 40 years for a court in California to overturn his conviction.

During the Judiciary Committee’s markup on this nomination, I read the full text of President Ronald Reagan’s remarks in 1988, apologizing for the internment of Japanese Americans.

More than 40 years ago, shortly after the bombing of Pearl Harbor, 120,000 persons of Japanese ancestry were forcibly removed from their homes and placed in makeshift internment camps. This action was taken without trial, without jury. It was based solely on race, for these 120,000 were Americans of Japanese descent.
Yet we must recognize that the internment of Japanese Americans was just that: a mistake. For throughout the war, Japanese Americans in the tens of thousands remained utterly loyal to the United States. Indeed, scores of Japanese Americans volunteered for our Armed Forces, many stepping forward in the internment camps themselves.

The Cold War Towns were made up entirely of Japanese Americans, served with immense distinction to defend this Nation, their Nation. Yet back at home, the soldiers’ stories were being denied the very freedom for which so many of the soldiers themselves were laying down their lives.

The legislation that I am about to sign provides for a payment of $10,000 to each of the 60,000 surviving Japanese Americans of the 120,000 who were relocated or detained. Yet no payment can make up for those lost years. Sorry, but I would not be surprised to see it happen again—in times of war. It’s no justification, but it is the reality.

The internment of Japanese Americans is yet another example of how, when we do not stand up against unconstitutional actions like President Trump’s Muslim ban, we will be complicit in what follows. Time and again, when our country targets minorities for discriminatory treatment, history proves us to have been deeply wrong. I commend my Republican colleagues, Senators GRAHAM, MCCAIN, HATCH, FLAKE, SASSE, and others, for their statements questioning President Trump’s immigration Executive order.

Senators LINDSEY GRAHAM and JOHN MCCAIN read a joint statement, which I would like to read in whole because I very much admire the position they risked their lives to help.

And we should not turn our backs on those refugees who have been shown, through extensive vetting, to pose no demonstrable threat to our Nation, and who have suffered unspeakable horrors, most of them women and children.

The Constitution of the United States is the guide to our actions in this situation. The immigration Executive order will become a self-inflicted wound in the fight against terrorism. At this very moment, American troops are fighting side-by-side with our Iraqi partners to defeat ISIL.

But this Executive order bans Iraqi pilots from coming to military bases in Arizona to fight our common enemy. This will not improve our security. Our most important allies in the fight against ISIL are the vast majority of Muslims who reject its apocalyptic ideology of hatred.

This Executive order sends a signal, intended or not, that America does not want Muslims coming into our country. That is why we fear this Executive order may do more to help terrorist recruitment than improve our security.

That is the end of the joint statement by Senators MCCAIN and GRAHAM.

I read the statement and I cannot but be disturbed by the content of the statements. I cannot overstate the fearful message that President Trump is sending by pursuing this ban on Muslims.

Last night, our colleague, the senior Senator from Massachusetts, was silenced for sharing a letter from Coretta Scott King. If we cannot make a distinction between talking about a fellow Senator from a person who is a nominee that we must confirm, then the rule that a Senator's debate should be called a gag rule.

Over the last 2 months, I have heard from thousands of my constituents and a number of prominent civil rights organizations, including a number who testified at Jeff Sessions' hearing questioning his nomination. So I will vote against the nomination of Jeff Sessions to serve as Attorney General because I am deeply concerned about how he would use his prosecutorial discretion to protect civil rights, and safeguard a woman's right to choose. I am seriously concerned about Jeff Sessions' willingness to say no to the President when he needs to...

I yield the floor.

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

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

Mr. SANDERS. Mr. President, I want to say a few words about the Sessions nomination for Attorney General, but I also want to express my very strong opposition to Senator McConnell's effort to deny Senator Elizabeth Warren the opportunity to express her point of view.

There are two separate issues. No. 1, this is the Senate. The American people expect from us a vigorous debate on the important issues facing this country. I think all of us are aware that issues of civil rights, issues of voter suppression, issues of criminal justice reform are enormous issues that people from one end of this country feel very strongly about. These are issues that the Attorney General of the United States will be dealing with.

So clearly we need a vigorous discussion regarding the qualifications of President Trump's nominee, Jeff Sessions, to be Attorney General. We need to hear all points of view. The idea that a letter and a statement made by Coretta Scott King, the widow of Martin Luther King, Jr., a letter that she wrote, could not be presented and spoken about on the floor of the Senate, is to me, incomprehensible.

It comes at a time when we have a President who has initiated, and I hope it will not stand, a ban on Muslims entering the United States of America.

We have a President who refers to a woman who issues a statement regarding the President as a so-called judge, which tells every judge in America that they will be insulted and marginalized by this President if they dare to disagree with him.

I was under the impression we had three separate branches of government: Congress, the President, and the Judiciary, equal branches, not to be insulted because one branch disagrees with another branch.

Here we are now on the floor of the Senate and one of our outstanding Senators, Ms. Warren of Massachusetts, brings forth a statement made by one of the heroines, one of the great leaders of the civil rights of the United States of America, a statement that she made before the Senate Judiciary Committee on March 13, 1986.

Anyone who knows anything about Coretta Scott King understands, this is not a vicious woman; this is not a woman who is engaged in personal attacks. This is a woman who fought for justice for her whole life. Yet when Senator Warren read her statement, she was told that she could no longer participate in this debate over Senator Sessions' nomination, which I regard as an outrage.

I want the American people to make a decision on whether we should be able to look at Senator Sessions' record and hear from one of the heroines of the civil rights movement.

This is the statement of Coretta Scott King on the nomination of Jefferson Beauregard Sessions for the U.S. District Court, Southern District of Alabama, made before the Senate Judiciary Committee on Thursday, March 13, 1986, and this is what the statement is about. Let the American people judge.

This is from Coretta Scott King:

Mr. Chairman and Members of the Committee:
federal district judgeship for the Southern District of Alabama. My longstanding commitment which I shared with my husband, Martin, to protect and enhance the rights of Black Americans which included access to the ballot box, was a major reason why I was selected as a federal judge. As I wrote in my confirmation hearings, the Voting Rights Act was, and still is, vitally important to the future of democracy in the United States. I was privileged to join Martin and many others during the Selma to Montgomery march for voting rights in 1965. Martin was particularly impressed by the determination to get the franchise of blacks in Selma and neighboring Perry County. As he wrote, “Certainly no community in the history of the South has had more to do with the enforcement of the Selma and neighboring town of Marion. Where Birmingham had relied largely upon students and unemployed volunteers, Marion had a group of elderly and illiterate blacks who risked their lives and freedom over the past twenty years to ensure equal participation in the electoral process. The number of Blacks registered to vote in Perry County has doubled since 1965. The process has not been without its share of obstacles. However, Blacks still fall far short of having equal participation in the electoral process. Particularly in the South, efforts continue to be made to deny Blacks access to the polls, even where Blacks constitute the majority of the voters. There have been a long uphill struggle to keep alive the vital legislation that protects the most fundamental right to vote. A person who has exhibited so much commitment to the exercise of those rights. Of all the groups who have been disenfranchised in our nation’s history, none has struggled longer or suffered more in the attempt to retain the vote. No group has had access to the ballot box denied so persistently and intently. Over the past century, a broad array of schemes have been devised to block the Black vote. The range of techniques developed with the purpose of repressing black voting rights run the gamut from the straightforward application of literacy tests, to use the process within the bounds of the “grandfather clause” exclusions and rigged literacy tests. The actions taken by Mr. Sessions in regard to the 1984 voting fraud prosecutions represent just one more technique used to intimidate Black voters and thus deny them their rights. The investigations conducted by Mr. Sessions also warrant grave concern. Witnesses were selectively subjected to questioning and cross-examination. The result was conduct of trials that was not fair, if it upheld the principle of equal protection of the laws, and thus, to the exercise of those rights by Black people should not be elevated to the federal bench.

The opposition to Mr. Sessions’ nomination is that, if confirmed, he will be given life tenure for doing with a federal prosecution what the local sheriffs accomplished twenty years ago. As noted, I am the daughter of a public official, sworn to uphold the law, who was forced to leave his job because his Trombone, his nieces, and his nieces who lived in the Negro children; who ordered the Rev. James Bevel to be chained to his sickbed; who clubbed a Negro woman registrant, and who callously inflicted repeated brutalities and indignities upon nonviolent Negroes, peacefully petitions for their constitutional right to vote.

Free exercise of voting rights is so fundamental to American democracy that we cannot stop to consider the constraints on those rights. Of all the groups who have been disenfranchised in our nation’s history, none has struggled longer or suffered more in the attempt to retain the vote. No group has had access to the ballot box denied so persistently and intently. Over the past century, a broad array of schemes have been devised to block the Black vote. The range of techniques developed with the purpose of repressing black voting rights run the gamut from the straightforward application of literacy tests, to use the process within the bounds of the “grandfather clause” exclusions and rigged literacy tests. The actions taken by Mr. Sessions in regard to the 1984 voting fraud prosecutions represent just one more technique used to intimidate Black voters and thus deny them their rights. The integrity of the Courts, and thus the legal system: respect for individual rights and sensitivity to the rights guaranteed by the Federal Civil Rights laws, and thus, to the exercise of those rights by Black people should not be elevated to the federal bench.

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to be a Federal judge. Yet Senator Elizabeth Warren, one of our leading Senators, was denied the right to read that letter to inform fellow Senators and the American people.

I think Leader McConnell owes Senator Warren an apology, and I believe it is unconscionable and outrageous that Senator Warren not be allowed to participate in the discussion about whether Jeff Sessions becomes our next Attorney General.

The question of whether or not to confirm Jeff Sessions, which is being decided on this floor right now, starting at the White House, where we have a President who has issued a ban on Muslim visitors coming into this country. There is a fear that we have a President who denigrates a judge as a "so-called judge" because this judge issued an opinion in disagreement with the President, that we are moving in a direction which is un-American, which is moving us toward an authoritarian society.

We pride ourselves as a nation because of our history, because of the differences of opinion, we debate those differences and we tolerate differences of opinion. That is what democracy is about in our country, that is what freedom of speech is about, and that is what debate is about here in the Senate.

So I am going to vote against Jeff Sessions to become our next Attorney General, but I am even more alarmed about the decision of the majority leader here in the Senate to deny one of our leading Senators the right to voice her opinion, the right to put into the Congressional Record what I have just said. And if Mr. McConnell or anybody else wants to deny me the right to debate Jeff Sessions' qualifications, go for it. But I am here. I will participate in the debate. I will oppose Jeff Sessions. And I think Senator Warren is owed an apology.

With that, Mr. President, I ask unanimous consent to have printed in the Record the statement of Coretta Scott King.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. First of all, Mr. President, I thank my colleague, the Senator from Vermont, for his statement, and remarkably, the events of the last 24 hours, with Senator Warren's comments and now Senator Sanders' comments and others, and the fact that it is now out there—using social media, this has reached this many more than 5 million Americans. I know that Senator Sanders' comments this morning continue to expand, reaching Americans. And out of every challenge comes an opportunity—the opportunity to make sure more Americans hear the very powerful words and her rationale against Senator Sessions I think was very important, and so I thank him for his work.

Mr. SANDERS. Thank you very much.

Mr. WARNER. Mr. President, I also rise today to voice my concerns about Senator Jeff Sessions to serve as U.S. Attorney General. While I respect Senator Sessions' public service, I cannot and will not support his nomination.

I also rise to raise the concerns of thousands of my constituents who have contacted me about Senator Sessions. These Virginians worry about what his confirmation would mean for the rights of all Virginians.

Senator Sessions' long record of opposing bipartisan, commonsense policies relating to voting rights, anti-discrimination, domestic violence, and crime victims calls into question whether he is the right person to serve as Attorney General.

I would like to take a couple of minutes—and I know I have my friend the Senator from Minnesota coming after me—to talk about five areas of concern I have with his nomination.

First, voting rights. In 2013, the Supreme Court ruled in Shelby County v. Holder to gut a key section of the Voting Rights Act. Senator Sessions applauded that decision which eroded voter access and led to changes in several States once covered by the preclearance provisions in the Voting Rights Act. Those States included the Commonwealth of Virginia. Moreover, he has failed to support important legislation that would restore those protections.

The bipartisan legislation, the Voting Rights Advancement Act, was introduced last Congress and would serve to once again protect our Nation's handmade right to vote at the ballot. I was proud to cosponsor this bill and remain committed to working with my colleagues to put a fair process in place that ensures our elections are open to all. Senator Sessions' unfortunately opposed this legislation.

The second area is nondiscrimination. I also have concerns about Senator Sessions' record on a broad range of anti-discrimination provisions. He was one of only four Senators to oppose the amended Judiciary Committee that would have reaffirmed the principle that the United States does not discriminate against immigrants on the basis of religion—an issue that unfortunately has reared its head most recently by the President's action.

I opposed the Employment Non-Discrimination Act, which codifies protection for LGBTQ Americans, and denies the reality that too many of our LGBTQ neighbors still face down discrimination and hatred everyday. While nearly two-thirds of the Senate voted for the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act in 2009, Senator Sessions stated this instead: "I'm not sure that women or people with different sexual orientations face that kind of discrimination. I just don't see it."

From opposing the DREAM Act, to opposing the repeal of don't ask, don't tell, Senator Sessions' views are well outside of the mainstream.

The third area is the Violence Against Women Act. In 2013, Senator Sessions voted against reauthorizing the Violence Against Women Act. This landmark legislation, originally drafted in 1994, provides crucial protections and resources for the investigation and prosecution of violent crimes against women. The 2013 reauthorization bill updated those programs within the Department of Justice to ensure resources and protections to additional populations, such as those in same-sex relationships. That bill passed with the support of a large bipartisan majority in the Senate, including a majority of Republicans in attendance. Senator Sessions opposed the entire bill due to concerns about one provision in the legislation related to domestic violence against Indians on tribal lands.

In the Senate, have all explanations been faced with legislation that contains one or more provisions that we have concerns about or would not have included in the legislation. Yet my colleagues on both sides of the aisle can and we've made compromises to get important legislation over the finish line. Oftentimes the sign of a good bill is when not one of us gets 100 percent of what we may have wanted. Opposing a much broader, commonsense bipartisan act to reduce violence and protect domestic violence victims calls into question Senator Sessions' commitment to administering these important programs at the Department of Justice.

Fourth, various sentencing reforms. There is broad, bipartisan recognition in the Senate that our broken criminal justice system is badly in need of reform. Likewise, there is bipartisan support for updating the guidelines that tie judges' hands and often force them to hand down overly punitive mandatory minimum sentences. Yet last year Senator Sessions again was one of only five Republicans on the Judiciary Committee to vote against this bipartisan criminal justice reform legislation, of which I am a proud cosponsor, the Sentencing Reform and Corrections Act.

There is overwhelming support both in this body and among the American public for reforming a broken justice system and giving thousands of Americans a second chance to be productive members of society. I believe that Senator Sessions' views on criminal justice are at odds with what the American people want and at odds with the basic principles of fairness and equality under law that are supposed to be the hallmark of our Nation's justice system.

Finally, on the question of independence, I am concerned that Senator Sessions won't be sufficiently independent to execute the responsibilities of Attorney General effectively. Doing this job neutrally means saying no to the President sometimes.

This is one area in which I agree with my colleague and very much want to
take him at his word; however, given his vocal, partisan support for President Donald Trump and his refusal to commit in his confirmation hearing to fully enforce certain laws, I am not convinced that Senator Sessions is fully committed to enforcing our Nation’s laws and by doing so, protecting the civil rights of all Americans. That is the most basic tenet of being Attorney General. Given Senator Sessions’ long record of opposing many of these fundamental laws that protect civil rights and equality for all, I have grave concerns about him fulfilling and taking this position.

For these reasons, I am unable to support Senator Sessions’ nomination to be Attorney General, and I encourage my colleagues to take these concerns under consideration as we move toward a final vote on this nomination.

Mr. President, I yield the floor.

The PRESIDENT pro tempore (Mr. SULLIVAN). The Senator from Minnesota.

Mr. FRANKEN. Thank you, Mr. President. I rise in opposition to the nomination of Senator Jeff Sessions to serve as our Nation’s next Attorney General.

The U.S. Attorney General has a job like none other. Our Nation’s top law enforcement officer doesn’t enforce just the laws designed to protect national security and keep the public safe but also enforces the laws that guarantee every American’s civil rights and civil liberties, the laws that guarantee each and every American access to the same opportunities and to participate fully in our democracy.

I know Senator Sessions. He and I have served on the Judiciary Committee together since I joined the Senate in 2005, and I have a good relationship with Senator Sessions. I respect him, I’ve worked with him. But everyone who has observed Senator Sessions or me in a Judiciary Committee hearing could probably tell you, he and I have very different views about many of the issues that he stands to influence as Attorney General, particularly matters of equal justice. So once the President announced his nomination and after Senator Sessions submitted his material to the committee, I reviewed his background carefully, and I paid special attention to how he described his work on civil rights. I noticed some discrepancies in the way he described his involvement in civil rights cases filed during his time as U.S. attorney. Those discrepancies stood out to me, and they didn’t just stand out because civil rights is an issue I care about personally or because it is an issue I know Senator Sessions and I have disagreed about in the past; the discrepancies caught my attention because the information seemed to misrepresent the nominee’s record, and that is something Senator Sessions himself promised not to do.

You see, back in 2009 when Senator Sessions became the ranking member of the Judiciary Committee, he was interviewed about how he would approach the committee’s work in general and nominations in specific. Senator Sessions, then the ranking Republican at the time, had just changed his party affiliation to join the Democrats, and so the gavel passed to Senator Sessions. Some people, particularly on my side of the aisle, were anxious about how Senator Sessions would fit on the committee. We were concerned that he was an ally of the National Review, Senator Sessions gave his more conservative views, but during that interview with the National Review, Senator Sessions indicated that Democrats should expect him to be an honest broker, to be fair to the Democratic nominee.

Senator Sessions cited his experience before the Judiciary Committee back in 1986 when President Reagan nominated him to serve on the Federal bench. He rejected his nomination then, and Senator Sessions felt that in doing so, the committee had distorted his record. He said: “What I learned in that process is that we’re not going to misrepresent any nominee’s record, and we’re not going to lie about it.”

Senator Sessions said, as ranking member, that nominees before the committee would be “entitled to explain the charges against them. That doesn’t mean I’ll accept their explanation or agree with it.”

In my view, that seemed like a fair way to conduct the committee’s business. When I set about the task of reviewing Senator Sessions’ record and the materials that he provided to the committee, I expected that those materials would not misrepresent his record. I took him at his word.

So when I noticed discrepancies regarding the nominee’s record, I gave him an opportunity to explain them. I asked him about his claim to have filed 20 or 30 desegregation cases, a claim he made in that same 2009 National Review interview. In response, in the committee hearing Senator Sessions said: “The records do not show that there were 20 or 30 actually filed cases.” Of the claim, he said: “The record does not justify it.”

I then moved on to question him about four cases he had listed on his initial questionnaire, which asked him to list the “10 most significant litigated matters [he] personally handled.” Among those 10 cases were three voting rights cases and a desegregation case.

I know Senator Sessions, and I know his record on voting rights. He is no champion of voting rights. He has called the Voting Rights Act “intrusive” and complained about States with a history of discrimination being subject to preclearance. But here his questionnaire seemed to tout his personal involvement in three voting rights cases and one desegregation case. It seemed to me that, given his previous experience before this committee and given the concern the civil rights community had expressed about his nomination, perhaps the transition team or others managing Senator Sessions’ nomination had attempted to misrepresent or mischaracterize his history and recast him as a civil rights champion.

I questioned Senator Sessions about the questionnaire’s claim of personally handling those four civil rights cases. I asked that the Justice attorneys who had worked on three of those four cases wrote an op-ed stating that Senator Sessions had no substantive involvement in those cases. Two of those attorneys also submitted testimony to that effect, explaining that Senator Sessions had no personal involvement in some of the cases that he had listed among the top 10 matters that he had personally listed.

I asked Senator Sessions about this. In my view, he deserved an opportunity to explain himself. I asked him whether these attorneys had distorted his record by stating that with regard to three of those four cases: “We can state categorically that Senator Sessions had no substantive involvement in any of them.”

Senator Sessions said: Yes, he believed they were distorting his record. He said that he had supported the attorneys, and he had signed the complaints they had brought.

Senator Sessions’ reply mirrored answers he provided in a supplement to his initial questionnaire. In that supplement, which he filed 2 weeks after the Senate had rejected his nomination, Senator Sessions clarified that his role was to “provide support for” DOJ attorneys. He said he “provided assistance and guidance” and “cooperated with DOJ attorneys— not quite ‘personally handled,’ if you ask me. I suspect that is why he felt the need to file the supplement.”

It is also worth noting that all four of the civil rights cases at issue—the ones at issue here—had either concurrent or subsequent decision when Senator Sessions first appeared before the Judiciary Committee in 1986. But 30 years ago, when he submitted his questionnaire, which also asked him to list the “ten most significant litigated matters which [he] personally handled.” Senator Sessions did not list a single one of these four cases—not a single one. I wonder what changed between 1986 and now that caused these four civil rights cases to take on new significance for Senator Sessions? The fact of the matter is that Senator Sessions simply did not personally handle the civil rights cases that his questionnaire indicates he personally handled. His questionnaire overstates his involvement in these cases.

Senator Sessions’ questionnaire does not list a single one of these four cases—not a single one. I wonder what changed between 1986 and now that caused these four civil rights cases to take on new significance for Senator Sessions? The fact of the matter is that Senator Sessions simply did not personally handle the civil rights cases that his questionnaire indicates he personally handled. His questionnaire overstates his involvement in these cases.

We’re are not going to misrepresent any nominee’s record. ‘ ‘They’ll be entitled to
explain the charges against them. That doesn’t mean I’ll accept their explanation or agree with it.

And neither do I.

The Senate has an important job to do. It requires that each and every one of us use our nominees’ records accurately. The duties and responsibilities of our Nation’s top law enforcement officer demand that the President nominate an individual who puts country before party and who is willing to pursue justice for the most vulnerable among us. But I do not have confidence that a nominee whose submissions to the Judiciary Committee inflate and exaggerate his handling of the critical issues—issues such as protecting the right to vote—is, frankly, capable of pursuing equal justice under the law.

I questioned Senator Sessions about voting rights during his hearing. I asked him about an extraordinary claim by the then-President-elect. In late October, golfer Tiger Woods tweeted: “In addition to winning the electoral college in a landslide, I won the popular vote if you deduct the millions of people who voted illegally.”

Let me repeat that: “the millions of people who voted illegally.”

Let’s be clear. President Trump lost the popular vote by 2.86 million votes—the popular vote for the President, he is the President of the United States, but he lost the popular vote by 2.86 million votes. Senator Sessions said, “I won the popular vote if you deduct the millions of people who voted illegally.”

That is saying that at least 2.86 million people voted illegally.

That is a pretty extraordinary charge. During Senator Sessions’ hearing, I asked, do you agree with the President-elect that millions of fraudulent votes had been cast?

He responded: “I don’t know what the President-elect meant or was thinking when he made that comment, or what facts he may have had to justify his statement.”

Senator Sessions didn’t say whether he agreed. I asked him whether he had talked to the President-elect about that issue. Senator Sessions said: “I have not talked to him about that in any depth.”

Under the Attorney General’s leadership and direction, the Department of Justice is tasked with protecting the right to vote and with prosecuting fraudulent voting. This is not unusual to me that the President-elect would make such an outrageous claim, backed with no evidence, asserting that a fraud of truly epic proportion had occurred and that he wouldn’t bother to discuss it with the man nominated to lead the Justice Department nor that the man tasked to head the Justice Department wouldn’t ask him about it and ask what his evidence was so that when he became Attorney General, he could prosecute the voter fraud.

But in my questioning, none of this seemed to bother Senator Sessions. I suppose that shouldn’t come as a surprise, because another thing that didn’t seem to bother Senator Sessions was the speed with which States previously covered by the Voting Rights Act, covered by preclearance, moved to restrict voting rights after the Supreme Court’s Shelby County decision. He and I discussed this at his hearing. I pointed out that after Shelby County, States moved quickly to enact new restrictions, but he didn’t seem concerned.

We discussed North Carolina, which enacted restrictions that the Fourth Circuit reviewed as targeting African Americans with “almost surgical precision”—targeting African Americans with almost surgical precision to make it harder for them to vote, to suppress their vote, which suppressed African-American votes in the 2016 election. So this had happened.

But it didn’t seem to bother Senator Sessions. All he said was “every election needs to be managed closely and we need to ensure that there is integrity in it and we regularly have fraudulent activities occur during election cycles.”

Now, let’s be clear. Claims of apocryphal voter fraud are used to justify voter suppression. Claims of bogus voter fraud are used to justify disenfranchising the franchise.

That is a pretty extraordinary claim. During Senator Sessions’ views on voting rights and understanding how he responded to the President-elect’s outrageous claims of fraud—and is there anyone here in this body who doesn’t believe that the President’s claims are outrageous and, indeed, pernicious? Keeping Senator Sessions’ views on voting rights in mind and understanding how he responded to the President’s claims is important to helping us assess whether he is capable of filling one of the Attorney General’s most important duties, protecting the right to vote.

That is how it all got here. We won elections. That is how the Presiding Officer won an election in Alaska, fair and square. This is so basic. The Fourth Circuit ruled that North Carolina had surgically targeted African Americans, and because of the Shelby decision, the Justice Department couldn’t review that, couldn’t do pre clearance, couldn’t prevent African Americans from having their votes suppressed. That should bother us.

That should bother every one of us. It really should. We are here. We had some arguments over the last evening. The ones having the arguments were all elected. Protecting the franchise is the most basic duty in a democracy. And whose job is that? That is the job of the Attorney General.

Think about how basic and fundamental this is. It is all the words that are said here on the floor, they are said by people who won elections. I won an election by 922 votes. Every vote is important. To the person voted to surgically target a race of people, how fundamentally wrong is that? It should make us shiver. It should. I would hope, clarify to my colleagues why there is so much fear in this country, when a man who is President of the United States says there are 3 million to 5 million votes fraudulently cast. I wonder how he got 3 million. Could it be because of the fact that he lost the popular vote by 2.86 million? How did he bring that figure out of the air?

What are the American people supposed to think when the President makes these laughable claims, faced with no facts whatsoever?

He told the story about a German golfer in line in Florida. Do my colleagues remember this? He heard this story thirdhand. This is his proof to the congressional leadership. I believe Senator Cornyn was actually there. I think he was part of the group who went there as the leadership of the Senate. The President said that part of his evidence was this story that this German golfer had three Hispanic people in front of him and three in back. The President then went into conjecture about what Latin American countries they could be from. Then he said that none of them were pulled out of the line. The President is the one who is telling this story. He is a great golfer. He is not registered to vote in the United States.

The story was apocryphal. Doesn’t this send a chill down the spine of every Member of this Senate who cares about the franchise?

Think about it. This is the fundamental building block of our democracy—the franchise.

Now, Senator Sessions said during his hearing that he believes we regularly have fraudulent activities during our election cycles. That might explain why he didn’t talk with the President-elect in any depth about the now-President’s claim that millions of fraudulent votes were cast. Perhaps Senator Sessions didn’t find it alarming because he believes there is a kernel of truth in the claim. The claim has been fact-checked to death. Nearly 138 million votes were cast in the 2016 election. State officials found virtually no credible reports of fraud and no sign whatsoever of widespread fraud.

In 2014, a comprehensive study examined elections over 14 years during which more than one billion ballots were cast, and they found just 31 incidents of possible voter fraud—none of which stopped President Trump. Never let the truth get in the way of a good story. He again claimed that he won the popular vote and continued to claim it and asked for an investigation. That is so profoundly disturbing. I ask my colleagues, doesn’t it bother you?

The President went on to tweet about this “major investigation into VOTER FRAUD, including those registered to vote in two states, those who are illegal, and even, those registered to vote who are dead, and then (and many for a long time).”
I know on my deathbed, which I hope is rounded by my family, my grandchildren, and hopefully my great-grandchildren, if they say: Grandpa, Great-grandpa, any last wishes, I would say: Before I die, I want to tell you about the world, “slip my mortal coil,” or whatever Shakespeare said: I want to make sure that I unregistered to vote because I was a U.S. Senator and I wouldn’t want to commit voter fraud, so, please, somebody, call the county clerk to do that.

But I want to unregister because clearly anyone who doesn’t unregister to vote before they die is committing some kind of fraud, and clearly anyone who is registered to vote in two States is committing fraud—people like Steve Bannon, Sean Spicer, the Press Secretary, Steve Mnuchin, Treasury Secretary designee, the President’s daughter Tiffany, and his son-in-law Jared Kushner. We really should investigate them.

The President has said the administration would form a commission led by Vice President Pence to investigate this voter fraud.

This raises serious concerns, not the least of which is whether such an order or commission would serve as a pretext for nationwide voter suppression. Before my colleagues vote on Senator Sessions’ nomination, we deserve to know whether the President intends for the Attorney General or the Justice Department to lead or participate in these investigations.

When the President of the United States lies about the existence of massive, widespread fraud, it is the job of the Attorney General to call him on it. It is the job of the Attorney General to call him on it. The Attorney General has an obligation to tell it like it is. Senator Sessions may have said it best himself. When Sally Yates was nominated as the Attorney General, Senator Sessions questioned her during her confirmation hearing. He said: “You have to watch out because people will be asking you to do things and you will need to say no.”

Do you think the Attorney General has a responsibility to say no to the President if he asks for something that is improper? A lot of people have defended the Lynch nomination, for example, by saying: Well, he will appoint somebody who is going to execute his views. I have a problem with that. But if the views the President wants to execute are unlawful, should the Attorney General or the Deputy Attorney General say no?

Ms. Yates responded: Senator, I believe the Attorney General or the Deputy Attorney General has an obligation to follow the law and the Constitution, to give their independent legal advice to the President.

As everyone here should agree, that is exactly what Ms. Yates did last week—I think it was last week. These weeks seem long. This Nation owes her a debt of gratitude. She did exactly what Senator Sessions asked if she would do, but I fear Senator Sessions has not demonstrated that he is capable of fulfilling that obligation, and his record, as demonstrated by the fact that he did not discuss these claims with the President, suggests that he is simply not willing to speak truth to power.

Now, Senator Sessions has a long record, not just during his time as U.S. attorney and the Attorney General but here in the U.S. Senate. But regardless of the posts he held, Senator Sessions has not exhibited what I would characterize as a commitment to equal justice.

In my view, it is the obligation of elected officials, law enforcement officers to recognize injustice when they see it and stand in opposition to it, but on far too many occasions, it seems to me, opposition has not followed that obligation.

In 2009, the Senate debated the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, the bill that extended Federal hate crimes protections to gay men and lesbians targeted on the basis of their sexual orientation or gender identity. In the hearing on that bill, Senator Sessions said: “I am not sure women or people with different sexual orientations face that kind of discrimination. I just don’t see it.”

Senator Sessions repeatedly opposed a bill to reauthorize the Violence Against Women Act, or VAWA, the landmark law combating domestic sexual violence. He could have expanded the law to protect LGBT people, Native American women, and immigrant women, but he voted against it three times. He stated that “there are matters put on the bill that almost seem to invite opposition.” I raised this with Senator Sessions prior to his hearing, and I pointed out that Native women experience an epidemic of sexual and domestic violence, much of it at the hands of non-Indians—most of it—a large majority of it. That is not a new development. But Senator Sessions said to me that at the time he voted on the issue, he didn’t understand the gravity of the problem. He must not have seen it.

In 2006, when the Judiciary Committee held a hearing on reauthorizing the Voting Rights Act, Senator Sessions said there is “little present day evidence” of State and local officials restricting access to the ballot box. He commented: The Voting Rights Act’s preclearance requirement unfairly targeted certain States. He said, “Alabama is proud of its accomplishments, but we have the right to ask why other areas of the country are not covered by it.” Now, the Voting Rights Act’s preclearance requirement forced States with a history of enacting discriminatory measures to get Federal approval before changing their voting practices. That is why Alabama was subject to preclearance, but he just didn’t see it.

During this hearing and in his responses to written questions, Senator Sessions has said that “all Americans are entitled to equal protection under the law, no matter their background.” He has said that, if confirmed, he would “enforce the laws passed by Congress.” But time and time again, Senator Sessions has demonstrated an inability to recognize whether it is discrimination faced by LGBT people, discriminatory barriers to the ballot box, or violence against women. If he can’t see injustice, what assurance does he have that he will act to stop it?

The communities and the American people should be confident that the Nation’s top law enforcement officer is capable of recognizing the challenges they face and will help them overcome those challenges. Before the Senate moves to confirm this nominee, it is important to understand whether Senator Sessions is able or willing to acknowledge those challenges and to take steps necessary to address them, not turn a blind eye. I am not confident that he is—and I will vote against him.

Mr. President, I yield the floor.

Mr. SCHUMER. Mr. President, 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.

Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, we here in the Senate have a tradition of mutual respect among our fellow Senators. We have a spirit of comity. It is a tradition that I hold in high esteem. Last night that tradition was violated, and the Senate went in a very bad direction. I believe my Republican colleagues were far too zealous in trying to enforce that tradition and in doing so were guilty of the exact same thing that they were trying to prevent.

My friend the Senator from Massachusetts was reading a letter written by Mrs. Coretta Scott King, the widow of Martin Luther King, Jr., to the Judiciary Committee—her testimony about the nomination of Judge Jeff Sessions to be a Federal judge. For that, the Chair and my friend the majority leader interrupted her remarks, invoked rule XIX, and forbid her from continuing. The Chair directed the Senate to take her view. I thought it was totally, totally uncalled for. Senator Warren wasn’t hurling wild accusations; she was reading a thoughtful and considered letter from a leading civil rights figure. Anyone who watched the Senate floor on a daily basis could tell that what happened last night was the most selective enforcement of rule XIX.

My friend the Senator from Massachusetts was here when one of her colleagues called the leadership of my dear friend Senator Reid “cancerous” and said that he “doesn’t care about the safety” of our troops. That was not enforced as a rule XIX violation, but...
reading a letter from Coretta Scott King—that was too much.

Suggesting that the distinguished majority leader had repeatedly lied to the press—a comment made by a fellow Republican, by the way—that was fine. Reading the letter of a civil rights icon? At least to the other side, unacceptable.

Just last week I heard a friend on the other side of the aisle accuse me of engaging in a “tear-jerking performance” that resulted in the “Screen Actors Guild awards.” It was only the second time that week I had been accused of fake tears on the floor of the Senate, but I didn’t run to the floor to invoke rule XIX. But when my friend from Massachusetts read a piece of congressional testimony by Coretta Scott King, she was told to sit down.

Why was my friend from Massachusetts cut off when these other, much more explicit, much more direct, much nastier attacks were disregarded? There was a double standard here when it comes to speech. Unfortunately, it is not constrained by the four walls of this Chamber.

While the Senator from Massachusetts has my Republican colleagues up in arms, and rightly so, the work of a civil rights leader, my Republican colleagues can hardly summon a note of disapproval for an administration that insults a Federal judge, tells the press—a comment made by a fellow Republican—that I am committed to repeal- ing the “Screen Actors Guild awards,” and seems to invent new dimensions of falsehood each and every day.

I certainly hope that this anti-free speech attitude is not traveling down Pennsylvania Avenue to our great Chamber, especially when the only speech being stifled is speech that Republic- ans don’t agree with—even speech that is substantive, relevant, on point to the matter this body is consid- ering, and appropriate and measured in tone.

I would make a broader point. This is not what America is about, silencing speech, especially in this Chamber. What we do here is debate. We debate fiercely and forcefully but respectfully. The Founders of the Republic and ti- tans of the early Senate—Webster, Clay, and Calhoun—debated until they were blue in the face. From time to time, they probably had tough words for one another. We are not afraid of tough words in America. We don’t look to censor speech. The rule is only in- tended to keep Senators on the facts, to keep them from making baseless ac- cuisions about another’s character. My friend from Massachusetts was fol- lowing the letter and the spirit of the rule last night when she was engaging in that tradition of forceful but respectful debate when she was cut off. That is not what the Senate is about. That is not what our dear country is about.

Every Member on the other side of the aisle accuses me of selective enforcement. It was the most se- lective enforcement of a rarely used procedure to interrupt her, to silence her, and it was the only violation of the spirit of mutual respect and comity in this body that occurred last night. Mr. President, I yield the floor.

The PRESIDING OFFICER. The ma- jority leader called the roll. Mr. CORNYN, Mr. President, I ask unanimous consent that following the prayer, the Senator from Nevada be recognized for such time as he shall consume, and then I be recognized.

The PRESIDING OFFICER. Without objection, Mr. President, 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. CORNYN, Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PRAYER

Pursuant to rule IV, paragraph 2, the hour of 12 noon having arrived, the Senate will sus- pend for a prayer by the Senate Chap- lain.

The Chaplain, Dr. Barry C. Black, of- fered the following prayer:

Let us pray.

Eternal Lord God, teach us this day, through all our employers, to see You working for the good of those who love You.

Strengthen the hearts of our law- makers against temptations and make them more than conquerors in Your love. Lord, deliver them from all dejec- tion of spirit and free their hearts to give You zealous, active, and cheerful service. May they vigorously perform whatever You would have them do, and may their hearts be ever devoted to Your service.

Lord, strengthen them with Your al- mighty arm to do Your will on Earth, ever as it is done in Heaven.

We pray in Your mighty Name. Amen.

The PRESIDING OFFICER (Mrs. ERNST). The Senator from Nevada.

REPEALING OBAMACARE

Mr. HELLER. Madam President, I want to take a moment to talk about the concerns of Nevada, which I represent. Nevada was a leader in opposing ObamaCare. There are millions of Nevadans across the State, of all ages and backgrounds, all with similar concerns.

Over the last 7 years, all of these fears have become a reality. A new Congress and a new administration have heard the people’s response loud and clear, and that response is that we must repeal ObamaCare. I am proud to stand with the majority of Americans in this effort. ObamaCare increased taxes on hard-working Americans by $1.1 trillion. Higher taxes lead to more money being taken out of the pockets of hard-work- ing Nevadans. Higher taxes mean more people are get- ting penalized now for not having insurance.

Think about that. ObamaCare kicked their family off their insurance by tri-pling the costs, making it unaffordable, and then ObamaCare penalized that family for not having insurance.

I have been lucky in having health insurance. My family used to have health insurance until ObamaCare kicked in and forced my family to drop our insurance since it tripled the cost and wasn’t affordable, and my daughter was get- ting penalized now for not having insurance.

I recruited a good friend by the name of Senator MARTIN HEINRICH from New
Mexico, and together we were able to gain huge support on both sides of the aisle. During the highly partisan reconciliation debate in 2015, where Congress successfully delivered an ObamaCare repeal bill to President Obama’s desk, Senator HEINRICH and I pushed hard to include our legislation to fully repeal the Cadillac tax as an amendment.

Our amendment passed with overwhelming bipartisan support by a vote of 90 to 10. With this nearly unanimous vote, we were able to delay the Cadillac tax until 2020. This Congress, Senator HEINRICH and I have reintroduced Senate bill 58, the Middle Class Health Benefits Repeal Tax Act, which fully repeals this bad tax. I hope that my Senate colleagues on the other side of the aisle will join Senator HEINRICH on this bipartisan piece of legislation and on this issue to support our bill and get rid of this Cadillac tax once and for all.

I know that colleagues on the other side of the aisle will have a lot of differing opinions on the Affordable Care Act, but one thing we can agree on is that the Cadillac tax should be fully repealed.

Now that we have passed an ObamaCare repeal resolution, we will move to the next phase of the repeal process. The budget we just passed included reconciliation instructions for the Senate Finance Committee and the HELP Committee to repeal ObamaCare.

We made a promise to repeal ObamaCare, and now it is time to keep that promise. This includes my legislation to fully repeal the Cadillac tax. The goal of health reform should be to lower costs for those who already have health benefits and to expand access to those who do not currently have coverage. ObamaCare did not achieve the average. ObamaCare did not achieve either of those goals.

I am committed to ensuring that all Americans have access to high-quality, affordable health care. We must start by repealing the Cadillac tax.

I thank Senator HEINRICH for his continued leadership on this issue. I want to thank him, and I want to say that Senator HEINRICH continues to put his constituents above politics. I know that he shares my commitment to repeal this bad tax.

I also want to thank Congressman KELLY Courter for their leadership on the House side. I know that we are all eager to work together to get this bill to the finish line.

Madam President, I yield to the senior Senator from Texas.

THE PRESIDING OFFICER. The majority whip.

Mr. CORNYN. Madam President, last night we all witnessed a rather extraordinary event. Certainly for the first time in my time in the Senate, we saw rule XIX invoked. Standing Senate Rules, Mr. President, rule XIX, which states: ‘‘No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.’’

I certainly agree with the ruling of the Chair and the decision of the Senate as a body that that line was crossed last night. A Senator can’t evade that rule by simply claiming: These weren’t my words; I was reading what somebody else said.

Specifically, in the case of our former colleague, now deceased, Senator Ted Kennedy claimed that the nominees for Attorney General was somehow a disgrace to the Justice Department and ought to resign. That certainly crossed that line.

Our colleagues want to point to a letter written by Coretta Scott King. That was part but not the whole of the speech given by the Senator from Massachusetts. I hope that maybe we have all been chastened a little bit, and maybe we have all learned a little bit of a lesson here.

I yeard for the day when the Senate and, frankly, the country as a whole would pull back from the abyss of retribution, personal attacks, and we would get back to doing what this institution was designed to do—which is to be a great body for deliberation and debate. We have an obligation to each other, with the civility with which we would all want to be treated.

We are at a pretty challenging time in our Nation’s history, when many people who were surprised and disappointed at the last election are unwilling to accept the results of that election and the verdict of the American people. I can only hope that, after the passage of some time, they will return to their senses, and they will agree that no one is well served by this race to the bottom in terms of decorum and in terms of rhetoric, in terms of how we treat one another. The American people are better served when we respect each other’s views and when we don’t make personal attacks against Senators because of the positions that they take.

This debate over the nomination of Senator Jeff Sessions has taken on some rather unusual twists and turns. I want to comment briefly on some of the remarks made by our colleague from Minnesota about voting rights because I think this is exemplary of the way that Senator Sessions’ record on voting rights has been misrepresented. Well, unfortunately, the case of the Shelby County case that was decided in 2013—that is the case of the Executive order that was issued by President Trump later on, said—even though this order was vetoed by the Office of Legal Counsel and determined that this was a legal Executive order both in content and in form, she said: I still disagree with the President’s Executive order, and I am going to order the Justice Department lawyers not to defend it.

That is why we ask questions of people, like Deputy Attorney General Sally Yates: Can you tell the President no? Well, she said she could. And then she was replaced, we now have the Deputy Attorney General who was here in the Senate, including Senator Sessions, including the Democratic whip and myself—we all voted to reauthorize the Voting Rights Act. That included section 2 and section 5, which was later struck down. Section 2 is the provision of the Voting Rights Act that applies to the entire Nation, and it authorizes a lawsuit to vindicate voting rights that are jeopardized by some illegal practice. Section 5, which was the subject of the decision by the U.S. Supreme Court, is the Shelby County case that was decided in 2013—that was directed not at section 2, which applies to the entire Nation, but to section 5, which applied only to a handful of jurisdictions around the country. It was based on voting practices that existed in the middle 1960s.

I would be the first to admit that the record of vindicating the rights of minority voters in 1965 was not entirely proud of. We have come a long way in this country, and it has been because of the Voting Rights Act. It has been because of our collective commitment to the right of every citizen to vote that we have those statistics which existed in the mid-sixties are no longer valid today.

In fact, if you look at many of the jurisdictions covered in the 1960s, including places like Alabama, where Senator Sessions is from, they have records of minority voting that are superior to jurisdictions that are not covered by section 5. How our colleagues across the aisle can somehow condemn Senator Sessions for the Supreme Court’s decision in the Shelby County case that was decided in 2013—that case struck down the authorization of the entire Voting Rights Act, section 2 and section 5, strikes me as extremely misleading and unfortunate, but it does seem to characterize the nature of the debate about this nominee. As he is moving forward, I said: Well, those who don’t know Senator Sessions are interested to learn his record and his resume, but those of us who worked with him—we don’t need to read his resume. We don’t need to read his record and his resume, but those of us who were here in the Senate, including Senator Sessions, including the Democratic whip and myself—we all voted to reauthorize the Voting Rights Act. That included section 2 and section 5, which was later struck down. Section 2 is the provision of the Voting Rights Act that applies to the entire Nation, and it authorizes a lawsuit to vindicate voting rights that are jeopardized by some illegal practice. Section 5, which was the subject of the decision by the U.S. Supreme Court, is the Shelby County case that was decided in 2013—that was directed not at section 2, which applies to the entire Nation, but
political scientist as Attorney General. In fact, we need a nonpolitician, an apolitician, somebody who believes that their allegiance to the rule of law, irrespective of who is involved, whether it is the President of the United States or the least among us, that is what the rule of law is all about. And that is one reason why I feel so strongly that Senator Sessions will be an outstanding Attorney General, because I believe he will restore the Department of Justice to an institution that believes in and enforces the law. At the beginning of our colleagues across the aisle know that all of these nominees, particularly in the case of Senator Sessions, will be confirmed. So holding up the nomination just for delay alone makes no sense at all.

Well, some have said holding up Senator Sessions’ nomination is somehow similar to the confirmation process for Loretta Lynch, but that really rings hollow on examination. Let me remind them what happened when Loretta Lynch was nominated as Attorney General. At the time, our Democratic friends were filibustering a bipartisan bill that later passed 99 to 0. They were filibustering a bipartisan anti-trafficking bill for no good reason. That is a genuine scandal and I am ashamed that we had a good reason. I think actually what it had to do with was the Hyde amendment and the longstanding limitation on the use of taxpayer funds for abortion that had gone back to roughly 1973 with a morality block on that re- restriction in this anti-trafficking bill, so they refused to consider that legislation, which many of them had cosponsored, to help thousands of victims of sex exploitation and slavery, and to use that limitation as anathema to healing and restorative justice. So the majority leader, in an action that I completely endorsed, simply said that as soon as they dropped the filibuster, we would move on with the Loretta Lynch nomination. They did finally, and we processed her nomination. So in no way were those two situations similar.

Today, our colleagues across the aisle have offered him an occasional compliment, like the Democratic leader, who once called him straightforward and fair. The assistant Democratic leader called him a man of his word. But now the decision of the Cabinet nominees, as long as possible and to waste valuable time that could be used on other bipartisan legislation—we know our Democratic colleagues have chosen to slow-walk the process, and I think it is a shame, particularly in the case of somebody whom we all know well and who is dedicated to the Department of Justice and the restoration of the rule of law.

Several of us have talked from time to time about how the holding up of these nominees is unprecedented. At this point in President Obama’s term, 21 Cabinet members were confirmed. Senator Sessions, when we vote on his nomination tonight, will be No. 8—21 to 8. You have to go back to George Washington to find a slower confirmation timeline for a new administration. There is no good excuse for it, particularly in light of the fact that now, under our effort, our colleagues across the aisle know that all of these nominees, particularly in the case of Senator Sessions, will be confirmed. So holding up the nomination just for delay alone makes no sense at all.

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no obvious reason by the Republicans. They had been reported from the committees. They were ready to fill judicial vacancies across the United States and other posts. And the official position of the Republican Senators happened. I am not saying to ever let people vote on them because we are hoping and praying we will get a Republican President who can fill those same vacancies with people of our political persuasion. That was the reality.

That was the same reality that left Merrick Garland, President Obama’s nominee to fill the vacancy on the Supreme Court, languishing for almost 1 year. The Republicans and the leaders in the Senate would not give him a hearing or a vote. And Senator McConnell came to the floor and said: I won’t even meet with him.

So when I hear these protests now from the Republican side of the house, we are not surprised enough on these nominations, we are. And I think we are moving in the appropriate way. We are asking hard questions.

And I don’t subscribe to the position of the Republican Party strategy is to diminish the vote of those of color. I disagree with the Senator from Texas, who predicted me here, when it comes to the vacancies across the United States Government.

So, both in Cleveland and in Florida, I brought the election officials—Democrats and Republicans—before my subcommittee, put them under oath and asked: What was the incidence of widespread voter fraud in the elections in your State which led you to make it more difficult and challenging for the people of your State to vote?

The answer was: There were none.

There were no widespread voter fraud. There were only a handful of prosecutions for voter fraud. That told the story. This didn’t have anything to do with voter fraud. This had to do with discouraging turnout in areas that were more friendly to Democratic candidates, period. So when we make a big issue of the position of Alabama Senator Jeff Sessions on the Voting Rights Act, it is with good cause.

It is historically an issue which has haunted the United States since the Civil War, when excuses after excuses were made for African Americans seeking the right to vote, and people were denied the right to vote with poll taxes and literacy tests and ridiculous standards to this very day, when the Republican Party strategy is to diminish the right of every African-American vote by voter suppression.

Is it important that we know the position of Senator Jeff Sessions on the Voting Rights Act? To me, it is one of the most important questions to be asked. The fact that it evoked controversy on the Senate floor with Senator Warren last night is an indication of how seriously we take it. Yes, we have added a few more hours to the debate. I disagree with the Senator from Texas who say: You know how it is going to end; why are you wasting our time?

I don’t think it is a waste of time to have a fulsome debate in the Senate on something as fundamental as protecting the right of every American citizen to vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, will the Senate from Illinois yield for a question?

Mr. DURBIN. I will be happy to yield.

Mr. TESTER. I say to Senator Durbin, there has been a lot of talk about the fact that the number of Cabinet appointees were much higher in the Obama administration than they are now. Could you take us back 8 years ago and tell us how those folks were treated, if there was anything wrong with them when they came to this floor?

Mr. DURBIN. Through the Chair, I will respond to the Senator from Montana. Here is the difference. Eight weeks ago, when Barack Obama was elected President and was to be sworn in on January 20, he brought together his team to serve in his Cabinet and said to them: The first thing you need to do is to follow the law. You need to file the papers required of you by the ethics standards of the United States Government.

So, I am told that on January 8, almost 2 weeks before he was sworn in, their paperwork was on file. So they had complied with the law and they were awaiting their opportunity for a hearing. Contrast that with the current situation. There are still proposed Cabinet members by President Trump who have not filed their required ethics disclosures.

Why is it important? Because we believe that though we can’t reach in and require the President to file his income tax returns, which he has steadfastly refused to do, we can still require him to comply with the law. Any man who refuses to do, we know what the standards are when it comes to many of those departments.

The standards are very demanding. There has to be a disclosure and there has to be a process of divestment. If I am confirmed to be Secretary of an agency and my personal wealth includes holdings that have a direct impact on that agency, I am required by law to divest myself of those holdings. The more complicated my portfolio and net worth might be, the more challenging this is.

Penny Pritzker, a very wealthy individual from Chicago, was chosen by President Obama to be the Secretary of Commerce. It took her 6 months to comply with the law so she could go through the hearing—6 months. Now we hear complaints from the Republicans: Well, why aren’t the Trump nominees going through more quickly? Why aren’t our billionaires put on the fast-track?

I am sorry, but Trump billionaires are subject to the same rules as all billionaires. There has to be a process involved. I might add, you can go back a little further in history and find disqualifications for Cabinet positions. Oh, you hired someone in your
household to work for you and you did not pay their Social Security, their FICA? Sorry, you are disqualified from being in a Cabinet.

Now we have Trump nominees where that is happening—not with frequency, but all the same. And it does not seem to be even close to a disqualification. So it clearly is a double standard. I would say to the Senator from Montana, the fact that the Obama nominees moved through as quickly as they did showed they took the law seriously, they took their responsibilities seriously that would save lives, but as a Senator, Mr. Sessions has turned his back on the survivors of domestic violence. I am not confident he will be there for them as Attorney General.

I will not vote for a nominee for Attorney General who opposed legislation that helps us better investigate and prosecute violent crimes against women, but that is not all. I am not convinced that Mr. Sessions will stand up for the privacy laws of law-abiding Americans. Less than 2 years ago, right on this Senate floor, Mr. Sessions fought to preserve the most intrusive aspects of the PATRIOT Act.

That was not the first time he supported unchecked government surveillance. And I voted in support of the most intrusive aspects of the PATRIOT Act seven times—seven times.

He is a staunch advocate for the NSA’s bulk data collection, which violates the privacy of millions of Americans. If Mr. Sessions is confirmed as Attorney General, will he push back and fight our government that undercuts our freedoms? Will he fight on behalf of government officials who listen into our phone calls, or scroll through our emails or preserve our Snapchats?

Will he intervene if the government once again spies on citizens without a warrant? I think the answer to that, quite frankly, is no. When government agencies like the NSA collect bulk data, they do so at the expense of our freedoms. If Mr. Sessions is not willing to protect our Fourth Amendment rights, can we expect him to fight for our liberties? Will he fight for the First, the Second, the Fifth? Again, the answer is no. We need an Attorney General who will fight and protect our individual freedoms, not one who is willing to sacrifice it.

I am not alone. Thousands of Montanans have contacted the Senate on this issue. Many of them have written to me. Please vote no on Jeff Sessions for Attorney General.

Thank you in advance for your refusal to confirm Jeff Sessions for the Attorney General of the United States. It is vital that the Attorney General be a strong voice for the folks of Montana, and I will urge my colleagues to oppose his nomination.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Ms. BALDWIN. Madam President, I rise to urge my colleagues to join me in opposing the confirmation of our colleague Jeff Sessions to be Attorney General of the United States. He is an inappropriate choice to be our Attorney General. He is a critic of our legal system, a critic of our justice system, a critic of our civil liberties, and a critic of our constitutional rights.

I have great respect for Senator Sessions’ long history of public service, and I am pleased to have had the opportunity to work with him where we agree and disagree on many issues. But Senator Sessions is not a neutral voice for justice. He has called the Patriot Act a disaster, a civil liberties and constitutional disaster.

I believe Mr. Sessions is not worthy of the Attorney General’s appointment. He has a record of fighting against the civil rights of our fellow citizens. He is not willing to protect the freedoms that he believes are valuable, including the right to privacy and the right to be free from searches and seizures without a warrant.

I am not alone. My colleagues and I have heard from over 16,000 Wisconsinites who are opposed to his confirmation, many of whom expressed profound concerns about his record on important issues. Including his support for the PATRIOT Act, his support for the Patriot Act, and his support for the Violence Against Women Act. He is not a neutral voice for justice, and I have no doubt that Senator Sessions will be a strong voice for law enforcement, if he is confirmed.

But the role and the responsibility of our Attorney General is bigger than any one group. Our Attorney General must work on behalf of all Americans. The Department of Justice has a broad jurisdiction. So I have also heard from Wisconsinites who are opposed to his confirmation, including DREAMers, and others, who he is a critic of our civil liberties, and a critic of our civil liberties.

After reviewing his record, getting a chance to meet with him in my office, and considering everything that I have heard from my constituents, I simply do not believe that Senator Sessions is the right choice to be Attorney General. I urge my colleagues to reject his nomination for the United States. I have that belief for a number of reasons.

First, I am concerned that Senator Sessions will not be the independent

Amy from Whitefish: Vote no to the nomination of Jeff Sessions, who has shown himself time and again to be no friend to equality or civil liberties. Please know that we in Montana expect you to uphold our desire for all members of this great Nation regardless of race, gender, ethnicity, religious affiliation or sexual orientation, to be treated with respect and dignity.

Charles from Livingston: He voted no on the Violence Against Women Act.

That “he” being Mr. Sessions. Mr. Sessions voted no on adding sexual orientation to the definition of hate crimes. He voted yes on loosening restrictions on cell phone wiretapping.

Now, I agree with Anne and Susan and Jerilyn and Charles and thousands of other Montanans. Because of that, I will not support Mr. Sessions, and I will urge my colleagues to oppose his nomination.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.
champion for the rule of law that we need with Donald Trump in the White House. In any administration, the Attorney General’s first duty is to the Constitution and to the people of the United States. This President has already issued a number of orders—gag orders and otherwise—including one affecting our visa and refugee programs that a number of Federal courts have already temporarily blocked. We need an Attorney General who will ensure that the President’s actions do not run roughshod over protections guaranteed by our Nation’s laws and Constitution. I am not convinced that Senator Sessions will be that kind of Attorney General.

Second, I do not believe that Senator Sessions will be the champion of the civil rights of all Americans that an Attorney General must be. The Department of Justice plays a central role in enforcing our Nation’s civil rights laws, from investigating hate crimes to safeguarding the right to vote, to fighting discrimination against women, racial and religious minorities, and people with disabilities. At a time when there has been a disturbing increase in hate-motivated crimes, discrimination, and harassment, including, particularly, anti-Muslim, anti-LGBTQ, and transgender people, and people of the Muslim faith, it is even more important that the Department of Justice be strong and proactive.

I write to my constituents in Wisconsin who have faced bigotry and hate-motivated speech in the wake of the election of Donald Trump. Among them is a family from Fitchburg, WI, with 11 adopted children, including children from Ghana and China.

This family received an anonymous letter proclaiming “Trump won” and calling them race traitors and telling them to go home. This and other reports from Wisconsinites and, frankly, from people throughout the United States breaks our hearts.

Senator Sessions fought against efforts to strengthen and make more inclusive Federal hate crimes laws and criticized voting rights laws as “intrusive.” He has shown hostility to the rights of LGBT individuals and attacked the reproductive health care rights of women.

Now more than ever we need a Justice Department that places a priority on equal rights and voting rights laws, proactively combats hate violence and fighting for the equality of all Americans. I am simply not convinced that Senator Sessions will be the champion vulnerable Americans need as Attorney General with an unflagging commitment to make our country a fairer and more equal place.

Third, I believe Senator Sessions will not take a fair or humane approach as Attorney General with regard to immigration. I was deeply troubled by Trump’s ugly and divisive rhetoric on immigration, and I am appalled by the actions that he has taken thus far as President.

Senator Sessions was one of his campaign’s key advisers on immigration and has been a vocal opponent of bipartisan, comprehensive reforms that would address our broken immigration system.

The Department of Justice is responsible for adjudicating immigration cases and ensuring fairness and due process in the treatment of undocumented individuals and refugees.

The President’s recent orders on immigration have further divided the country, creating chaos and confusion, proved to be legally and constitutionally questionable, and are inconsistent with core American values. In the opinion of many national security experts, they will make our Nation less safe, not more.

I simply do not believe that Senator Sessions, with his history of hostility to immigration and support for this President’s approach, is the right person to lead the Department of Justice, as it discharges its critical duties on immigration and national security.

America has made great progress over the last 8 years with an administration that has taken seriously a shared responsibility to pass on to the next generation a country that is more equal, not less.

All Americans deserve a strong commitment from America’s top law enforcement official to act on violence and discrimination, based on race, religion, disability, sexual orientation, gender identity, or any other characteristic.

At a time when voting rights and the constitutional right of women to make their own health care decisions are under attack across our country, we need an Attorney General who will stay true to these constitutional freedoms and not be driven by politics.

For me, then, Senator Sessions’ confirmation is a moral choice. I am guided by my strong belief that all Americans deserve equal opportunity and freedom to pursue their hopes and dreams. I cannot support this nomination for Senator Sessions to be Attorney General, and I urge my colleagues to oppose him.

Now I would like to take a moment to discuss what happened last night on the Senate floor. Last night, the Rubbish of this Chamber stopped one of my colleagues from reading the words of Coretta Scott King:

Coretta Scott King wrote a letter and a statement to the Senate Judiciary Committee expressing her opposition to Jeff Sessions’ nomination to serve as a Federal judge.

Coretta Scott King believed, as I do, that the right to vote is a fundamental right afforded to every American. It is a right that we have lost our lives seeking and defending.

Mrs. King wrote in her testimony regarding Jeff Sessions’ record:

Blacks still fall far short of having equal participation in the electoral process. Particularly in the South, efforts continue to be made to deny Blacks access to the polls, even where Blacks constitute the majority of the voters. It has been a long uphill struggle to keep alive the vital legislation that protects the most fundamental right to vote. A President who has shown hostility to the enforcement of those laws, and thus, to the exercise of those rights by Black people should not be elevated to the Federal bench.

Mrs. King’s words matter. They matter to me, and they matter to millions of Americans. Mrs. King’s words should matter in this debate, and they deserve to be heard. I believe it is simply wrong to silence legitimate questions about a nominee for U.S. Attorney General, and I hope that her words can be heard as this debate continues.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CAREER AND TECHNICAL EDUCATION MONTH

Mr. PORTMAN. Madam President, I come to the floor today to talk about Career and Technical Education Month.

The month of February has been set aside as Career and Technical Education Month. It is an opportunity for us to talk about something that is working very well in some of our States and is giving our young people amazing opportunities, and it should be expanded.

Over the last six years, my home State of Ohio has come a long way. We have turned a record deficit into a billion-dollar rainy day fund. We have created lots of new jobs, but we also have a problem in Ohio and around the country, and that is a skills gap.

If you go on the www.ohiomeansjobs.com Web site right now, I think you will see about 122,000 jobs being offered. In other words, these are companies saying: We are looking for people.

At the same time, in Ohio today, we have about 280,000 people who are out of work. So how could that be, you ask? Well, if you look at the jobs and the people who have about 280,000 people who are out of work and the skill sets that are in demand in a local economy and the skills of a worker—is something that can be dealt with with more aggressive career and technical education.

Businesses want to invest more. They want to make better products, but they
DeVos is that she talked about skills. One reason I voted for Betsy, the Secretary of Education, Betsy, and we need to make sure that is. We brought people in from Ohio from a couple of weeks ago in Congress, and I was interested in being an engineer. He had a job lined up with a company he had interned for, but that same company told him to go back to school to get a degree in engineering over the subsequent years.

Yesterday afternoon we confirmed the Secretary of Education, Betsy DeVos. One reason I voted for Betsy DeVos is that she talked about skills training. Her quote was that CTE, career technical education, is an “important priority,” and she agrees that we must do more to give our young people the job skills they need.

Some people, when they hear about CTE, wonder what it is. Some in sports medicine. She applied for it. The JOBS Act. We tried hard to get that legislation done.

Some may go to other States—let’s say India, and some go to other countries—say India.

I heard this again and again back home. These kids from CTE are excited. They not only stay in school—they are not dropouts—but they do better.

By the way, many of them do go on to college, 2- or 4-year institutions. Many of them also get a job out of high school, and, again, that job is very important to our economic activity here in this country, but it is also a huge opportunity for them.

I was at a CTE center a couple of years ago. We were sitting around the table in Ohio to talk to the employers who were there supporting the programs, some of the administrators, and, of course most importantly, some of the students who were from three local high schools who were all involved in this CTE program. Of the three young people who were there, two of them were going off to manufacturing jobs where they were going to be making 50 grand a year plus benefits, and the third was going into an IT position where, again, he was going to have a great opportunity.

My question to the students was: Have you gone back to your high school and talked to your friends about this? They all indicated they were planning to do that, because they had a track to go to college because that is the track we were on, and that is the track we were told was better. I will tell you that is a big mistake. Changing that attitude is really important to helping expand CTE because young people going into CTE programs have an incredible opportunity. By the way, many of them do go on to college, 2- or 4-year institutions. Many of them also get a job out of high school, and, again, that job is very important to our economic activity here in this country, but it is also a huge opportunity for them.

In her senior year in high school she had a 4.0 after getting into the CTE program for sports medicine. She is studying at Miami University where she is on track for living out her dream of becoming an orthopedic surgeon. That is an example of how CTE really works.

Senator Tim Kaine and I had this in mind when we started the Senate CTE Caucus. It is a caucus that started with just a couple of Members, and now it has a strong following. Senator Tammy Baldwin of Wisconsin is among the leaders of that caucus, and she is on the floor today. This caucus not only has these conferences that bring people together to talk about issues, but we also put together legislation.

Senator Kaine and I introduced legislation called Jumpstart Our Businesses by Supporting Students Act, or the JOBS Act. We tried hard to get that legislation done.
Senator Kaine and I are also planning to reintroduce another bill called Educating Tomorrow’s Workforce Act, which improves the quality of our CTE programs by setting minimum standards for CTE programs that would ensure students are able to transfer their credits, be able to have their work graded today based on today’s industry standards, and use equipment that is up to date. So basically it is legislation—and again I thank Senator Baldwin for her support—to help increase the quality of CTE education. In some of our States this is working incredibly well. Ohio is one of those cutting-edge States. We have to ensure that the standards are maintained and expanded everywhere and we continue to support reauthorization to strongly support our CTE programs.

Just like the JOBS Act, this bill has been endorsed by a number of education experts and groups, and we appreciate their help, including the National Career Academy Coalition, the National Career Development Association, National Association of Secondary School Principals, and many more.

In Ohio we have some great schools, whether it is Cleveland, OH—the Max Hayes High School does an awesome job. I was there for its opening, now about a year and half ago, and they are doing a terrific job of working with the building trades, working with private industry, working with the high schools in the area, and developing skills that are badly needed in North-east Ohio. As the CEO has said, great health care CTE programs. I mentioned the young woman who found her motivation getting involved in CTE for sports medicine.

Recently I went to Butler Tech to their health care campus, which is north of Cincinnati, and what they are doing there is amazing. You walk in and all the kids have on their white medical coats, and whether they are dental techs are being trained or technologists or students who plan to go to medical school someday or those who are interested in getting a degree in nursing, there are some incredible sites. They have brought in outside partners, all from the area, who are involved with working with them. It is good for our kids but also really good for our community.

Mr. President, if we pass this legislation that I am talking about today, if we focus on career and technical education as we are supposed to do this month—CTE month, February—we are going to help many millions of our young people to be able to have better opportunities and, most importantly, be able to help our economy. We are going to help create more jobs and more opportunities in this country, to be able to close that skills gap, to put people back to work. It makes too much sense for us not to do it, whether as Republicans and Democrats alike, and with the new administration, to promote career and technical education.

With that I yield my time.

The PRESIDING OFFICER. Mr. Tillis. The Senator from Alaska.

Mr. SULLIVAN. Mr. President, I rise today to support the nomination of Senator Jeff Sessions for Attorney General. I don’t know a lot of people in this body. He is a veteran and an outstanding public servant who has worked tirelessly for decades in service of his constituents in Alabama, in this body, as a U.S. attorney, as Attorney General of Alabama. He is a good colleague and a friend to many of us on both sides of the aisle. He is gracious with his time, his wisdom, his intelligence.

In all nomination processes there is some twisting of facts that goes on and, unfortunately, even some character attacks, but the twisting of his record and the attacks on Senator Sessions, in my view, have been particularly egregious. That is why I was very saddened by what happened on the floor of the U.S. Senate last night.

Recently I went to Butler Tech to visit their campus and talk to some of their students. I was there for its opening, now about a year and half ago, and they are doing a terrific job of working with the building trades, working with private industry, working with their high schools in the area, and developing skills that are badly needed in North-east Ohio. As the CEO has said, there is some amazing. You walk in and all the kids have on their white medical coats, and whether they are dental techs are being trained or technologists or students who plan to go to medical school someday or those who are interested in getting a degree in nursing, there are some incredible sites. They have brought in outside partners, all from the area, who are involved with working with them. It is good for our kids but also really good for our community.

Mr. President, if we pass this legislation that I am talking about today, if we focus on career and technical education as we are supposed to do this month—CTE month, February—we are going to help many millions of our young people to be able to have better opportunities and, most importantly, be able to help our economy. We are going to help create more jobs and more opportunities in this country, to be able to close that skills gap, to put people back to work. It makes too much sense for us not to do it, whether as Republicans and Democrats alike, and with the new administration, to promote career and technical education.

Mr. President, I rise today to support the nomination of Senator Jeff Sessions for Attorney General. I don’t know a lot of people in this body. He is a veteran and an outstanding public servant who has worked tirelessly for decades in service of his constituents in Alabama, in this body, as a U.S. attorney, as Attorney General of Alabama. He is a good colleague and a friend to many of us on both sides of the aisle. He is gracious with his time, his wisdom, his intelligence.

In all nomination processes there is some twisting of facts that goes on and, unfortunately, even some character attacks, but the twisting of his record and the attacks on Senator Sessions, in my view, have been particularly egregious. That is why I was very saddened by what happened on the floor of the U.S. Senate last night.

Recently I went to Butler Tech to visit their campus and talk to some of their students. I was there for its opening, now about a year and half ago, and they are doing a terrific job of working with the building trades, working with private industry, working with their high schools in the area, and developing skills that are badly needed in North-east Ohio. As the CEO has said, there is some amazing. You walk in and all the kids have on their white medical coats, and whether they are dental techs are being trained or technologists or students who plan to go to medical school someday or those who are interested in getting a degree in nursing, there are some incredible sites. They have brought in outside partners, all from the area, who are involved with working with them. It is good for our kids but also really good for our community.

Mr. President, if we pass this legislation that I am talking about today, if we focus on career and technical education as we are supposed to do this month—CTE month, February—we are going to help many millions of our young people to be able to have better opportunities and, most importantly, be able to help our economy. We are going to help create more jobs and more opportunities in this country, to be able to close that skills gap, to put people back to work. It makes too much sense for us not to do it, whether as Republicans and Democrats alike, and with the new administration, to promote career and technical education.
branch and this body and the House of Representatives have worked hard on this to build a system of allies all around the world to keep our country safe and our allies safe.

In his inaugural address, I was pleased to see President Trump talked about reinforcing old alliances and forming new ones. That is exactly what we need to do as the United States of America. In terms of our allies and the importance of different regions, there is no more important ally than Japan. There are no more important foreign policy and national security challenges that exist in the world than what is happening in the Asia-Pacific with the rise of China and the security and economic challenges but also opportunities in that part of the world.

I urge all of my colleagues to warmly welcome the Prime Minister of Japan and his team and to help focus on making sure that as we move forward with a new administration, we are working together with them, we are encouraging them. As the Senate, we are very focused on this issue of deepening our existing allies and alliances and broadening the ties to our overseas allies. The Senate plays a very important role in this regard. In terms of being able to keep American citizens safe, there is nothing more important than making sure that focuses on our allies and, in particular, give a warm welcome to the Prime Minister of Japan this week.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. VAN HOLLEN. Mr. President, I wish to start by responding to my new colleague.

I respect my colleague. We have worked together on many issues. the Senator from Alaska and I. I think he would agree it is very important that the American people, the public, have a thorough review of candidates for a position in public office who are going to have a significant influence on all aspects of their lives. That is why it is so important we undertake this process. It is a fact that many of the nominees put forward by President Trump had massive conflict-of-interest issues that need to be resolved. Many of them remain unresolved. Many of them are still not proceeding through committee because either their ethics report information has not been provided yet or they have not passed other clearances.

So it is absolutely fitting that we in the Senate do our job to make sure the people who are placed in these positions of high office are thoroughly vetted.

I also wish to take a moment to respond to the statements regarding my good colleague, the Senator from Massachusetts, ELIZABETH WARREN.

Last night she was reading from a letter presented by Coretta Scott King at the time of the 1998 hearings on the judicial appointment of Senator Sessions. At the time he was a nominee to fill the vacancy.

As a new Member of the Senate, it is difficult to understand how reading that letter—I have a copy of that letter right here—could be a violation of the Senate rules, but I assume we will all have time to investigate that question. I will say that the result has been a lot of more people in this country who have had an opportunity to read that important letter from Coretta Scott King.

Obviously, we are gathered here as we consider the nomination for Attorney General. Senator Jeff Sessions wrote: "The most sacred of the duties of government is to do equal and impartial justice to all its citizens." This is the job of the Department of Justice, and I think it is worth reviewing the mandate and purpose of the Department of Justice to determine whether Senator Sessions is the right person for this special and unique position in the U.S. Government.

The Judiciary Act of 1789, the same act in which the first Congress created the Federal judiciary, Congress also created the Office of the Attorney General. In years thereafter, Congress empowered the Justice Department to handle all criminal and civil suits in which the United States has an interest.

The Attorney General is the largest law office in the world and the chief enforcer of our Nation's laws. The Attorney General has to be the people's lawyer. Upon taking the office, the Attorney General swears an oath to "protect and defend the Constitution of the United States." More than any other officer of the U.S. Government, it is the job of the Attorney General to protect and carry out the Constitution's plan of defending the rights and privileges of those who most need that protection. There is a Latin motto on the seal of the Department of Justice. It refers to the Attorney General as the one "who prosecutes on behalf of justice." In the paneling above the door of the anteroom outside of the Attorney General's office, it was placed the words: "United States wins its point whenever justice is done its citizens in the courts."

As former Attorney General Loretta Lynch said after taking the oath of office, the employees of the Department of Justice are "the ones who make real the promise of justice and redress for all Americans." She said they "continue the core work of our mission—the protection of the American people."

She said: "The challenge in that—for you, for me, for all of us that love this Department and love the law—is to use the law to that end. To not just represent the law and enforce it, but use it to make real the promise of America, the promise of fairness and equality, of 'liberty and justice for all.'" I think we all recognize—and I see we have been joined by many of our colleagues from the other side of the Capitol and representatives. It is great to see them here as part of this historic debate. I see the ranking member of the Judiciary Committee, Mr. CONVYERS, as well as many other colleagues because they know this is an important moment.

Just as Loretta Lynch described the importance of the Office of Attorney General, we all have to take heed because I think all of that story of America, the story of our country has been the story of working to live up to that original promise. It has been a long journey, and there have been a lot of broken promises along the way. I think all of us recognize that there has been a lot of blood and tears shed in order to try to make good on the ideas of equal justice and equal opportunity, of equal rights. We have come a long way—there is no denying that—but also we know we have a long way to go to meet that full promise.

The role of the Justice Department is to be a fighter for living up to that purpose, for living up to that promise, to be the champion of the people, to be the defender of those who are too often undefended, to be a fighter for those who do not have an advocate, to be the voice for people who do not have high-priced and high-powered lobbyists.

They need to be the advocate for everyone, because it is an unlawful system to someone to whom those who are feeling like they are getting an unfair shake can turn. It has to be a refuge for those who have been victimized by the powerful, someone who can speak for all of the American people.

To fulfill this responsibility, the Attorney General oversees over 140,000 employees, 60 agencies, from the Anti-Trust Division, the Office of Privacy and Civil Liberties, to the U.S. attorneys, and the Office on Violence Against Women Act.

The Justice Department's Civil Rights Division, created in 1957, works to uphold the civil and constitutional rights of all Americans, particularly those who are the most vulnerable. The division is charged with enforcing Federal statutes, prohibiting discrimination on the basis of race, color, sex, disability, religion, familial status, and national origin.

Americans' right to vote, including the Voting Rights Act, the Uniformed and Overseas Citizens Absentee Voting Act, the National Voter Registration Act, the Help America Vote Act, and the Civil Rights Act. That is their charge. The Department's Legal Counsel provides legal advice to the President and the executive branch. They are supposed to give their best legal advice and call the balls and strikes without political shadowing. The office reviews for legality all Executive Orders that the President is supposed to be issued by the President of the United States.

The Justice Department has played a vital role in advancing the promise of America. You just have to look historically to how it was not just a passive actor but made sure they did their job to be a fighter for people who were disenfranchised.

In 1937, in Little Rock, AR, the Justice Department helped to force the Governor to allow African-American children to attend an all-white Central High School. That was a Justice Department action under President Eisenhower.

In the years since the Supreme Court's 1954 decision in Brown v. Board of Education, the Justice Department has fought to implement the goal of integrating the American schools. That is a Justice Department action under President Carter.

In 1968, in Atlanta, GA, a Justice Department investigation and prosecution in response to the beating of a 20-year-old gay Atlanta man resulted in the first conviction in Georgia under the sexual orientation provision of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act.

Again, the Justice Department is not a passive actor, enforcing the laws of the United States in order to advance equal justice in the United States of America.

This is a really important legacy to uphold, and the question is, Is Senator Sessions the right person to uphold that legacy?

Senator Sessions has represented the State of Alabama in the Senate for 20 years. He has served as the ranking Republican member of the Budget Committee, among other responsibilities here in the Senate. There may be many other people in the executive branch for which that experience would provide an appropriate fit, but the role of the Attorney General is different. As I have said, this is a sacred duty and something in this position has to have a record not just of an understanding of the law but a willingness to make sure that we implement the law for all the American people.

I regret that as I examine the history of Senator Sessions' statements and actions, I do not believe that he is well suited for the position of Attorney General. Nothing in his history or record indicates that he will be a fighter for people who are less powerful and those who have been left out. Nothing indicates that he will be a fighter for people of color, people with disabilities, or people in the LGBT community. Nothing in his record suggests that he will be that warrior for justice that we need the Attorney General to be.

To the contrary, again, Senator Sessions has taken positions that vary with those important traditions in our jurisprudence and in our law and, indeed, are contrary, in many instances, to the very mission of the Justice Department.

Many years ago, back in 1986, I was on the floor of this Senate in a very different capacity. At that time, I was the legislative assistant for national security and defense policy to a Maryland Republican Senator by the name of Mac Mathias—a very independent Maryland Republican Senator, a liberal Republican and a real statesman. Senator Mathias was on the Judiciary Committee at the time. Strom Thurmond from South Carolina, was the chairman. In fact, Mac Mathias probably should have been the chairman, but because of his independent streak, the Republican caucus at that time worked really hard to make sure that Judge Harlan moved from being chair of the Armed Services Committee to exercise his seniority on the Senate Judiciary Committee to become chairman so that Mac Mathias could not assume that position.

Senator Mathias was somebody who always looked at the facts and called the balls and strikes as he saw them—a good role model for me, a good role model for everyone. I wasn't ever thinking—it was the last thing on my mind—of running for office at that time, but as I look back, he was a good role model for a U.S. Senator.

As I said, he was on the Senate Judiciary Committee at the time. He was on the Judiciary Committee during the time of the hearings when now Senator Sessions, then U.S. Attorney Sessions, was up for his nomination for a Federal judgeship. Senator Mathias listened very carefully to the testimony. Senator Mathias, I am sure, would have read the letter from Coretta Scott King. He always did his homework. He always read everything and listened to everybody. After hearing all of the testimony, Senator Mathias said that he would be a supporter of the nomination for a Federal judgeship. Senator Mathias listened very carefully to the testimony. Senator Mathias, I am sure, would have read the letter from Coretta Scott King. He always did his homework. He always read everything and listened to everybody. After hearing all of the testimony, Senator Mathias said that he would be a supporter of the nomination for a Federal judgeship.

As I review the materials since that time—since the time that Senator Mathias cast that vote exercising his independence as a Republican Member of the Senate Judiciary Committee—I find that we have received very little assurance that there has been a change in the desire of Senator Sessions to be that advocate—that advocate—for justice, because all of these

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to believe that he would stand in the way of the Justice Department’s mandate to ensure equal protection under the law.

There are many other letters like this one from people who took a thorough review of the record of the President’s nominee to be Attorney General.

I would like to discuss something that has received a little bit less attention regarding Senator Sessions’ record, and that is what I believe and what I have given close attention to these issues believe has been a poor record in support for individuals with disabilities. This is especially important given the debate we had just the other day on the nomination of Mrs. DeVos to be the Secretary of Education, because she indicated in her testimony before the HELP Committee that she thought that it was a State obligation, not a Federal obligation, to enforce the IDEA law—the Individuals with Disabilities Education Act. So we should take a little time to look at the record of Senator Sessions with respect to the rights of people with disabilities.

One such occasion was a big moment on the floor of this Senate. It is when the Senate, after the ratification of the Convention on the Rights of Persons with Disabilities, a treaty that had been negotiated under President George W. Bush and later signed by President Obama. Although I was serving in the U.S. House of Representatives at the time, I got lots of urgent calls and letters from constituents and friends in the disability community about the importance of the United States ratifying that convention. But in his remarks on the floor of the Senate, Senator Sessions not only opposed it, but he called the convention on the rights of persons with disabilities “dangerous.”

There have been few moments on this floor when Senators were more eloquent about that convention than former Senator and former presidential nominee Bob Dole, who appeared on the floor at the time, and who is no longer a Senator. He did in committee testimony on the ratification of the convention that was before the Senate. He recalled during his testimony his maiden speech, the very first speech here in the U.S. Senate of Senator Dole. His first speech occurred on April 14, 1965. It was the anniversary of the day U.S. forces entered in World War II. He delivered his maiden speech on persons with disabilities, about the importance of protecting and ensuring the rights of people with disabilities. He, as we know, was disabled in action fighting for the House of Representatives.

In his testimony in 2012 on the convention, he said:

It was an exceptional group I joined during World War II, which no one joins by personal choice. It is a group that neither respects nor discriminates by age, sex, wealth, education, skin color, religious beliefs, political party, power, or prestige. That group, Americans who have grown in stature since. So, therefore, has the importance of maintaining access for people with disabilities to mainstream American life, whether it’s access to a job, an education, or registering to vote.

Those were words of Senator Dole urging the Senate to ratify that convention. He went on to point out U.S. leadership of persons with disabilities, particularly with the Americans with Disabilities Act. He pointed out that current U.S. laws in place in 2012 were already enough to make sure the United States fulfills its obligations to the international Convention on the Rights of Persons with Disabilities. Joining the treaty, Senator Dole said, would “reaffirm the common goals of equality, access, and inclusion for Americans with disabilities—both when those affected are in the United States and outside of our country’s borders.”

Senator Dole believed so powerfully in the importance of this treaty that, as I indicated earlier, he came to the floor of the Senate many, many years after he served here and hoped that his presence on the floor of the Senate would convince his Republican colleagues—and all his colleagues—to support that convention. Unfortunately, when the vote came down, it failed in getting the two-thirds level of votes necessary for ratification by only 5 votes. One of those votes was that of Senator Sessions who, as I indicated, said that this convention on disabilities was “dangerous.” He rejected an international treaty that had been signed and supported by both Republican and Democratic Presidents, negotiated by President Bush and signed by President Obama. It imposed no additional obligations on the United States. It just said that we stand with others in the international community to support the billions of people around the globe who have a disability.

On that issue, Senator Sessions stood against nearly every veterans organization there was, against a broad coalition of disability rights groups, including the Alabama Disabilities Advocacy Program. He advanced a theory that somehow U.S. sovereignty would be called into question. Yet, as then-Senator Dick Lugar, the Republican chairman of the Senate Foreign Relations Committee, pointed out, the United States had already satisfied its obligations and to make that clear, the declaration in the resolution of advice and consent stated simply at the time of the treaty that, in the view of the reservations to be included in the instrument of ratification, current United States law fulfills or exceeds the obligations of the Convention for the United States of America.

Despite the presence of Senator Dole on the floor and the support of the chair of the Senate Foreign Relations Committee, Senator Lugar, Senator Sessions opposed that.

That was the only incident where Senator Sessions failed to uphold the rights of people with disabilities—maybe, maybe, maybe—I am not sure it would be understandable. But it is not the only incident. Senator Sessions also made deeply concerning comments about the Individuals with Disabilities Education Act, or IDEA, which we have heard so much about in the past couple of days. He debated on the nomination of Mrs. DeVos. Senator Sessions referred to the IDEA, or Individuals with Disabilities Education Act, as perhaps “the single most irritating problem for teachers throughout America today” and “a big factor in accelerating the decline of civility and discipline in classrooms all over America.” The most irritating problem was our national commitment to try to make sure that every child—every child, regardless of disability—had a chance to achieve his or her full God-given potential. That was apparently irritating.

Senator Sessions claimed that “special treatment for certain children” created a distraction in the classroom. “Special treatment” is what IDEA is about. The idea of IDEA legislation was to make sure all kids could get an appropriate and decent education. It wasn’t there to give kids with disabilities some kind of advantage over other kids. It was there to give them an even playing field with the other kids.

As to the so-called issue of special treatment, “special treatment” is a concerning trend in many of Senator Sessions’ statements—not just with respect to individuals with disabilities, but in many other cases. In far too many circumstances, he appears to conflate steps to protect the rights of a minority or disadvantaged group that has historically faced persecution or discrimination as somehow an effort to give that group an elevated status over everybody else instead of just an equal chance with everybody else. The idea that the IDEA legislation to help kids with disabilities get an education in school was somehow a big advantage to them over other kids. Equal rights for persons with disabilities is a striking and revealing statement, and it is one that carries through and on to other circumstances.

I am concerned that Senator Sessions fails to recognize that there are communities in this Nation that truly have been subjected to discrimination and that are disproportionately affected by certain policies and need sustained civil rights protections—not to give them an elevated status, but simply to give them a fair playing field with everybody else.

It is the job of the Attorney General of the United States to make sure all of our citizens are treated equally under the law. The notion that something is wrong and that the rights of groups that have been historically discriminated against is a bad thing and gives them an advantage doesn’t conform to the reality of our country. I think we all know that.

The act issue came up with respect to Senator Sessions’ position on the Matthew Shepard hate crimes bill. He called it a “special protection” for
LGBT individuals rather than an acknowledgement that these individuals had been historically discriminated against and put at risk of greater violence. He criticized Supreme Court Justice Sonia Sotomayor for her decision that disenfranchising felons violated the Eighth Amendment's ban on cruel and unusual punishment because these are individuals who could not form a capacity, an intent, and so could not execute people who did not form that criminal intent, the mens rea. That was an advance in our Federal jurisprudence, yet that was severely criticized by Senator Sessions. So that statement, along with his position of opposition to the convention on peoples with disabilities raises many, many troubling questions regarding his willingness to protect individuals who need protection.

We also recognize that the Attorney General has to be somebody who is independent, who is willing to stand up to a President if a President is calling upon the Justice Department to take an unlawful action or an action inappropriate consistent with the interests of justice.

In 1984, in a letter to the Attorney General, President Theodore Roosevelt said:

"Of all the officials of the Government, those of the Department of Justice should be kept, free from any suspicion of improper action on partisan or factional grounds, so there shall be gradually a growth, even though a slow growth, in the knowledge that . . . the representatives of the Federal Department of Justice insist on meting out even-handed justice to all."

Senator Sessions himself made the point when he questioned then-nominee Sally Yates about her responsibilities in the Justice Department of President Obama. Senator Sessions told Ms. Yates:

You have to watch out because people will be asking you to do things and you need to say no. You think the attorney general has the responsibility to say "no" to the President if he asks for something that's improper? And if your people have decided the Lynch nomination, for example, by saying: "Well, he appoints somebody who's going to execute his views. What's wrong with that?" But if the vice president wants to execute are unlawful, should the attorney general or the deputy attorney general say no?

That was the question posed by Senator Sessions. Ms. Yates answered:

Senator, I believe the attorney general or the deputy attorney general has an obligation to follow the law and the Constitution and to give their independent legal advice to the President.

That is exactly what Deputy Attorney General Yates did just a few days ago when President Trump asked her to take an action that was inconsistent with the laws of the United States. She did what Senator Sessions asked her to do at that hearing, and she was fired.

Let's look at the record of Senator Sessions' willingness to stand up in an independent way to some of the outrageous statements that have been made by President Trump.

After the terrorist attack in San Bernardino, CA, Mr. Trump called for a "total and complete shutdown of Muslims entering the United States until our country's representatives can figure out what is going on."

He went on to refer to plans for a Muslim ban in March 2016 CNN interview and a later speech. What did Senator Sessions do at that important moment? At that time, Senator Sessions was an early supporter of not only Mr. Trump but his call for a Muslim ban. Just days after Mr. Trump first made his Muslim ban proposal, Senator Sessions told Steve Bannon on Breitbart’s radio program:

"We're in an age that's very dangerous and we’re seeing more and more people enter. And a lot of them have done these acts and a lot of them believe it’s commanded by their religion. So I think it’s appropriate to begin to discuss this [Muslim ban]."

We all want the greatest security for our country. We all want to make sure bad people don’t get here. But I think we also understand as Americans that a religious test violates the principles of our Nation.

Senator Leahy pointed out at Senator Sessions' confirmation hearing that Senator Sessions opposed a resolution saying the United States should not use religious tests for immigration into the country, that they were antithetical to our founding principles. Nowhere, when it was time to be counted and stand up, Senator Sessions did not do that.

More recently, we heard President Trump criticize the Washington State judge—and I see our leader, my friend Senator Murray, on the floor. He criticized the decision of a Federal district judge, and he did it, as we know, in a dismissive way, tweeting that he was a "so-called judge." That is another moment when—whether you support President Trump and his campaign or support his actions as President, it is a moment when, if you are going to be the chief law enforcement leader in the country, you say: Mr. President, really, that is not an appropriate thing to say.

Senator Sessions had another opportunity to challenge then-Candidate Trump on an earlier occasion when Candidate Trump criticized the judge who made a ruling against him in the Trump University case and criticized him on the ground of his allegiance. That was an opportunity when others in this country, even people who were supporting Candidate Trump, said: You know what, that is out of line. That is out of bounds.

We did not hear from Senator Sessions. Maybe Senator Sessions was being looked at for another executive agency where that question was less important, where maybe it wouldn’t carry so much weight. But for the Attorney General of the United States, when somebody there is saying to be independent, somebody who is going to be willing to challenge the President of the United States when he
suggests unlawful actions or makes statements that are inconsistent with the system of justice.

Finally, on the issue of voter fraud, I think all of us have heard from President Trump about his claim that he really won the popular vote. He shouldn’t even be here talking about it, but he keeps talking about it. He claims that he really won the popular vote, that it was these 3 million people who cast fraudulent ballots—zero evidence, no evidence, and yet when Senator Sessions and Senator Sessions asked郭 about these claims of voter fraud, these unsubstantiated claims of massive voter fraud, Senator Sessions didn’t take the opportunity to say: You know what, I support President Trump, but he is out of line; he is wrong to make these outrageous claims. He didn’t say that. In fact, President Trump at one point was talking about having the Justice Department or the FBI look into this very question.

I am absolutely certain that at all that Senator Sessions would meet his own test—the test he presented to Sally Yates when she was up for her nomination for Deputy Attorney General about whether she would stand up to what she considered an unlawful order by the President of the United States. She did. She was fired. There is no evidence that Senator Sessions would stand up under those circumstances, and we need an Attorney General who will stand up for the law and for equal justice and for every American. I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. ROUNDS. Mr. President, I rise today regarding the upcoming confirmation on Senator Jeff Sessions of Alabama to be Attorney General of the United States. For the past 3 years, I have had the great pleasure of working with Senator Sessions in this body. We served together on both the Armed Services and Environment and Public Works Committees. Within those committees, as well as on other issues that have come before the Senate during that same time period, I have found that Senator Sessions is extremely forthright, hard-working, and Senator Sessions is honest. He has served Alabamans and all Americans well during his 20 years in the U.S. Senate.

In addition to serving on the Armed Services and EPW Committees, he also serves on the Senate Judiciary and Budget Committees, all of which address vital aspects of our Federal system.

Senator Sessions also had a distinguished career before he was elected the U.S. Senator from Alabama. After graduating from the University of Alabama with a law degree, Senator Sessions practiced law in Russellville and Mobile, AL. In 1975, he took the oath to defend the Constitution of the United States as an assistant U.S. attorney—the first step in a long and honorable career as a prosecutor. In 1981, Senator Sessions was nominated by President Reagan and confirmed by the U.S. Senate as the U.S. Attorney for the Southern District of Alabama. He served honorably in that role for 12 years. Senator Sessions was then elected Alabama attorney general and served in that role until his election to the U.S. Senate.

It is clear to me that Senator Sessions is exceptionally well-qualified to serve as the Attorney General for the United States. He has served together on both the Senate Armed Services and Environment and Public Works Committees, as well as on other committees, as a U.S. attorney and Alabama attorney general, as the chief Federal and State law enforcement authority. He has personally handled or managed a wide variety of cases—criminal and civil, trial and appellate. Senator Sessions also has extensive experience in the Federal system and, as a former State attorney general, a deep respect for State and local law enforcement and the role of States in our Federal system.

There is an attribute even more important than any of these others in my opinion, and that is integrity. Over the course of his career, Senator Sessions has demonstrated a deep respect for the Constitution and the rule of law, and ultimately, I believe that is what is most important to the Attorney General of the United States.

In 1993, the U.S. Supreme Court wrote this about the role of a U.S. attorney, and I think it applies similarly to the Attorney General:

A federal prosecutor is the representative not of an ordinary citizen, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice be done.”

The Supreme Court continued:

[A]s such, he is in a peculiar and very definite sense the servant of the law, the twofold aim of which is that guilt shall not escape or innocence suffer.

I support Senator Sessions as Attorney General of the United States not only because his experience makes him qualified to serve but more importantly because his character makes him qualified to serve. Senator Sessions will, in the words of the Supreme Court, be a certain “servant of the law” and will make certain that justice is done for all Americans.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. COTTON). The Senator from Washington.

Mrs. MURRAY. Mr. President, I stand here today to give a voice to the thousands of people who have contacted me in recent weeks urging me to vote no on this nomination. First, I need to express my frustration and outrage about what happened here on the floor last night.

In the middle of a debate about the next Attorney General of the United States, we were not able to give someone whose job it will be to defend the rights of all Americans; whose job it is to defend people from discrimination, inequity, and unfairness; whose job it is to defend women, to defend people of color, to defend all those who are too often told to sit down, stand down, be quiet—we saw the Republican leader selectively use the rules to silence our colleagues, a woman Senator, who was reading the words of an African-American, a Congresswoman, a woman, and a leader, reading the words of someone who embodies the fight for justice, for freedom, for equality, and for civil rights in America; someone who all of us should be looking to for lessons in how to fight back against forces that seek to demean others in order to gain power.

I was stunned. I respect the decorum that the Senate strives to maintain, but there are times when you cannot stay silent. This is one of those times. We will not be silent.

So I want to say that I stand with my friend, the Senator from Massachusetts. I stand with the words of the late Coretta Scott King, and I stand with my friend, the Senator from Massachusetts. I stand with my friend, the Senator from Massachusetts. I stand with my friend, the Senator from Massachusetts. I stand with my friend, the Senator from Massachusetts. I stand with my friend, the Senator from Massachusetts. I stand with my friend, the Senator from Massachusetts. I stand with my friend, the Senator from Massachusetts. I stand with my friend, the Senator from Massachusetts. I stand with my friend, the Senator from Massachusetts.
same President who fired an Acting Attorney General because she refused to ignore the law, to approve his hateful and unconstitutional Executive order barring refugees; the same President who ridiculed a well-respected Federal judge in Seattle, a George W. Bush appointee, because the judge didn’t rule the way he wanted.

The U.S. Attorney General is often the last line of defense for our Constitution within an administration. And they need to be the first to stand up to our President when our President is wrong.

Senator JEFF SESSIONS is not that kind of nominee. The people of this country expect and deserve an Attorney General who will protect their civil and constitutional rights and liberties. They deserve someone committed to the principles of inclusiveness and justice—someone who will fiercely defend the rule of law, no matter whether he would have been appointed equally under the law. The American people need an Attorney General who continues to make the fight against racism, discrimination, and hate crimes a core part of that Department. As I and fellow lawmakers know, Senator Sessions is not the person for that job.

More than 30 years ago, he couldn’t even pass muster in a Republican-majority Senate. During his confirmation hearing, Senator Sessions offered his racially charged comments and his shameful record on civil rights as a U.S. attorney as reasons they could not support him. And as my late colleague Ted Kennedy said at the time: “It is inconceivable that a person of this attitude is qualified to be a U.S. attorney, let alone a U.S. Federal judge.”

I ask my colleagues who are inclined to support his nomination today, What has changed? I have served alongside Senator Sessions for years, and he knows his record all too well. And like my constituents who started sounding the alarm back in November, I am deeply concerned by his agenda that would take our country backward.

Sessions has dismissed one of our bedrock civil rights laws, the Voting Rights Act, as “intrusive,” while pushing restrictive voter ID laws and fueling conspiracy theories about voter fraud. I watched as he refused to work with a bipartisan majority of the Senate on immigration reform and instead pushed extreme policies that would punish the most vulnerable members of our communities. And that, of course, excluded DREAMers across the country who have never known another home besides America. His personal passion on that issue and his years of advocacy against commonsense immigration policies cause me great concern.

On the other hand, when he uses the Department of Justice to pursue his extreme anti-immigration agenda.

On criminal justice reform, he beat back efforts from within his own party to address the exploding rate of incarceration across this country. The injustice of these laws falls disproportionately on communities of color.

Time and again, he has defended laws that favor throwing nonviolent offenders in jail rather than working to rehabilitate them, even though it has been consistently proven that prison is not a means of rehabilitation. This nominee’s views on criminal justice reform are so extreme, his position is even at odds with the Koch brothers.

At the very time our Nation engages in a critically important debate about ensuring equal treatment under the law, an attorney who struggles to make sure equality shines through our education system, our justice system, our economy, and our country, Senator Sessions remains dismissive of the very tools our Justice Department must use to move us forward.

When I joined so many of my colleagues in the Senate to reauthorize and improve the bipartisan Violence Against Women Act to protect women across the country, Senator Sessions has worked it apart. As pointed out by someone who has sat face-to-face with survivors of domestic violence and fought for increases protections for those dealing with sexual assault, I can see why people would question whether Senator Sessions has any intention of enforcing the laws that protect them because I wonder that myself.

This nominee’s track record of trying to undermine women’s constitutionally protected reproductive rights is horrifying as a country, scare every woman in this country.

I have heard from so many members of the LGBTQ community who are terrified that Senator Sessions would be tasked with protecting their rights. His votes against repealing don’t ask, don’t tell and expanding hate crimes definitions to include LGBTQ Americans confirm those fears.

This has in turn to give my colleagues pause when so many Americans—our friends, our neighbors, our co-workers—fear that their government will look the other way as they endure violence, discrimination, and marginalization just because of who they love or how they live. We must fight back with everything we have.

When this President attacks the independence of our judges—judges who have declared the obvious, that the Muslim ban Executive order is unconstitutional—we cannot put the person who Steve Bannon calls “the fiercest, most dedicated and most loyal promoter” of the President’s agenda at the head of the Department of Justice. This is not who we are.

Senator Sessions is not the Attorney General this country needs. I urge members of the Senate to stand up for the Constitution, to stand with your fellow Americans. The stakes are far too high to make Senator Sessions our next Attorney General.

I urge you to join with me in voting against this nomination. Now more than ever, we need an Attorney General who will be independent and will stand up to President Trump’s illegal and unconstitutional actions whenever they happen.

The last thing this country needs right now is a rubber stamp to validate this administration’s illegal actions.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. It is always disturbing to sit in this Chamber and listen to some of the speeches. I am wondering if even a saint could get approved without a filibuster in this body.

Mr. President, I am pleased today to come to the floor in support of another friend, someone I am honored to have worked with for many years, and that would be Dr. Tom Price. When I first heard that President Trump nominated Dr. Price to serve as Secretary of Health and Human Services, I was reassured to know that one of the most capable, well-prepared individuals President Trump could have chosen would fill an important post.

Health care is highly complex, highly specialized, and it has a significant impact on our Nation. Our Federal Government’s involvement in health care has changed dramatically over the last few decades, and those changes have accelerated in the last few years. Health care makes up one-sixth of our economy, and the Department of Health and Human Services has a tremendous impact on all parts of all sectors of health care. Who better than a doctor should head an organization that covers the wide variety of major health care programs?

Let me mention just a few that a doctor should be in charge of. One would be Medicare, another is Medicaid. And then there is our vast biomedical research functions at the National Institutes of Health, usually referred to as NIH. Then there is our domestic and international public health work at the Centers for Disease Control and Prevention, or CDC; the review of innovative and lifesaving drugs and devices at the Food and Drug Administration, or FDA; or how about our preparedness in the development of medical countermeasures at the Biomedical Advanced Research and Development Authority, or BARDA; and many other programs impacting the Nation’s health that also provide an alphabet of initials. Who better to understand the most important side of health care, the patient, than one who is, at the end of the day, the person that takes care of the patient? The patient is the biggest factor in all health policies. These policies are too often put together here in Washington. Hundreds of bureaucrats sit in offices, deciding what patients ought to have done to them. Sitting here in offices without being doctors, without having treated patients, I will be glad to have someone in charge that will look to see what the patient wants done.

In the Senate HELP Committee hearing with Dr. Price, he spoke about his
view on the importance of the patient in health care. He reiterated that again before the Finance Committee when he said: “[I]t is imperative that we have a system that’s accessible for every single American, that’s affordable for every American, that incentivizes and provides the highest quality health care that the world knows and provides choices to patients so they are the ones selecting who is treating them, when, where, and the like.”

Tom Price is an ideal candidate for this role. Not only does he know the health care system as a physician, he knows it as a policymaker with whom one can work. His qualifications and implement the law in a way that provide for full, open, and transparent input from the public. I understand that the system is all too easy to have designed, and we are not going to make changes, but we are not going to do that. We are not going to sit and wait until the Democrats would be begging us to make changes, but we are not going to do that. We are not going to go through that kind of suffering, even though there is a risk to it. We are not going to sit and wait for the system to crash. We will be working in Congress to repeal ObamaCare and reform our health care system by putting the patient first.

It will be critical to have a partner in the Congress who is willing to make changes and implement the law in a way that reflects the intent of Congress and provides for full, open, and transparent input from the public. I understand that of some of my Democratic colleagues have been saying that the Republican majority leader has used the power of his office as United States Attorney to intimidate and chill the free exercise of the ballot by citizens should not be elevated to our courts. Mr. Sessions has used the awesome powers of his office in a shabby attempt to intimidate and frighten elderly black voters. For this reprehensible conduct, he should not be rewarded with a federal judgeship. I do sincerely urge you to oppose the confirmation of Mr. Sessions.

When Senator Elizabeth Warren tried to read this exact same letter last night here on the Senate floor, Republicans invoked a cloture motion saying that she was in violation of Senate rules aimed at preventing Senators from impugning the motives of their colleagues. The move by some of my colleagues to silence the words of Senator Warren and Mrs. King last night is troubling not only because this is a threat to our democratic values, but also, frankly, because it is hypocritical. During a scathing speech last year in this same Chamber, the Senator from Texas went so far as personally attacking the Republican majority leader Mitch McConnell and accusing him of lying. In May of last year, the Senator from Arkansas, also here on the Senate floor, delivered a speech directly criticizing former Senator Minority Leader Harry Reid, using the terms “vulgar,” “incoherent,” and “cancerous” to describe him. He said on the Senate floor: “I am forced to listen to the bitter, vulgar incoherent ramblings of the minority leader. Normally, like every other American, I ignore them. I bring this up because neither of these Senators were silenced. Neither were told to sit down and take their seat. Silencing Senator Warren for reading Mrs. King’s letter under the guise of following Senate rules is hypocritical and rightfully leads some to question whether the majority leader may have a different standard of expected conduct for female Senators compared to their male counterparts. We already have a record of where I will vote against the nomination of Senator Sessions. After this episode last night, I believe now more than ever that this position will require an unwavering commitment to protect American’s constitutional rights, and to stand up against discrimination and hate.

Like the thousands of New Mexicans I have heard from, I lack that confidence in Senator Sessions. I urge the American people to read and share Coretta Scott King’s letter and continue to make your own voices heard because we will not be silenced. We will persist.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:


Hon. Strom Thurmond, Chairman, Committee on the Judiciary U.S. Senate, Washington, DC.

Dear Senator Thurmond: I write to express my sincere opposition to the confirmation of Jefferson B. Sessions as a federal district court judge for the Southern District of Alabama. My personal and professional roots in Alabama are deep and lasting. Anyone who has used the power of his office as United States Attorney to intimidate and chill the free exercise of the ballot by citizens should not be elevated to our courts. Mr. Sessions has used the awesome powers of his office in a shabby attempt to intimidate and frighten elderly black voters. For this reprehensible conduct, he should not be rewarded with a federal judgeship. I do sincerely urge you to oppose the confirmation of Mr. Sessions.

During a scathing speech last year in this same Chamber, the Senator from Texas went so far as personally attacking the Republican majority leader Mitch McConnell and accusing him of lying. In May of last year, the Senator from Arkansas, also here on the Senate floor, delivered a speech directly criticizing former Senator Minority Leader Harry Reid, using the terms “vulgar,” “incoherent,” and “cancerous” to describe him. He said on the Senate floor:”

Sincerely,
Coretta Scott King.
the local sheriffs accomplished twenty years ago with clubs and cattle prods. Twenty years ago, when we marched from Selma to Montgomery, the fear of voting was real, as the broken bones and bloody heads in Selma and Marion so vividly graphed by Mrs. King, so vividly written about by Mr. King at the time, “it was not just a sick imagination that conjured up the vision of a public official, sworn to uphold the law, who had breached the constitutional rights of Negro children; who ordered the Rev. James Bevel to be chained to his sickbed; who clubbed a Negro woman registrant, and who used clubbing anduffing and segregation to intimidate Black voters and thus deny them the benefits of their nonviolent Negroes peacefulliy petitioning for their constitutional right to vote.

Free exercise of voting rights is so fundamental to American democracy that we can not tolerate any form of infringement of those rights. Those who have been disenfranchised in our nation’s history, none has struggled more to achieve access to the democratic process, compels me to testify today. Civil rights leaders, including my husband and Albert Turner, have fought long and hard to achieve free and unfettered access to the ballot. Mr. Sessions has the awesome power of his office to chill the free exercise of the vote by black citizens in the district he now seeks to serve as a federal judge. This simply cannot be allowed to happen. Mr. Sessions’ conduct as U.S. Attorney, from his politically-motivated voting fraud prosecutions to his indifference toward criminal violations of civil rights laws, indicates the temperament fairness and judgment to be a federal judge.

The Voting Rights Act was, and still is, vitally important to the future of democracy in the South. It was privileged to join Martin and many others during the Selma to Montgomery march for voting rights in 1965. Martin was particularly impressed by the demonstration to get the franchise of blacks in Selma and neighboring Perry County. As he wrote, “Certainly no community in the history of the Negro struggle has responded with as much enthusiasm to the call for voting rights as the Perry County boys. The political and legal advances made in Perry County in the course of the voting rights demonstrations were directly responsible for the eventual passage of the Voting Rights Act: Alabama was the launch pad for my husband’s dream of political participation. The Perry County Civic League, started by Mr. Turner, Mr. Hogue, and others, as Martin anticipated from the depth of their commitment twenty years ago, that a united political organization would not be restored to Marion County long after the other marchers had left. This organization, the Perry County Civic League, started by Mr. Turner, Mr. Hogue, and others, as Martin predicted and Mr. Sessions sought to punish older black civil rights activists, advisors and colleagues of my husband, who had been key figures in the civil rights movement in the 1960’s. These were persons who, realizing the potential of the absentee vote among Blacks, had learned to use the process within the bounds of legality and to do the same. The only sin they committed was being too successful in gaining votes. The scope of the investigations conducted by Mr. Sessions also warrant grave concern. Witnesses were selectively chosen in accordance with the favorability of their testimony to the government’s case. Also, the prosecution illegally withheld from the defense critical statements made by witnesses. Witnesses who did testify were pressured and intimidated into submitting the so-called “correct” testimony. Many elderly blacks were visited multiple times by the FBI who then hauled them over 180 miles by bus to a location that could more easily have testified at a grand jury twenty miles away in Selma. These votes, and others, have announced they are now going to vote again. I urge you to consider carefully Mr. Sessions’ conduct in these matters. Such a review, I believe, raises serious questions about his commitment to the protection of the voting rights of all American citizens and consequently his fair and unbiased judgment for this fundamental right. When the circumstances and facts surrounding the indictments of Al Turner, his wife, Evelyn, and Spencer Hogue are analyzed, clear evidence of manipulation was political, and the result frightening—the wide-scale chill of the exercise of the ballot for blacks, who suffered so much to receive the right that was taken away. Therefore, it is my strongly-held view that the appointment of Jefferson Sessions to the federal bench would irrevocably damage the work of my husband and others who risked their lives and freedom over the past twenty years to ensure equal participation in our democratic system.

The exercise of the franchise is an essential means by which our citizens ensure that those who are governing will be responsible. My husband called it the number one civil right. The denial of access to the ballot box ultimately results in the denial of other fundamental rights. For, it is only when the poor and disadvantaged are empowered that they are able to participate actively in the solutions to their own problems.

We still have a long way to go before we can say that minorities, Hispanics, Native Americans and Asian Americans are grossly underrepresented, as are women and minorities in the country. Mr. Sessions has been concerned about discrimination at the polls. Blacks, Hispanics, Native Americans and Asian Americans are grossly underrepresented. The current federal civil rights laws to protect the franchise of minorities and other citizens without political power have a forum in which to vindicate their rights. Because of this unique role, it is essential that the people selected to be federal judges respect the basic tenets of our legal system: respect for individual rights and a commitment to equal justice for all. The integrity of the Courts, and thus the rights they protect, can only be maintained if citizens feel confident that those selected as federal judges will be able to judge with fairness others holding differing views.

I do not believe Jefferson Sessions possesses the requisite judgment, competence, and fairness that is essential to the federal civil rights laws to qualify for appointment to the federal district court. Based on my record, I believe his confirmation would have a devastating effect on not only the judicial system in Alabama, but also on the progress we have made everywhere toward fulfilling my husband’s dream that he had twenty years ago. I therefore urge the Senate Judiciary Committee to deny his confirmation.

I thank you for allowing me to share my views.

Mr. HEINRICH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk will call the roll.

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

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

Mr. MARKEY. Mr. President, I have heard from literally thousands of my constituents who have contacted my office in unprecedented numbers with
fears about a Justice Department headed by Senator Jeff Sessions as Attorney General of the United States. My constituents and Americans all across the country are concerned about the independence and integrity of the Justice Department under President Donald Trump. We are only 3 weeks into the Trump administration, and what we have seen so far has been alarming. We have 3 years and 49 weeks left to go in President Trump’s term of office, and we have already seen in 3 weeks President Trump issue an illegal and immoral ban on Muslim refugees. We then saw President Trump fire Acting Attorney General Sally Yates from her job overseeing the Department of Justice—an action reminiscent of Watergate’s infamous “Saturday Night Massacre”—because she refused to defend in court his unconstitutional and un-American Executive order. Sally Yates’s job and the job of the entire Justice Department is to uphold the rule of law. The Attorney General of the United States is the lawyer for the people of the United States—not Donald Trump’s personal lawyer. It is called the rule of law, not the rule of Trump.”

As for a woman’s right to choose, Senator Sessions has said: “I firmly believe that Roe v. Wade and its descendants represent one of the worst, colossally erroneous Supreme Court decisions of all time.” At his confirmation hearing, Senator Feinstein asked Mr. Sessions if he was asking him whether it was still his view. “It is,” Senator Sessions replied.

It is simply unimaginable that we would have an Attorney General of the United States holding such a view of Roe v. Wade. Women need to control their own reproductive health. Roe v. Wade is the law of the land, and it should remain that way forever.

Mr. President, I would also like to address the actions last night by the Senate majority leader to silence the remarks of my colleague from Massachusetts, Senator Elizabeth Warren.

Coretta Scott King was attending the New England Conservatory of Music in Boston when she received her doctoral student at Boston University in 1952, in Boston. One year later, Coretta Scott married Dr. Martin Luther King, Jr., as they took their degrees from Boston to begin a cause found in the South and the international movement.

The two shared their life, a cause that would change the world. The voices and legacy of Coretta Scott King and Dr. Martin Luther King, Jr., are as much a part of this history as the American Revolution, John Adams, and President John Kennedy.

What Senator Warren was doing last night was standing up for equal justice. The way Massachusetts has always stood up for equal justice, the way Senator Ted Kennedy stood up for equal justice. We have a deep and proud history in Massachusetts of fighting for justice. We have a deep and proud history in Massachusetts of fighting for what is right. The abolitionist movement was born in Massachusetts.

In previous generations, when young women wanted the right to vote, a group of committed activists in Massachusetts formed the Suffragette movement, and they changed the U.S. Constitution so women can vote. When young people in Massachusetts were upset with the voting rights laws for minorities in America’s southern States, they became the Freedom Riders, and they changed the laws of the United States.

I make these remarks from the desk once held by Massachusetts Senator Edward Brooke. Senator Brooke was the first African American elected to the Senate. He was a Republican. He was also a civil rights activist, and he also received his law degree at Boston University.

From the Founding Fathers to the movement for universal health care, to the first same-sex wedding in the United States, and to the Senate floor last night, Massachusetts has always been at the forefront of America’s quest for equal justice.

Leader McConnell used an arcane Senate rule to silence Senator Warren, but the people of Massachusetts and all people of good conscience will never be silenced when confronted with our moral responsibility to speak out.

Senator Warren deserves an apology for being silenced when she attempted to share this very relevant, very powerful, very inspiring story of last night. The American people deserve to hear the important words of Coretta Scott King. So here they are:

Dear Senator Thurmond:

I write to express my sincere opposition to the nomination of Jefferson B. Sessions as a federal district court judge for the Southern District of Alabama. My professional and personal roots in Alabama are deep and lasting. Anyone who has used the power of his office as United States Attorney to intimidate and chill the free exercise of the ballot by citizens should not be elevated to our courts.

Mr. Sessions has used the awesome powers of his office in a shabby attempt to intimidate and frighten elderly black voters. For this reprehensible conduct, he should not be rewarded with a federal judgeship.

I regret that a long-standing commitment prevents me from appearing in person to testify against this nomination as I have attached a copy of my statement opposing Mr. Sessions’ confirmation and I request that my statement as well as this letter be made a part of the hearing record.

I sincerely urge you to oppose the confirmation of Mr. Sessions.

Sincerely, Coretta Scott King

Coretta Scott King was right in the 1960s. Coretta Scott King was right in 1986. Coretta Scott King was right today.

Based on the totality of Senator Sessions’ record, I have no confidence that he shares a commitment to justice for all Americans. I do not believe he will fight to defend the most vulnerable in our society. I do not believe he will stand up to President Trump when the time comes, as it surely will come.

The great Robert F. Kennedy, a U.S. Attorney General himself, once said “that every community gets the kind of law enforcement it insists on.”

We must insist that our top law enforcement officer upholds the law for all Americans. I do not have assurance that Senator Sessions will meet that challenge. I will be voting no on Senator Sessions’ nomination this evening, and I urge all of my colleagues to do likewise.

Mr. President, I yield the floor.

Mr. Leahy. Mr. President, yesterday I spoke at length about my fear that Senator Sessions do not have the ability to act as an independent Attorney General. The Attorney General is not the President’s lawyer. He or she is the chief law enforcement officer of the United States. And he or she must faithfully serve all Americans. Even if Senator Sessions could demonstrate independence from President Trump, my review of his extensive record leaves me unconvinced that he is capable of serving and protecting all Americans.

In 1968, Senator Ted Kennedy called Jeff Sessions a “throwback” because of his conduct on civil rights issues. I regret to say that, since the Judiciary Committee, Senator Sessions has fought against protecting voting rights, and as a U.S. Attorney in Alabama, his record on protecting African-American voters has been inexcusable.

Senator Sessions has fought against civil rights efforts. He has fought against protecting voting rights, and as a U.S. Attorney in Alabama, he refused to protect the right to vote of young women color, to protect the right to vote of women, to protect citizens’ right to vote.

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Committee’s bipartisan rejection of Senator SESSIONS’ nomination to be a district court judge in 1986, Senator SESSIONS has not allayed our concerns. In his 20 years in the Senate, he has not shown a commitment to protecting the civil rights in our communities. Time and again, when the rights of women, LGBT individuals, and disenfranchised communities have been debated here in the Senate, Senator SESSIONS has not sought to protect their civil and human rights. All too often, he has been the one standing in the way.

That is why National Nurses United has written to me to express their opposition to Senator SESSIONS. They wrote: “We provide the best care we possibly can, without regard to race, gender, national origin, religion, socio economic circumstances, or other identifying characteristic. That is what caring professionals do. Unfortunately, that is not what Jeff Sessions has done in his role as a public servant.” I ask unanimous consent that their full letter be printed in the RECORD at the conclusion of my remarks. That is why my friend JOHN LEWIS testified before the Judiciary Committee in opposition to the nomination. Congresswoman Jan Schakowsky wrote to me to express their opposition. She said, “When faced with a challenge, Senator Sessions has frequently chosen to stand on the wrong side of history.” Senate Republicans should be listening to these concerns and those of their constituents in our communities and airports standing up for our Constitution. We should not subject those concerns to a gag rule.

Yet Senator Sessions and his supporters have painted a different picture of his record. They have argued that he has a strong record on civil rights. So I asked Senator Sessions in written questions to identify areas in which racial inequalities persist. He could have talked about sentencing or about areas where the Voting Rights Division has found patterns and practices of police departments violating people’s rights or about the kind of voter suppression efforts that an appeals court found “target[ed] African Americans with almost surgical precision.” Senator Sessions did not identify a single example of racial inequality in modern America. That is astonishing. No one can uphold the rights of all Americans if he is unwilling to pay attention when those rights are violated.

Some have suggested that Senator Sessions’ record on civil rights has been criticized unfairly and he is held to a different standard because he is a conservative from the South. I disagree. When the Judiciary Committee rejected Senator Sessions’ district court nomination in 1986, one of the votes against him came from Senator Heflin, who was a conservative from Alabama. Moreover, I and most other Democrats just voted to confirm as U.N. Ambassador another conservative Southerner: Nikki Haley. In 2015, then-Governor Haley made the decision to remove the Confederate flag from the South Carolina Statehouse grounds. She said, “[I]t should never have been there” and that she “couldn’t look my children in the face and justify it staying there.” When Senator Sessions was asked about this and other efforts to remove the Confederate flag from public buildings, he argued that such efforts “seek to delegitimize the fabu- lous accomplishments of our country.” It can come as no surprise that the civil rights community is concerned by his nomination.

But I will speak to my own experiences with Senator Sessions’ views on civil rights laws. In 2009, Senator SESSIONS opposed expanding hate crime protections to women and LGBT individuals, groups that have historically been targeted based merely on who they are. He stated, “I am not sure women or people with different sexual orientations face that kind of discrimination. I just don’t see it.” Thankfully, a bipartisan majority of Senators saved the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act is now law. These protections are needed now more than ever. According to recent FBI statistics, LGBT individuals are more likely to be targeted for hate crimes than any other minority group in the country.

Judy Shepard, Matthew’s mother, wrote a letter last month opposing Senator SESSIONS’ nomination. She was concerned about Senator Sessions’ opposition to the law that bears her son’s name, but by how Senator SESSIONS viewed such hate crimes. She wrote:

“Senator Sessions strongly opposed the hate crimes bill—characterizing hate crimes as mere ‘thought crimes.’ Unfortunately, Senator Sessions believes that hate crimes are, what he describes as, mere ‘thought crimes.’

“My son was not killed by ‘thoughts’ or because his murderers said hateful things. My son was brutally beaten with the butt of a gun, was beaten to death, and left him to die in freezing temperatures because he was gay. Senator Sessions repeated efforts to diminish the life-changing acts of violence committed under the Hate Crimes Prevention Act horrified me then, as a parent who knows the true cost of hate, and it terrifies me today to see that this same person is now being nominated as the county’s highest authority to represent justice and equal protection under the law for all Americans.”

But that was not all. Senator Sessions also said that “the hate crimes amendment . . . has been said to cheapen the civil rights movement.” I asked him about this comment and whether he still felt that way at his hearing, but he did not respond to the question. I asked him a second time, in a written follow-up, what he meant by that comment. He replied that “Those were not my words,” but again did not explain what he had meant by that remark. So I asked him a third time. The third time, he finally conceded. He wrote a letter to me and stated, “I must say it cheapens our commitment to civil rights.” If it is not correct to say that, then why did Senator Sessions quote it in the first place—and why did it take him three tries to acknowledge the error?

Senator Sessions also opposed the 2013 Leahy-Crapo Violence Against Women Reauthorization Act, which overwhelmingly passed with support from a majority of Republican Senators. During his hearing, and again in written questions, Senator Sessions refused to commit to defend this important law’s constitutionality. That is not only that he will carefully study “it to discern whether it is ‘rea- sonably defensible.’” His refusal to voice support for VAWA is all the more troubling in light of reports that the Heritage Foundation’s budget blueprint, which is reportedly being relied on by the new administration, calls for eliminating all VAWA grants. I asked Senator Sessions to commit to stand up for victims and preserve these critical programs. Again, he refused.

Amika Swadhin, who appeared before the Judiciary Committee and bravely shared her story of being raped as a child, explained why this issue is so important: “We need an Attorney General who will continue the progress we have made since this historic passage of VAWA, someone committed to improving and enforcing our laws to ensure the most vulnerable victims of crime can come forward to seek accountability and to access healing.” This law and these grants are a matter of life and death to many people across the country. We need an Attorney General who understands that. The National Task Force to End Sexual and Domestic Violence, which has never before taken a position on an Attorney Gen- eral nomination, wrote to the Judici- ary Committee because they do not believe Senator Sessions understands that. The letter states:

“Senator Sessions’ Senate record of stren- uous objection to protections for historically marginalized populations, coupled with his record of selective prosecutions, demon- strate his unwillingness to protect marginalized victims’ lives and disqualify him from holding the position of Attorney General of the United States, a position charged with the responsibility of se- curing justice for all.”

I ask unanimous consent that this letter be printed in the RECORD at the conclusion of my remarks.

Senator Sessions and his supporters have tried to minimize his opposition to the Leahy-Crapo VAWA bill by pointing out that he did vote in committee for the Republican substitute amendment. Let me explain what that amendment would have done. It would have cut authorization levels by 40 percent, hampering efforts to prevent vio- lence and provide services to victims in need. It would have removed all provi- sions intended to ensure that victims can receive services, regardless of sex- ual orientation and gender identity. It would have removed important provi- sions to let tribal justice systems reach the many criminal and civil cases that fell through the cracks. That amendment would have gutted core elements
of the VAWA reauthorization that go to the heart of what VAWA does. A vote for that amendment hardly demonstrates a commitment to victims.

Another issue that concerns me is criminal justice reform. For years, I have worked with a bipartisan group of Senators to reduce mandatory minimum sentences for drug offenses. These sentences have created perverse disparities within our justice system. Racial disparities still receive nearly 80 percent of them. Our bipartisan effort has had the strong support of the Justice Department and many others in law enforcement, but not Senator Sessions. In recent years, no one in the Senate has fought harder against even modest sentencing reform than he has. I am also concerned about Senator Sessions’ commitment to ongoing civil rights litigation. I asked whether he would maintain the Justice Department’s position in certain important cases. He would not commit to maintaining the Department’s position, even in voting rights cases where courts have already found that certain voting practices are discriminatory.

Senator Sessions would not commit to even maintaining cases that are already at the Supreme Court. Last month, the Supreme Court heard oral argument in Endrew F. v. Douglas County School District. The Justice Department filed an amicus brief in support of the petitioner, arguing that the Individuals with Disabilities Education Act requires states to provide more than de minimis educational benefits to eligible children with disabilities an opportunity to make significant educational progress.” Even though it would be extraordinary for the Justice Department to take a new position after oral argument has already been heard, Senator Sessions would not commit to maintaining the Department’s position in this case.

I pointed to a lawsuit the Justice Department has brought against Georgia alleging that Georgia’s treatment of students with disabilities violated the Americans with Disabilities Act. In this lawsuit, the Justice Department noted that some of the facilities used by students with disabilities ‘are located in poor-quality buildings that formerly served as schools for black students during de jure segregation.’ I asked Senator Sessions whether he would continue to pursue this case, and bring it before the Supreme Court where statutory cases are in violation of the ADA. He refused to commit to continuing this case. The ADA also contains a waiver of State sovereign immunity, which is a critical tool for enforcing that landmark law. Twice during the Bush administration, Senator Sessions opposed protections for the most vulnerable, it is also the language that he uses when opposing them, which denigrate those the laws seek to protect. That is why a group of 18 disability rights organizations have written to Senate leadership expressing their strong opposition to Senator Sessions’ nomination.

Senator Sessions has also demonstrated a shockingly brazen attitude when I asked him about the offensive rhetoric used by some of his political associates. I asked him whether he would condemn certain remarks by David Horowitz, Frank Gaffney, and others. Senator Sessions received awards from these individuals who regularly attended his conferences. He has given media statements in support of their organizations and the views they put forth. Yet, when Senator Sessions was directly asked to respond to these statements, he ef fectively shrugged his shoulders. These included comments: referring to Muslims as “Islamic Nazis” who “want to kill Jews, that’s their agenda”; alleging that President Obama “is an anti-American [and] racist. Only one possible person could possibly think he’s a Muslim, he certainly isn’t a Christian… He’s a pretend Christian in the same way he’s a pretend American”; alleging that two Muslims members of Congress have “longstanding Muslim Brotherhood ties”; arguing that a Muslim member of Congress should not be allowed to serve on the House Intelligence Committee because of his “extensive personal and political associations with . . . jihadist infrastructure in America”; claiming that marriage between Jews and Muslims cannot be raped by their husbands; calling for “railroad cars full of illegals going south; and calling President Obama a traitor.

Senator Sessions responded that he does not hold those views. That is fair enough. But he did not explain why he chose to associate with such individuals. When someone accuses President Obama of treason, it is not at all enough to say, “I do not hold that view,” but then allow his Muslim advocates and 36 other civil rights organizations, including the Leadership Conference on Civil and Human Rights and the NAACP, wrote a letter to the Senate Judiciary Committee expressing a strong concern that “Senator Sessions has closely aligned with anti-Muslim hate groups, accepted their awards and accolades, and publicly praised their leadership. Senator Sessions’ support is only embolden these groups and activists and serve to further fan the flames of anti-Muslim bigotry already burning in this country.” If Senator Sessions cannot condemn David Horowitz and Frank Gaffney, who the Southern Poverty Law Center has repeatedly called “extremists” who run hate groups, for calling President Obama a traitor, it is fair to ask whether he will have the courage to stand up to the President of the United States, as Sally Yates did.

The Attorney General is charged with enforcing the laws that protect all Americans. No one can fulfill that obligation who is not clear-eyed about the threats facing the most vulnerable in our communities. We need an Attorney General who will aggressively confront those who appeal to hate and fear. I do not believe that person is Senator Sessions. The Senate and the Judiciary Committee have heard from a multitude of civil rights, civil liberties, and domestic violence organizations, as well as nurses and numerous faith leaders, who oppose this nomination. This Senate stands with them.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Hon. Patrick J. Leahy,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: We write on behalf of the more than 150,000 registered nurse members of National Nurses United to urge you to vote against the confirmation of Senator Jeff Sessions, President-elect Donald Trump’s nominee for Attorney General. Much has been said by many others against confirmation of this nominee, so we will be brief.

Our members work as bedside healthcare professionals in almost every state in the nation. We work in every hospital setting, from small rural facilities to large urban public health systems, in prominent research hospitals affiliated with prestigious public and private universities, as well as Veterans Affairs hospitals and clinics. We care for Americans on every point of the demographic spectrum, at their most vulnerable. We provide the best care we can, without regard to race, gender, national origin, religion, socio economic circumstances, or other identifying characteristics. That is what caring professionals do. Unfortunately, that is not what Jeff Sessions has done in his role as a public servant. And to vote in favor of confirming him as the chief law enforcer of the United States would abdicate your responsibility to provide the oversight necessary to ensure that basic legal rights are enforced equitably and for the protection of all people.

As Senate colleagues, you no doubt know Senator Sessions’ record as a lawmaker, as well as his record as the U.S. Attorney for the Southern District of Alabama and as the Alabama Attorney General. It was, of course, his record in the U.S. Attorney’s office and his position as Attorney General that gave rise to strong concerns from our members, who oppose this nomination. Senator Sessions has oft asserted that his “no vote happened while the Judiciary Committee was majority Republican. Even Senator Howell Heflin, a fellow Alabamian, voted against his nomination with ‘reasonable doubts’ over whether he could be ‘fair and impartial.’” Senator Sessions has also asserted that his commitment to the Equal Rights Amendment was influenced by the context, or intended as humor. But his record tells the truth. Early in his career he
charged civil right leaders ("the Marion Three") with voting fraud related to their efforts to assist African American voters. The fact that the defendants in that case were acquitted by Mr. Sessions’ Chattanooga trial jury, as Attorney General of Alabama, he initiated another voter fraud investigation involving absentee ballots cast by black voters that, again, resulted in no convictions of any sort. During that same timeframe, he was criticized for declining to investigate church burnings, and he “joked” that he thought Ku Klux Klan members were still [be] learning that they smoked marijuana.'

Against that background, Senator Sessions’ current nomination is problematic. Just as Mr. Sessions’ paternalism reflected on behalf of Latin American tribal leaders, whether she could be fair to white Americans, despite her 17-year record as a jurist, her treatment, at far lower cost to society, with appropriate treatment. Nor should Senator Sessions be trusted to ensure equal access to voting rights. He has publically called the Voting Rights Act “intrusive,” and has insisted that its proactive protections of racial minorities were no longer necessary. This is especially disturbing given the important public support for voter-ID laws, while his home state recently tried to close over thirty DMV offices, many in majority-black areas, short-term, ad hoc requirements. We refer to this Senator Sessions’ record speaks for itself and that his history of differential application of the law carries with it the potential to harm not just for rising temperature.

Future and current generations cannot afford to have a fox minding the hen house on the federal bench. Mr. Sessions’ record as a state and federal prosecutor, during which he applied the law unevenly, is one fit for such duty, a person with the intellectual, moral and steadfast ethical capacity to uphold the laws and interests of the United States and to ensure that the laws equally to all members of society.

FAILURE TO SPEAK UP FOR VICTIMS OF VIOLENCE AND DISCRIMINATION

A threshold qualification for the position of Attorney General is a deep understanding of the laws she is sworn to uphold. Of critical relevance are Senator Sessions’ recent comments on the nature of sexual assault in response to the release of a 2005 video in which President-Elect Donald Trump describes grabbing women’s genitalia without consent. When asked whether he would characterize the behavior described by President-elect Trump as sexual assault, Senator Sessions responded, “I don’t characterize that video as sexual assault. It’s a stretch. I don’t know what he meant—.”

But from his own words, the record is clear. Attorney General is a deep understanding of the laws she is sworn to uphold. Of critical relevance are Senator Sessions’ recent comments on the nature of sexual assault in response to the release of a 2005 video in which President-Elect Donald Trump describes grabbing women’s genitalia without consent. When asked whether he would characterize the behavior described by President-elect Trump as sexual assault, Senator Sessions responded, “I don’t characterize that video as sexual assault. It’s a stretch. I don’t know what he meant—.”

Federal statutes enacted prior to Senator Sessions’ tenure as U.S. Attorney for the Southern District of Alabama criminalize “abusive sexual conduct.” The applicable definition for conduct prohibited by 18 U.S.C. §2244 is clearly stated: ‘the intentional touching, either directly or through clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or outrace or otherwise offense the other person. Thus, the Senator is either unaware that abusive sexual contact is illegal under federal law or he is an enabler of such behavior. The position of Attorney General is one fit for such duty, a person with the intellectual, moral and steadfast ethical capacity to uphold the laws and interests of the United States and to ensure that the laws equally to all members of society.

NATIONAL TASK FORCE TO END SEXUAL & DOMESTIC VIOLENCE

DEAR MEMBER OF THE JUDICIARY COMMITTEE: We, the steering committee of the National Task Force to End Sexual and Domestic Violence (NTF), a bipartisan effort spearheaded by Sens. Charles Grassley (R–Iowa), Mike Lee (R–Utah), and John Cornyn (R–Texas), and Speaker of the House Paul Ryan (R–Wis.). The fact that law enforcement leadership throughout the nation supported the reform effort made no difference to Senator Sessions. And unfortunately, his actions as U.S. Attorney for the Southern District of Alabama further illustrate his indifference to this crisis. For example, drug convictions made up 40 percent of his cases when he served in that position—twice the rate of other federal prosecutors in Alabama.

Despite the current trend of focusing resources on violent crime, and away from outdated drug war policies, Senator Sessions continues to oppose any attempts to legalize marijuana and any reduction in drug sentences. As Attorney General, he could direct federal prosecutors throughout the country to pursue the harshest penalties possible for even low-level drug offenses, a step that would likely create our nation’s largest jail of incarcerating non-violent offenders—the vast majority of whom could be successfully treated, at far lower cost to society, with appropriate treatment.

Nor should Senator Sessions be trusted to ensure equal access to voting rights. He has
a thorough understanding of the legal definition of sexual assault under federal law and under the laws of the jurisdictions in which the Office of the U.S. Attorney has prosecutorial responsibility. The National Coalition for the Protection of Child Victims of Sexual Assault has worked collectively for decades to ensure that legal definitions in the U.S. Code and under state laws mirror its mission to protect children against sexual assault.

The job of the Attorney General is to enforce the law without fear or favor. Thus, we expect the Attorney General to enforce federal laws addressing sexual assault without introducing nonexistent ambiguity, because of the perpetrator’s identity. Senator Sessions’ cavalier statement about sexual assault leaves us fearful that he will not vigorously prosecute sexual assault crimes, a practice unbecoming of the nation’s chief law enforcement official.

Additionally, Senator Sessions’ poor history with respect to fighting for fairness and equal rights may well step in to vindicate the rights of survivors of campus sexual assault and other victims of discrimination. The Justice Department’s commitment to ensuring that educational institutions root out bias and violence and hold perpetrators accountable, victims of gender-based violence and survivors of gender-based violence, particularly vulnerable populations and those at the margins of society, have access to vitally needed services and legal protections.

We are concerned that the positions that Senator Sessions has taken in immigration and LGBT communities pose grave threats to vulnerable victims of gender-based violence. His consistent support of immigration policies that have on undocumented victims of sexual and domestic violence victims pushes immigrant victims further into the shadows and harms communities coupled with cavalier statements about perpetrators to abuse, traffic and assault with impunity. During the consideration of two major comprehensive immigration bills in the last two years, Senator Sessions has sponsored amendments and stand-alone legislation to limit the availability of critical safety net assistance for immigrants and increase barriers to protections from abuse and exploitation by penalizing local jurisdictions that fail to engage in immigration enforcement to protect community safety. Senator Sessions’ record leaves us gravely concerned that he would not vigorously or consistently apply these protections.

Conclusion

The 14th Amendment provides the inalienable right to life, liberty and the pursuit of equal protection under the law. Senator Sessions’ record is replete with actions taken and statements made in opposition to equitable educational access. The Attorney General of the United States must be an individual committed to ensuring equal access and safety under certain programs in the Violence Against Women Act for victims of sexual and domestic violence who have disabilities.

Pair Application of Law

We have additional concerns regarding the Attorney General’s role with respect to the fair, even and unbiased application of the law. Victims and survivors come from all racial or ethnic backgrounds, faith practices, sexual orientations, and gender identities: 35.5% of multiracial victims have been raped as have 27% of American Indian and Alaska Native women, 15% of Hispanic, 22% of Black, and 19% of White women. Additionally, 83.4% of women and 93.1% of multiracial men experience intimate partner physical violence, intimate partner sexual violence and/or intimate partner stalking. In 2013, 43.3% of American Indian and Alaska Native men, 19.6% of Asian and Pacific Islander women (data for Asian and Islander men is not available), 43.7% of Black women, 38.6% of Black men, 37.1% of Hispanic women, 26.6% of Hispanic men, 54.6% of White women and 22.2% of White men. We know firsthand that many survivors from vulnerable populations hesitate to contact law enforcement or do not trust the court system to address their victimization because they fear, based on prior experience, that any justice system response may not help them. We expect anyone who serves as Attorney General to create a system that holds perpetrators accountable, victims of gender-based violence, particularly vulnerable populations and those at the margins of society, have access to vitally needed services and legal protections.

Senator Sessions’ record as Attorney General leaves us fearful that he will not vigorously or consistently apply the law to the disadvantage of historically marginalized populations. Senator Sessions’ history leads us to question whether he will take a stand against individuals and survivors of gender-based violence, particularly vulnerable populations and those at the margins of society, have access to vitally needed services and legal protections.

Senator Sessions’ record sends the message to marginalized survivors that their experiences will not be understood, nor will their rights be protected, if he is confirmed as the Attorney General.
Senator SESSIONS’ nomination to be Attorney General of the United States.

I have long served with Senator SESSIONS. While he and I have frequently disagreed on certain legal and civil rights issues, I have never doubted the sincerity of our differences. I am deeply concerned, however, that he cannot be the effective check on the Executive Branch that our nation currently needs.

In just the short time since President Donald Trump took office, our Nation has faced upheaval and challenges to the way our government typically runs. The President’s unprecedented refusal to divest himself of his business holdings, refusal to divest himself of his holdings while in office has created legal and constitutional conflicts that are unique in our Nation’s history. His use of social media to antagonize American businesses has already caused needless volatility in our economy, with the potential to undermine our financial stability. Most recently, he has unilaterally enacted a ban on travel to the United States from several Muslim-majority countries—creating chaos in airports, separating families, and tarnishing our Nation’s image around the world. It is of great concern to me that Senator SESSIONS has already called into question the Voting Rights Act and praised the Supreme Court’s harmful decision striking down a key section of this law.

These are just some of the clear disagreements I have with the positions Senator Sessions has taken over the years, which cause me to doubt his ability to effectively lead the Justice Department. Our next Attorney General should be a champion for all Americans’ civil rights and civil liberties. The occupant of that office should give Americans confidence in our judiciary, our elections, and the impartial due process that is the hallmark of the rule of law. Therefore, I cannot support Senator Sessions’ nomination to be Attorney General of the United States. Mr. MARKEY. 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. LEE. Mr. President, I ask unanimous consent to order for the quorum call to be rescinded.

The PRESIDING OFFICER (Mr. TOOMEY). Without objection, it is so ordered.

Mr. LEE. Mr. President, I rise today to speak in support of the nomination of Senator Jeff Sessions to be the next Attorney General of the United States.

I enthusiastically support this nomination, because I know Senator Sessions to be a prepared, independent-minded man of great integrity. He is someone who understands and respects the rule of law. He values it deeply, in fact. He is someone who understands the difference between making law and enforcing the law. He understands the difference between setting policy and enforcing laws that contain policy, and he is someone who understands that, as a lawyer, the very best way to serve your client often involves offering honest, independent advice—honest independent advice of the sort that might not always occur to the client on the client’s part.

I have listened to the remarks of some of my colleagues, and I have to state that I have served with Senator Sessions for the last 6 years, ever since I first became a Member of this body, and I don’t recognize the caricature that has been painted of him over the last 24 hours. So I want to address head-on several of my colleagues’ expressions of concern about his nomination.

Some of my colleagues have expressed and relied upon what really is someone who understands that, as a lawyer, the very best way to serve your client often involves offering honest, independent advice—honest independent advice of the sort that might not always occur to the client on the client’s part.

As I explained it in our Judiciary Committee markup last week, I have disagreed with Senator Sessions not just 1 or 2 times but on many, many occasions and not just on a few isolated issues that are only tangentially related to his nomination but on circumstances and issues that are very important to me and that are at the center of my legislative agenda. We have disagreed, for example, about sentencing reform. We have disagreed about immigration reform, and several important national security issues implicating constitutional law, and constitutional policy. All of these issues are very important to me and to Senator Sessions. They can be emotional issues, and they happen to be issues on which Senator Sessions and I disagree, not just a little bit, but we happen to disagree taking almost diametrically opposed positions in many of these areas.

Notwithstanding these disagreements—disagreements that I have seen in every one of the 6 years I have served in this body so far—I have never seen Senator Sessions raise his voice in anger against a colleague. To be sure, Senator Sessions makes his arguments vigorously, passionately, and forcefully, and yet he does so in a way that ensures that he will always treat his colleagues, even though he disagrees with them, with respect and re- spect. You may not persuade him that your position is right and his is wrong, but he always gives you the opportunity to make your case. I think Members of this body know that. Those Members of this body who have actually taken the time to get to know Senator Sessions and actually have the opportunity to work with him, even the opportunity to disagree with him know that. Senator Sessions interacts with his colleagues in a way that demonstrates his respect for differences of opinion that are seldom seen here. In fact, I can’t think of a colleague who better exemplifies the principles of collegiality to which we aspire in this body than does Senator Sessions.

Perhaps even more importantly, Senator Sessions obviously understands the difference between lawmaking on the one hand and law enforcement on the other hand. This is plain from testimony he provided before the Judiciary Committee.

As just one example, he told us:

"To go from the Legislative branch to the Executive branch is a transfer not only of position, but of the way you approach issues. I would be in an executive function and enforcement function of the law this great legislative body might pass."

His commitment to the rule of law and even application of the law is also plain from his public record, from his record serving in other positions. His record, for example, as U.S. Attorney for the Southern District of Alabama, and his record as attorney general for the State of Alabama.

On the matter quite plainly, a great number of Senators have served in the Cabinet over the years. The standard has never been that a Senator is somehow unfit for the executive branch—for a Cabinet position in the executive branch—if he or she has disagreed with the President on important issues. If that were the standard, no Senator would ever be confirmed because we debate important public policy issues.
every single day, and it is never the case that we will find any among us, even colleagues, with whom we agree most of the time who are going to agree with us 100 percent of the time. So I urge my colleagues to put aside any policy differences they might have with Senator Sessions when considering his nomination and when deciding how they are going to vote in response to his nomination, because those simply are not relevant to his job and, at a minimum, ought not to be disqualifying factors relevant to his job.

As to independence, some of my colleagues doubt that Senator Sessions will be an independent voice at the Department of Justice. Respectfully, I can say with full confidence that anyone who actually knows Senator Sessions knows that he is fiercely independent-minded. He never shies away from expressing his closely held, sincerely developed views on any issue, even under political pressure. He was not afraid of taking a different course of action even when political pressure might suggest that his course of action be in order. It is clear that Sessions will apply his independent-mindedness to his job after he is confirmed as Attorney General of the United States.

During the Judiciary Committee, he repeatedly outlined the importance of having an independent Attorney General, and he explained how he would fulfill this obligation, how he would become precisely such a leader, and how he would exercise a degree of independence and not simply be a rubber stamp.

For example, he told us that every Attorney General understands that, if a President wants to accomplish a goal that he or she believes in deeply, you should help them do it in a lawful way but make clear and object if it is an unlawful action. He described that role—being able to tell the President “no,” that is—as “the ultimate test of his independence.”

He testified: “I hope that President Trump has confidence in me so that if I give him advice that something can be done or cannot be done, that he would respect that.”

Sessions also explained that if the Attorney General were asked to do something plainly unlawful, he cannot be trusted with this type of constitutional responsibility, and people who do not have any substantial responsibility very seriously. He testified: “I hope that President Trump has confidence in me so that if I give him advice that something can be done or cannot be done, that he would respect that.”

So I urge my colleagues to reflect on the Senators that you either believe or don’t believe. You can’t reason your way to an answer. You have to know the person.

So I urge my colleagues to reflect on their experiences with Senator Sessions. If I know one thing about him, he is not a “yes” man. If I know one thing about him, it is that of all the people with whom I have served in the Senate, he is one of the very last who I would ever expect in any context to sell out his sincerely held views on the basis of political expediency. Instead, Senator Sessions takes his professional responsibility very seriously.

When he was a lawyer, he took seriously his obligations to his client and the law. As a Senator, he has taken seriously his obligations to the people of the State of Alabama. I know he will do the same thing at the U.S. Department of Justice.

He told us that the Attorney General ultimately owes his loyalty to the integrity of the American people and to the fidelity of the Constitution, and the legislative laws of the country.

This demonstrates that Senator Sessions understands, as any good lawyer does, that every lawyer has a client, and you understand how best to represent the client and that client’s interest. You have to understand the nature of the attorney-client relationship. You have to know who the client is, you have to know how to interact with that client, and you have to be willing to push back on that client, even when—especially when—it is difficult, because that is the job of the lawyer. The obligations incumbent upon the lawyer provides that the lawyer sometimes has to push back on the client.

At the end of the day, it seems to me that some of my colleagues perhaps just want an Attorney General who will be openly, affirmatively, presumably, perennially hostile to the President’s agenda. Now, that has never been the standard, and it is not a workable way of arranging the executive branch of the U.S. Government. The President should be allowed to assemble his or her team as long as the President picks people who are qualified, people who are willing and able to fulfill their constitutional responsibility, and people who do not have anything disqualifying in their backgrounds that would suggest that they are unable to fulfill this type of very substantial responsibility.

Senator Sessions plainly satisfies these criteria.

So I support Senator Sessions’ nomination. I do so wholeheartedly. I do so, having, with a somewhat heavy heart, knowing that as we take this step and confirm Senator Sessions as the next Attorney General of the United States, we will be losing a colleague—not just any colleague but a colleague that has been a dear friend to me, a lawyer of the highest order, and a good example to me at every stage of my service in the Senate. He has done this not only when we have agreed, but he has done this especially when we have disagreed. That is what I love so much about Senator Sessions—that he has taught me much about how to get along with and respect people who sometimes reach different conclusions than I reach on my own.

Thank you, Mr. President. I yield the floor.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, in accordance with Public Law 93–618, as amended by Public Law 100–418, on behalf of the President pro tempore and upon the recommendation of the chairman of the Committee on Finance, appoints the following members of the Finance Committee as congressional advisers on trade policy and negotiations to International conferences, meetings and negotiation sessions relating to trade agreements: the Senator from Utah (Mr. HATCH), the Senator from Iowa (Mr. GRASSLEY), the Senator from Idaho (Mr. CRAPO), the Senator from Oregon (Mr. WyDEN), and the Senator from Michigan (Ms. STABENOW).

The Chair announces, on behalf of the majority leader pursuant to the provisions of Public Law 114–196, the appointment of the following individuals to serve as members of the United States Semiquincentennial Commission—


Mr. LEE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Ms. HARRIS. Mr. President, my parents met when they were graduate students at the University of California, Berkeley, in the 1960s when they were active in the civil rights movement. In fact, my sister and I joke that we grew up surrounded by a bunch of adults who spent their full time marching and shouting for this thing called justice.

Now, some may argue that you cannot necessarily trust his testimony because no Attorney General nominee would declare an intention to be a rubber stamp to the nominee President. Others may argue that Senator Sessions was too involved in the Trump campaign to be impartial. This is one of those points that you either
way it did in Brown v. Board of Education, I would not be standing here as a Member of the U.S. Senate.

So then, as a direct beneficiary of landmark rulings by the U.S. judicial system and the American judicial system, I fully recognize the profound and lasting impact our courts can have on the everyday lives of Americans. It is with a deep respect and admiration for the role of our justice system that I rise to oppose the nomination of Senator Sessions to be the next Attorney General of the United States.

The mission of the Department of Justice is clear: “To enforce the law and defend the interests of the United States according to the law; to ensure public safety against threats, foreign and domestic; to provide Federal leadership in preventing and controlling crime; to seek just punishment for those guilty of unlawful behavior; and to ensure fair and impartial administration of justice for all Americans.”

It is those words—“justice for all”—that best articulate the spirit behind our judicial system.

I am a career prosecutor. In fact, I started my work as a young deputy district attorney in Alameda County District Attorney’s Office. That office was once led by U.S. Supreme Court Justice Earl Warren. Every time I filed a case, it would never read with the name of the victim versus the name of the defendant. It always read “the people” versus the defendant because in our democracy, in our great judicial system, we have rightly said a harm against any one of us is a harm against all of us, especially because we know that harm is most often directed at some of the most vulnerable and voiceless among us. So we rightly have declared that as a civil society, we will not require them to fight alone. We will stand with them. Justice for all.

That raises my question of whether this nominee can fulfill the role and responsibility of this job. Let’s be clear. This is not a debate about a President’s nominee. It is not simply a debate about a President’s nominee. This is a debate about the fundamental ideals of our country—ideals that date back to the founding of our country and those great words we spoke in 1776: “We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness.”

All men are created equal, with unalienable rights. In other words, President Lincoln was fulfilling the promise first made in the Declaration of Independence, a promise that made clear the basis for legal equality derives not through a right that is given but from natural rights—rights that have been endowed upon us by our Creator; rights inalienable and should not be taken away or given up.

So let us recognize that civil rights are not given through the enactment of a law or the publication of a court decision. Rather, our inherent civil rights are fulfilled when we guarantee them through the implementation and enforcement of the law.

Well-meaning people indeed can argue that Americans are entitled to ensure our fundamental rights, but it is crucial that we do not allow ourselves to be drawn into a suggestion that enforcing civil rights is favoring one group over another. Protecting civil rights is not about taking care of someone else. It is in our own interests. It is in each of our self-interests.

Liberty for each of us depends on liberty for all of us. It is just like the Department of Justice’s mission, which articulates in those three words, “justice for all.”

This is the Department’s charge. It is its mission, and the next Attorney General of the United States must use his powers as a prosecutor to uphold it. This is the thing troubling and, frankly, unacceptable record of the nominee for this office. It is the U.S. Department of Justice that is charged with enforcing the rights of those trying to cast a ballot, but Senator Sessions cheered the Supreme Court’s decision to gut the Voting Rights Act, used his power as a U.S. attorney to prosecute three African-American Civil Rights activists in Alabama, and then called the NAACP “un-American.”

It is the U.S. Department of Justice that addresses and corrects inequalities that we know, unfortunately, still exist in our criminal justice system and have led to mass incarceration— but Senator Sessions led the opposition to bipartisan sentencing reform.

It is the U.S. Department of Justice that investigates and prosecutes crimes motivated by hate based on race, religion, gender, nationality, disability, or sexual orientation of its victim—but in the 1960s, when lawmakers passed hate crime legislation after the brutal killing of Matthew Shepard, Senator Sessions was a vocal opponent.

It is the U.S. Department of Justice that uses the power of the prosecutor to protect women who have been victims of crime—but Senator Sessions voted no when both Democrats and Republicans came together to reauthorize the Violence Against Women Act, which gives support and assistance to survivors of domestic violence and sexual assault, including members of our LGBT community.

It is the U.S. Department of Justice that defends that most fundamental right of freedom to worship—but it was Senator Sessions who was one of the most outspoken defenders of then-candidate and now-President Donald Trump’s unconstitutional Muslim travel ban which, by the way, was roundly denounced by many of his fellow Republicans.

It is the U.S. Department of Justice that enforces Federal laws prohibiting employment practices that discriminate on the grounds of race, sex, religion, and national origin. But Senator Sessions has opposed the Paycheck Fairness Act, Lilly Ledbetter Act, and the Employee Non-Discrimination Act.

It is the U.S. Department of Justice that implements the Americans with Disabilities Act. Democrats and Republicans worked to reauthorize the Individuals with Disabilities Education Act, which provides resources to children with special needs, with strong bipartisan support. Senator Sessions rejected funding educational services for these children “may be the single most irritating problem for teachers throughout America today.”

Whether you are the father of a special needs child in a classroom, a woman trying to earn fair pay, an African-American man in a voting booth, or a victim at a police station trying to report a crime, Senator Sessions has not been your advocate.

As a former U.S. Attorney General, the great Bobby Kennedy once said:

We must recognize the full human equality of all our people before God, before the law, and in the councils of government. We must do this, not because it is economically advantageous, although it is; not because the laws of God and man command it, although we do not because it is what our lands wish it so. We must do it for the single and fundamental reason that it is the right thing to do.

The right thing to do. That is what makes us special as a country. That is what makes us right. That is what makes us great—our values and our ideas. It is the belief that no matter who you are, whether young or old, rich or poor, gay or straight; whether you are a child from Oakland or a child from Birmingham; whether you came here by plane to escape the hardships of war and torture or by foot to build a better life; whether you have been the victim of gun violence or opioid addiction; whether you have been helped or not because you are black or white, male or female, rich or poor, gay or straight; whether you are a child from Oakland or a child from Birmingham; whether you came here by plane to escape the hardships of war and torture or by foot to build a better life, we must all have the same rights.

What makes us right. That is what makes us great—our values and our ideas. It is the belief that no matter who you are, whether young or old, rich or poor, gay or straight; whether you are a child from Oakland or a child from Birmingham; whether you came here by plane to escape the hardships of war and torture or by foot to build a better life, we must all have the same rights.

It is what led Attorney General Herbert Brownell, when there was rampant voter discrimination and intimidation here in the United States, to create in the United States Department of Justice the Civil Rights Division, whose mission is to “uphold the civil and constitutional rights of all Americans, particularly some of the most vulnerable and defenseless members of our society.”

It is what led Attorney General William Barr to demand the integration of an elementary school at the Redstone missile center in Alabama when the children of Black service-members were being denied entry.

It is that commitment that led Bobby Kennedy to send 500 U.S. marshals to Oxford, MS, to escort a young Black man, James Meredith, to enroll at Ole Miss. It is what led U.S. Attorney General Elliott Richardson to restructure the bidding of a corrupt President during Watergate.

It is what led my friend, Attorney General Eric Holder, to sue the State
of Arizona over SB 1070, a law that led to the unjust racial profiling of immigrants and to say that the U.S. Government would no longer defend a law that prevented LGBT Americans from expressing their love for one another.

It is what led Attorney General Sally Yates yesterday evening this month, to stand up and refuse to defend a Muslim ban.

More than most Cabinet positions, the U.S. Attorney General enforces the principles that are the founding of our country, but I have seen no evidence in his record or testimony that Senator Sessions will approach this office in furtherance of these noble ideals. The gains our country has made are not permanent, and it is incumbent on the Attorney General of the United States to fight for the civil rights of all people.

No one said it better than Coretta Scott King:

"Freedom is never really won. You earn it and you have to pay your taxes on it." 

If Senator Sessions won’t, then it is incumbent upon the rest of us to persist.

I urge my colleagues to vote no.

Mr. President, I yield the floor.

I urge my colleagues to vote yes.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. NELSON. Mr. President, I rise today to speak about the nomination of Senator Sessions to be the next Attorney General. I believe one of the most important jobs of a U.S. Attorney General is to protect the people’s right to vote.

In the tumultuous days of the early 1960s, in a hot afternoon, I watched on a grainy black and white TV as Dr. King delivered his memorable “I Have a Dream” speech on the steps of the Lincoln Memorial.

His soaring, spiritually laced speech challenged us to commit our lives to ensuring that the promises of American democracy were available, not just for the privileged few but for “all of God’s children, black men and white men, Jews and Gentiles, Protestants and Catholics.”

“Now is the time,” Dr. King urged, “to make real the promises of democracy.” He stressed that a central promise made to the citizens in a democracy is the right to vote and to have that vote counted. He said: “We cannot be satisfied as long as a Negro in Mississippi cannot vote and a Negro in New York believes he has nothing for which to vote.”

Half a century has passed, and our country has changed with the times, but every line has not changed. The right to vote for “all God’s children” in America is still under assault. Unbelievably, we are not so very far from the problems of 1963. Despite the passage of time and landmark civil and voting rights legislation, five decades later there is still considerable voter suppression in this country.

In fact, several States have recently enacted laws that roll back voting hours on nights and on weekends, eliminating same-day registration, and basically making it harder for people to vote. Standing in between a citizen and the voting booth is a direct contradiction to the vision of equality and justice that founding Fathers. In 1776, they declared that all men were created equal, but many in our country had to wait another 94 years before the 15th Amendment to the Constitution granted citizens the right to vote—though not all citizens.

Ratified in 1870, the amendment states: “The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.” The Congress shall have power to enforce this article by appropriate legislation.”

It still took another 50 years before women in America were allowed to vote. After her arrest for casting a ballot on election day, Susan B. Anthony delivered a number of speeches in Upstate New York on women’s suffrage. In those speeches, she noted that the right of all citizens to vote in elections is key to a functioning democracy.

Specifically, one line from her speech stands out. “And it is a downright mockery to talk to women of their enjoyment of the blessings of liberty while they are denied the use of the only means of securing them by providing the democratic-republican government—the ballot.”

After the passage of the 19th Amendment granting women the ballot, it took another 45 years before our Nation enacted the Voter Rights Act of 1965 intended to guarantee every U.S. citizen the right to vote. Does this principle really hold true in practice?

The continued voter suppression of which I speak may not be as blatant as it once was with Jim Crow laws and poll taxes and literacy tests and the like, but it is still very much with us.

In recent years, it is obvious that hurdles have once again been placed between the ballot and the young and minority voters. A devastating blow was dealt by the U.S. Supreme Court when it gutted the Voting Rights Act in 2013. Our Nation’s highest court struck down a central provision of the law that was used to guarantee fair elections in this country since the mid-1960s, and that includes the guarantee of elections in my State of Florida since that time.

Congress passed the Voting Rights Act of 1965 to protect our right to vote. It required States with a history of voter suppression to get Federal approval before changing their voting laws. And for nearly five decades, the States had to prove to the Department of Justice why a change was necessary and demonstrate how that change would not harm voters.

In a 5-to-4 decision, the Court declared that part of the law was outdated. It essentially cut back on early voting days. They reduced them in States that conceded its ruling in the Court by pointing out that we no longer had the blatant voter suppression tactics once used to disenfranchise targeted voters across the country. I vigorously disagree because removing much needed voter protections also prevents the Federal Government from trying to block discriminatory State laws before they go into effect. In essence, States and local jurisdictions are now legally free to do as they please.

In fact, just moments after the decision, the Texas attorney general said his State would begin “immediately” honoring local legislation that a fellow court had imposed “on the basis of temporary and unforgiving burdens” on many Texans attempting to cast a ballot.

As has been noted, the right to vote was not always given to all American adults, but our laws adjusted as we became a more mature and tolerant democracy. But the reverse is what has been happening in America today and especially in Florida.

Since the 2010 election, in addition to cutting back on early voting in states like North Carolina, Ohio, Wisconsin, and Florida have approved voting restrictions that according to some experts are targeted directly at reducing turnout among young, low-income, and minority voters who traditionally support Democrats.

One study by the Brennan Center for Justice at New York University School of Law reviewed the crop of similar disenfranchisement laws that were enacted after the 2010 elections. It concluded that as many as 5 million Americans could be adversely affected by these voting laws, and there is a clear political impact as a result of these disenfranchisement laws.

Two University of Massachusetts professors conducted a study that found that there was a clear pattern associated with the voter restrictions in the various States. According to Keith Bentele and Erin E. O’Brien, States were more likely to pass limits on voting that elected those Republican Governors, those States that increased their share of Republican lawmakers, and those States that became more narrowly competitive under Republicans.

In 2011, the Florida legislature and State officials reduced a number of early voting days. They reduced them from 2 weeks down to 8 days, including very conveniently canceling the Sunday right before the Tuesday election, a day that had historically seen heavy African-American and Hispanic voting.
State officials countered that registered voters would still have the same number of hours and that they could still vote early, only in 8 days instead of 2 weeks. Well, it didn’t work out that way. Florida also made voting harder for some people who had recently moved to another county and had an address change, such as college students, after it subjected voter registration groups to penalties and fines for mistakes—voter registration, mind you, penalties, and fines if you didn’t turn in within a certain number of hours.

They were so burdensome that the League of Women Voters challenged the provision in Federal court and they won not before Jill Ciccarelli, a Florida teacher, had helped her students preregister to vote and ended up facing legal troubles as the result of her well-intentioned public service. A schoolteacher, teaching a government class, getting her kids preregistered, so when the time came, they could vote, and she got in trouble with the State of Florida. The New Smyrna Beach High School civic teacher unwittingly ran afoul of the State’s new convoluted election law. Ciccarelli, it turned out, hadn’t filed with the State when she began the driving and didn’t submit forms to the elections office within that short number of hours. “You’re talking about a high-energy teacher who cares about her kids, cares about her school, and cares about her country,” is how the New Smyrna High School principal, Jim Tager, described the situation.

Thankfully, the Voting Rights Act allowed the Federal Government to go before a panel of Washington, DC judges who found that Florida’s 2011 reeducation of early voting—which I have just chronicled—here is what the court said, “would make it materially more difficult for some minority voters to cast a ballot.” As a result, Florida had to restore 96 hours of early voting.

Even with these added protections, the next election in 2012 was a fiasco. Lines outside the polling places were prohibitively long, with some people waiting up to 8 hours to cast their vote. I am not kidding the Senate. There were lines in Dade County, Miami Dade County, 7 and 8 hours. By the way, some of those lines, there wasn’t a nearby bathroom. Faced with calls to roll toilets, 90-90, at 90-90, the Secretary of State, denied a request from the city of Gainesville in a municipal election. They denied the request to use the University of Florida campus building for early voting. A move that was viewed by some minority—as an assault on student voting by making it more difficult for students to find a place to vote.

By then, I had asked the U.S. Attorney General Eric Holder, for an investigation into the changes in Florida’s voting law. In response, the Attorney General wrote to warn the Governor of Florida that the Justice Department would be “carefully monitoring” Florida’s elections. “During your tenure, your State has repeatedly added barriers to voting and restricted access to the polls,” the Attorney General wrote. “Whenever warranted by the facts and the law, we will not hesitate to use all tools and legal authorities at our disposal to fight against racial discrimination, to stand against disenfranchisement, and to safeguard the right of every eligible American to cast a ballot.”

Mr. President, I ask unanimous consent to have printed in the Record the letter from the U.S. Attorney General to the Governor of Florida, dated July 21, 2014.

"There being no objection, the material was ordered to be printed in the Record, as follows:


Hon. RICK SCOTT,
Governor of Florida, The Capitol, Tallahassee, FL.

DEAR GOVERNOR SCOTT: In recent years, I have heard from public officials and citizens of Florida expressing their deep concern that certain changes to Florida election law and procedures have restricted voter participation and limited access to the franchise. Because the right to vote is one of our nation’s most sacred rights, I strongly urge you to reverse these laws and make it harder for citizens to register and to vote so that all eligible Floridians can easily and without burden exercise their right to vote.

Florida’s new laws impose extraordinary risks and willingly confronted hatred and violence—including in your home state—and measures that all Americans would have the chance to participate in the work of their government. The right to vote is not only the cornerstone of our system of government—it is the foundation of democracy. Whatever the precise contours of federal law, we each have a civic and moral duty to protect, and to expand access to, this right.

For this reason, I am deeply disturbed that during your tenure your state has repeatedly added barriers to voting and restricted access to the polls. For example, changes in 2011 significantly narrowed the early voting window that had previously enabled thousands of Floridians to cast ballots. As the three judge court in Florida United States, 885 F. Supp. 2d 299 (D.D.C. 2012), observed, the law threatened “a dramatic reduction in the form of voting that is disproportionately used by African-Americans” that would have made it “materially more difficult for some minority voters to cast a ballot than under the prior law,” in part because the decreased opportunity for early voting would produce increased lines at the polls during the remaining hours. Id. at 302. Accordingly, the court expressly approved reduced early voting hours with respect to the five counties in Florida covered by the Voting Rights Act’s preclearance provision.

Indeed, Florida’s decision to reduce early voting opportunities in the 2011 legislation was widely recognized as a disaster. A report released by the Orlando Sentinel in January 2013 found that at least 201,000 Florida voters did not cast ballots on Election Day 2012 because they were discouraged by long lines at polling places. I am pleased that last year you signed legislation that restored early voting days. However, I have grave concerns that there remains a troubling pattern in your state’s measures. What was more difficult, not easier, for Floridians to vote. For example, as part of the same 2011 law, the state imposed rules on organizations that helped register individuals that were, in the words of a federal court, “harsh,” “impractical,” “burdensome,” and “unworkable.” League of Women Voters of Fla., v. Browning, 609 F. Supp. 2d 1155 (N.D. FL. 2012). Most recently, the federal courts have concluded that in 2012, Florida violated the National Voter Registration Act of 1993 (NVRA) by conducting a systematic program to purge voters from its voter registration rolls for a 90-day quiet period before an election for federal office. In doing so, Florida used inaccurate and unreliable voter verification procedures that harmed and confused voters. Arcia v. Sec’y of State, 746 F.3d 1273 (11th Cir. 2014).

Florida is one of just eleven states that continue to restrict voting rights even after a person has served his or her sentence and is no longer on probation or parole; and in 2011, you made it more difficult for individuals who have served their sentences to register and to vote. As a result, you have failed to reverse automatic restoration of rights for non-violent felons and requiring a five year waiting period for felons convicted of non-violent crimes to apply to have rights restored. Approximately ten percent of the entire population is disenfranchised as a result.
of Florida law. The justifications for denying citizens’ voting rights for life, especially after they have completed their sentence and made amends, are unpersuasive. On the contrary, the voting rights of offenders whose voting rights are restored are significantly less likely to return to the criminal justice system. For example, a study recently conducted by a parole agency in Florida found that, while the overall three-year recidivism rate stood at roughly 35 percent, the rate among those who were re-enfranchised after they’d served their time was just a third of that.

And there are a number of other troubling examples of recent changes. In 2013, Florida Secretary of State Ken Detzner issued a directive to county officials who supervise elections stating that they should never solicit the return of absentee ballots at any place other than supervisors’ offices. Many have expressed concern that this directive will significantly reduce the number of places to return an absentee ballot and will have a negative impact on citizens whose jobs, access to transportation, or addresses make it difficult to return ballots to supervisors’ office which, especially in large counties, may be miles away.

This year, Gainesville, in an attempt to avoid overcrowding or to suggest that the 2012 election, sought approval to use the University of Florida’s student union as an early voting site. Secretary of State Detzner denied the request. As a result, it is more difficult for University of Florida students—who have to travel to alternative early voting locations miles off campus—to participate in elections.

In April, it was reported that the Miami-Dade County Elections Department had a policy, according to an email from an Assistant County Attorney, not to permit access to restrooms at polling sites on election days.” As you know, in 2012, Miami-Dade County had some of the longest lines and waiting times to vote in the United States. Some voters reported waiting as much as six hours. Many of the people stuck in lines need to use bathroom facilities in order to remain in line and be allowed to vote.

Whether or not these changes would ultimately be found to violate specific federal laws, the troubling series of efforts to limit citizens’ ability to exercise the franchise. And I write to you today to make clear that the Department of Justice is carefully reviewing election decisions and the country—including throughout Florida—for voting changes that may hamper the voting rights we are charged with protecting. Whenever possible, we will use the facts and the law to make whole and safeguard the right of every eligible American to cast a ballot.

Sincerely,
Eric H. Holder, Jr.,
Attorney General.

Mr. NELSON. The Attorney General cited problematic actions of the Governor’s chief elections official, including purging from the voter rolls suspected noncitizens—a move that even- tually was blocked after outright opposition from county election supervisors.

So in light of this evidence and following a widespread public outcry, what do we do now? As we say, it may not be the most poll tactics and all the other blockades to voting, as we have seen in the past, particularly by all of the marches and so forth during the 1970s civil rights era. It might not be as obvious, but there are all these subtle attempts. So what do we do?

I submit that though the problem is complex, the answer is relatively simple. As Americans who cherish the right to vote, we must turn to those schemers and say: There is a promise of democracy which we allow you to break. We have an obligation to keep this promise of democracy for our children.

Congress may be dysfunctional, but we must continue to push law- makers to act for all Americans to ensure that the Supreme Court struck down on a 5-to-4 vote, a key provision. We ought to be making it easier to vote, not harder. I believe no one should have to wait more than one-half hour to vote.

So I joined with others a few years ago to introduce a bill in Congress aimed at making that standard 30-minute wait time based on the January 2014 recommendation of a bipartisan Presidential Commission on Election Administration. Keeping in mind what President Johnson said a half century ago: “The vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men.”

Also remember what Dr. King said:

So long as I do not firmly and irrevocably possess the right to vote, I do not possess myself. I cannot make up my mind—it is made up for me. I cannot live as a democratic citizen, observing the laws I have helped to enact—I can only submit to the edict of others.

Don’t we owe it to all our children the right to possess themselves if this is to be a truly free and fair democracy? I believe that two of the most fundamental rights in our democracy are the right to vote and the right to know whom you are voting for and the right to have the confidence that vote is going to be counted as you intended.

If that were not enough, just as concerning as the ongoing efforts to suppress certain votes in this country is the amount of undisclosed and unlimited money that is sloshing around in our campaigns.

The Supreme Court’s 2010 decision in Citizens United has opened the floodgates and allowed the wealthiest Americans to spend unlimited amounts of money to influence our elections. Allowing such undisclosed money into our political system is corrupting our democracy.

I have strongly supported several pieces of legislation, such as the Disclose Act, to require groups who spend more than $10,000 on campaign-related matters to identify themselves. Tell the people who is giving the money by filing a disclosure report with the Federal Elections Commission. But that is not what the Supreme Court decision required.

The American people have a right to know whom they are voting for—not just the name on the ballot but who is behind that name on the ballot. The Supreme Court itself said that “transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages.”

I believe we as a Congress have a moral obligation—a moral obligation—to correct what has happened to our system and to ensure that our voters have the information they need to make an informed decision on election day.

So this Senator has spoken on two subject areas—the right to vote and the amount of undetectable, unannounced, undisclosed, and unlimited money in our elections. For these and many other reasons I have stated and have not stated and the reasons mentioned in these remarks, I will vote no on the confirmation for Attorney General.

Mr. PRESIDING OFFICER (Mr. BLUNT). The Senator from Missouri.
Mr. BLUNT. Mr. President, we are coming to the conclusion of weeks now of debate on the nominee to be the Attorney General of the United States, and I still have a number of other people before this process ends. In fact, somebody observed this week that you have to go back to the very founding of the government, to the first administration of George Washington, to find a time when it has taken longer to put a Cabinet in place, and George Washington only had to find four people in a government that was just trying to establish itself. But we are taking a maximum amount of time on a Cabinet and a Presidential nomination that usually happen quickly.

There has traditionally been an understanding in our country that when the President is elected—the importance of the President being able to put his stamp on the government as quickly as possible. And eventually we will be able to say his or her stamp on the government. But up until now, Presidents have had that opportunity. I read somewhere that benjamin Franklin was Calvin Coolidge right after the Civil War through Franklin Roosevelt, that Cabinets—those were put in place in the first days of every one of those administrations, often even the very first day. What we have seen in this debate is also the questioning of people’s motives, not just their decisions. I don’t quote Vice President Biden often, but one of the quotes I have heard him give over the one I have in all my time here is that it is appropriate to question somebody else’s decisions in public debate, particularly when you are debating your colleagues, who have also been elected to these jobs as well, and I think it is perfectly appropriate to question their motives. When we start doing that, that is always a mistake.

When I was the whip in the House, I used to tell freshman Members of the House that anyone going to enjoy this opportunity and be better at it while you are here if you can vigorously fight for what you are for but if you will also believe that in virtually 100 percent of
the cases, the person on the other side of that debate is as well motivated and as genuine as you are. You can be wrong and not be evil. You can be wrong and not be badly motivated.

You know, elections do have consequences. Every penalty we are talking with on this floor in this debate was elected to the Senate.

I think Senator Sessions will be confirmed Attorney General, so sometime later this week, one of our number will have been appointed to this job. But these are people who come to this process as the Constitution determines, and they serve here as representatives of both the State they represent and the Constitution and what it stands for.

In the case of Senator Sessions, we have a colleague who has been here for 20 years. Anybody who has been here less than that served every day of their time in the Senate with Senator Sessions. People who have been here longer than that have served all 20 years. Senator Sessions didn't know how you can do that and not see the quality he brings to that job every day.

He and I have not always voted the same. In fact, there is probably no Member with whom I have voted the same. But he comes with a background of integrity.

He started as an Eagle Scout. I think he was a Distinguished Eagle Scout. I am not even sure I know the difference between an Eagle Scout and a Distinguished Eagle Scout; I thought all Eagle Scouts were distinguished. But starting even then, Jeff Sessions has always stood out a little above the crowd.

He has four decades of public service. In 1975, he became an assistant U.S. attorney in the Southern District in Alabama. Half a dozen years after that, he became the U.S. attorney in that district. He held that job for 12 years until he became the attorney general of Alabama. People trusted him to take that responsibility. In 1997, as I said, he came to the Senate.

He has been a senior member of the Judiciary Committee for some time now. He has worked across party lines, and he has done that in fights for justice and fights on behalf of the victims of crime and, frankly, on more than one occasion, fights to be sure that those accused of crimes also had their day in court. When they had their day in court, it was Senator Sessions who was instrumental in leading the fight for the Fair Sentencing Act.

Senator Sessions was very involved in the Paul Coverdell act for forensic sciences to be sure that the evidence that was in court would be unavailable to every extent possible. He has been vigorous in wanting to be sure those accused of crimes had justice, as well as those who were the victims of crime.

When I came to the Senate, Senator Coons and I came from Delaware and a good friend of mine. I am thinking about him in this week that his father passed away. When we came to the Senate 6 years ago, we formed the Law Enforcement Caucus. Senator Sessions was a great supporter of that effort.

When we were able to reauthorize in the last Congress the Victims of Child Abuse Act—this is a law that provides Federal assistance to locations in virtually every State—22 in the State of Missouri—where kids who have been the victims of crime or a witness to crime have a place to go and get the information out of their lives that needs to happen, we get the next step; we can get on to the next thing that happens, a law that protects our most vulnerable children and is designed to hold the perpetrators of crimes on those children or crimes those children witness allows that to be dealt with in the right way. Senator Sessions was a great advocate for that.

He has been endorsed by the major law enforcement associations of the country, as well as many of his colleagues. The law enforcement associations that say Jeff Sessions would be a good Attorney General are the Fraternal Order of Police, the National Sheriffs’ Association, the Federal Law Enforcement Officers Association, the Major Cities Chiefs Association, the Major Counties Sheriffs’ Association, and the list goes on.

Then you get to the victims of crime groups who have endorsed Senator Sessions.

Five former U.S. Attorney Generals and one former FBI Director are on that list. They are saying that Jeff Sessions would be a good person—in the case of five of them—to hold the jobs they held, and they know more about that job than any of us do: Michael Mukasey, Alberto Gonzales, John Ashcroft, Bill Barr, Ed Meese III. All—along with FBI Director Louis Freeh, have endorsed Jeff Sessions for this job.

There has been some discussions of his relationship with African Americans. We have African-American endorsements from his State but also from the former Secretary of State, Condoleezza Rice; our colleague Tim Scott, who will be here later this afternoon, and I intend to be here for his remarks; and Larry Thompson, the former Deputy Attorney General. These are people who know Jeff Sessions and know what he has to offer to that job.

It is a job of great responsibility. Senator Sessions has an opportunity to confirm someone to that job or any other job that we know as well as Senator Sessions. We know his family. We know his recent addition of grandchild to his family just a little over a year ago. We know how much he cares about them. We know the moments that he has reached out to each of us as we have had challenges or things we needed help with. I think he will do great job as Attorney General. I believe that will happen later today. I think the country and the Attorney General’s office will be in good hands late today when Jeff Sessions undoubtedly, I am confident, becomes the Attorney General.

I look forward to that vote later today and then getting on to the next nominee, Dr. Price, whom I served with in the House. Any discussion that there have not been ideas that were alternatives to the Affordable Care Act—people just have not been paying attention to Dr. Tom Price all the time he has been in the Congress or as budget director and haven’t paid attention to him. He is the most practiced person on health care. If he is another great nominee at a time when we really need to set a new course.

We are going to see that happen in both the Attorney General’s office and at HHS, and I look forward to what we do as those move forward.

I also look forward to what may not be the official maiden speech but what I think will be the first speech on the floor for our new colleague, John Kennedy.

I yield the floor. The PRESIDING OFFICER. The Senator from Louisiana.

Mr. KENNEDY. Mr. President, I rise to support the nomination of Jeff Sessions to be the next Attorney General of the United States of America, and I would like to explain why.

It seems to me that most Americans don’t care about the politics on Capitol Hill. They don’t particularly care about the politics in the Senate, and they don’t particularly care about the politics in Washington, DC. Most Americans are too busy earning a living. These are the Americans who get up every day, they go to work, they work hard, they obey the law, they try to do the right thing by their kids, and they try to save a little money for retirement.

Most Americans I think are fair-minded, and most Americans are commonsensical. They understand that when you elect a President, the President can’t do the job alone. He gets help, and he starts with appointing members of his Cabinet. Of course, the Senate has to provide advice and consent and confirm those appointees.

Most Americans understand that a President—whoever the President—is not going to pick his enemies to do that. He is not going to pick somebody he doesn’t trust. He is not going to pick someone to advise him if he is not going to pick someone to advise him if he is not going to pick someone who is on friendly terms with him. He is going to pick somebody who is competent. He is going to pick somebody who is experienced. That is what President Trump has done. That is what President Obama did. That is what Secretary Hillary Clinton would have done, had she been elected President.

Now, President Trump has nominated Senator Jeff Sessions. I recognize that not all Americans and not all Members of the Senate agree with his political positions. Some folks don’t agree with his political party. Some folks don’t like him because they don’t like the person who appointed him. I
get that. Some folks may not even like the part of the country he is from. That is OK. This is America. In America, you can believe anything you want to believe, and as long as you don’t hurt anybody, you can say it.

But there is no reasonable person, if they look at Senator JEFF SESSIONS’ record, can argue that he is not qualified, if by qualified you mean that he has any potential to be a great Attorney General.

The good people of Alabama have sent JEFF SESSIONS to this body.

Most people here know him. They have had lunch with him. They have met his family. They have worked with him on bills. They have worked against him back, and they know him, and they know he is qualified.

There has been a lot of discussion about whether Senator Sessions will respect the rule of law. He will. He understands the difference between making policy that Congress does, and executing policy. I have no doubt whatsoever that Senator Sessions, as the next Attorney General, will be more than willing to enforce laws that he might not necessarily agree with.

There has been some discussion about Senator Sessions and the Bill of Rights. Senator Sessions understands the importance of personal liberty. I listened very attentively in the Judiciary Committee. He was asked a lot of questions about our Constitution. It is clear to me that Senator Sessions understands that the Bill of Rights is not for the high school quarterback. The Bill of Rights is not for the prom queen. The Bill of Rights is there to protect all of us. The man who wrote the Bill of Rights was a Charlestonian. He was a man who understood that a man is not to do things a little differently. He understands that very, very clearly.

At some point, we all have to stop regretting yesterday, and we have to start creating tomorrow, and that is the point we are at.

I unconditionally support Senator JEFF SESSIONS to be the next Attorney General of the United States of America.

I yield the floor.

The PRESIDING OFFICER (Mr. LEE). The Senator from South Carolina.

Mr. SCOTT. Mr. President, before I get into my speech regarding Senator Sessions, I wanted to talk a little bit about what occurred last night.

First, there is no doubt in my mind that the letter written by Coretta Scott King should be read by each and every Member of this Chamber. Regardless of whether you disagree with her conclusions, her standing in the history of our Nation means her voice should be heard. What I took issue with last night and the true violation of rule XIX in my eyes were the remarks shared last night originally stated by Senator Kennedy—not Coretta Scott King—Senator Kennedy.

Whether you like it or not, this body has rules, and we all should govern ourselves according to the rules. But there was no doubt that last night emotions were very high, and I am not necessarily happy with where that has left us today. The Senate needs to function. We need to have a comity in this body in order to work for American people. This should not be about Republicans and Democrats. It is about not us; it is about the American people.

If we remember that point as we move forward, our Nation will be able to heal where we hurt. We will be able to agree without being disagreeable. This should be the norm, not a unique experience in public discourse.

Before I decided to give this speech, I had the privilege last night around midnight of having to sit in the Chair and presiding. My good friend Cory BOOKER was making an eloquent presentation about where we are on issues of race in this Nation. He was talking about Senator Sessions, and he was talking about the pain, the suffering, and the misery.

Today, as I want to share my thoughts on JEFF SESSIONS and how I have come to my conclusion, I thought it was important for me to not try to persuade people but to simply inform, because this issue is not simply the issue about our next Attorney General. This is really an issue about all of us. It is not just about Senator Sessions, but it is about all of us as members of the American family. This is an issue that digs deep into the core of our souls, deep into the core of our Nation, deep into who we can be, who we should be, and how we will get there.

So my objective here, as I speak, will not be to somehow persuade the other side that your decision is wrong. I don’t think that is my responsibility to tell my colleagues that I do not believe those who believe that JEFF SESSIONS will not be a good U.S. Attorney General that they are wrong. I simply want to share information. I want to share facts. I want to share, as Paul Harvey used to say, “the rest of the story,” because if you read the news reports, you walk away with a clear picture based on facts but not necessarily a clear picture based on truth. There has been a distortion in many scenarios of who he is and why I support him.

My good friend Cory BOOKER last night spoke about a true American hero, John Lewis. John Lewis is an American hero. I know that this may stand in opposition to everyone in the Chamber or everyone in America on the conservative side or the liberal side, but the reality of it is this. He was beaten within an inch of his life so that I would have the privilege—not to stand in the Chamber but—to vote, to simply vote.

We should all thank God for the sacrifices of men and women so that people like myself, Cory Booker, and Kamala Harris would be allowed one day not to simply vote but to serve in the most unique, powerful, and one of the most important legislative bodies in the world today. It is the sacrifices of men and women of color who fought against injustices. We should be reminded on this body that there are no Black Americans. We should be reminded on this body that there are no Black Americans. I know that I don’t have to remind my mother or my father, but just as a reminder to those who are listening to the conversation, when I leave the Senate, once I leave the Senate, I am going to be a Black, an African American—Black every day, Black every way, and there is no doubt.

This is an important part of the conversation because, as I read through some of the comments of my friends on the left, you will wonder if I ever had an experience as a Black person in America. I want to get to that in just a few minutes.

God, in His infinite wisdom, made me Black, born in Charleston, SC, for a purpose. I am blessed to be who I am, and I am equally blessed to be a Charlestonian. Our country, the South, and, specifically, my State have suffered through difficult and challenging times. The South, my State, has rules, and we all should govern ourselves according to the rules. I am a Charlestonian. I am a Black Charlestonian. My grandfather, who passed away at 94 years old last January, knew a very different South. I remember listening to him talking about his experiences of having to step off of the sidewalk when African Americans were returning early in life: Never look a White person in the eyes. He was in his forties in the 1960s. His whole life view, his paradigm, was painted with a broad brush. Separation, segregation, humiliation, and challenges.

It was in my home city of Charleston where the Civil War began. It was in my home city of Charleston where nearly 40 percent of all the slaves that came to America would come through in Charleston. South Carolina, the Charlestonians who came up with the concept written into our Constitution of three-fifths of a man—a Charlestonian.

But it was also Charlestonians who, in 1910 had a choice between Strom Thurmond’s son and a young—I use that word liberally—African-American man named Tim Scott.

The evolution that has occurred in the South could be seen very clearly on this day in Charleston. The very first shots of the Civil War were in Charleston. The very first shot of the Civil War was in Charleston. They gave me the privilege of representing them in Congress, over the son of Strom Thurmond, and the son and the namesake of one of the most popular Governors in South Carolina, Carroll Campbell, Jr. I thank God that the South Carolina that I have come to know, the South that I have had the experience to enjoy is a different South. It is a different Charleston than my grandfather knew in his 94 years. But my life has not been one of privilege or promise.

As I said just a few nights ago, I was born into a single parent household, living in poverty, nearly flunking out...
of high school. I have been called ev-
erything that you can think of from a
racial perspective—good, not too often
bad, very consistently. So I understand
that there is room for progress. There
is a need for us to crystallize what we
are fighting about, who we are fighting
for, and what it is we are trying to
achieve.

This is an important day and an im-
portant issue, and the U.S. Attorney
General is perhaps one of the most im-
portant decisions I will make about the
Cabinet of President Trump. I will tell
you that, for me, this has been a chal-

enging journey, one that I have not
taken lightly because, as I said earlier,
I am going to be Black when I leave
this body, and so when I think about
some of the comments and some of the
challenges for JEFF SESSIONS around
the 1986 process, the trial of the KKK
and the trial of the Turner family, an
African-American couple—they were
defendants he brought to court—I have
heard it, and I wanted to know more
about what I saw in my own home city of
Charleston, with a provocative history
of race.

I dug into the issue. I am glad I took
the time to know JEFF SESSIONS' best I
can from what I have read from 1986,
what I saw in my own home city of
Charleston, with a provocative history
of race. I just wish that my friends who call
themselves liberals would want toler-
ance for all Americans, including con-
servative Americans. I just wish that
my liberal friends who are self-de-
defined liberal would want to be inno-
cent until proven guilty and not guilty
until proven innocent.

So back to my findings on JEFF SES-
SIONS. I brought JEFF SESSIONS to
Charleston. And you can read about it
in the Post and Courier, the local news-
paper. The pastor said that JEFF SES-
SIONS was warm and friendly, engaging
and competent.

Now, I will say that the response
from the NAACP and the NAN, the Na-
tional Action Network, about the
meeting that I had with the African-
American pastors—that it was out-
ragous that I would invite African-
American pastors to meet with this
guy and they didn't have an invitation,
I didn't tell anyone who was coming be-
cause I wanted folks to come into the
room and make their own decisions and
come to their own conclusions. They
decided not to come. Maybe it was be-
cause they were conservative. I don't
know why. But I wanted everyone
to have a chance, and they did. It was
interesting.

Here are some other interesting facts
that I have not seen often in the press,
which I think is a very important
point.

All of us who engage in conversations
around this Nation about race and jus-
tice, to only have part of the story is
just an unfortunate reality that we
should get used to that I haven't got-
ten used to. But the reality is, 50 years
ago, in 1966, Senator Sessions cam-
paigned against George Wallace's wife
for Governor. As a Senator, JEFF SES-
SIONS voted in favor of the 30-year exten-
sion of the Civil Rights Act. He was
one of only 17 Republicans to support
the first Black Attorney General, Eric
Holder. He spearheaded the effort to
award the Congressional Gold Medal to
Rosa Parks, an Alabama native and
civil rights icon.

As CORY BOOKER, my good friend
from New Jersey, said last night as I
presided, he and JEFF SESSIONS worked
wonderfully well together in awarding
the Congressional Gold Medal to the
foot soldiers of the civil rights move-
ment in Selma, AL.

Here is another part of the story that
just hasn't seemed to break through
the threshold of our media on JEFF SES-
SIONS' support within the
Black community. As I started making
phone calls to leaders in Alabama who
were Black and Democrats, I was very
surprised at what I started hearing
injustice and conservatism with an
Alabama native, Condoleezza Rice,
who is not a Democrat but who is an
Alabama native. She said: SESSIONS has
worked hard to heal the wounds in Ala-
bama brought on by the “prejudice and
injustice against the descendants of
slaves.”

Willie Huntley, an African-American
assistant U.S. attorney under JEFF
SESSIONS, now an attorney in Mobile, AL, has known JEFF SESSIONS for more than 30 years and said in an interview that he has never encountered racial insensitivity from SESSIONS in the three decades they have known each other.

Alabama Senate Democratic leader Quinton Ross said of JEFF SESSIONS: "We have talked about things from civil rights to race relations, and I think anyone—once you gain a position like that, actually partnership has to go to another level. I will tell you I never saw a racial insensitivity from SESSIONS in the United States and all the people.... I feel confident [JEFF SESSIONS] will be an attorney general that will look at it from all perspectives to just do what’s right for the citizens of the United States."

That is from an African-American Democratic leader in the Alabama Senate, Quinton Ross.

From former Obama administration Surgeon General Regina Benjamin: "I think he’ll be fine. I consider him a friend... At least he will listen as attorney general. My hope is that he’ll do what is best for the American people."

Former Deputy Attorney General Larry Thompson says this. Larry is 71 years old, so we are not talking about folks who grew up in my New South that I talked about earlier. Still, we are working through it, but, boy, we have changed. This is a 71-year-old who says of JEFF SESSIONS: "He doesn’t have a racist bone in his body. He said: ‘I have been an African American man, for 71 years. I think I know a racist when I see one. JEFF is far from being a racist. He’s a good person, a decent person."

Gerald Reynolds, former chairman of the U.S. Commission on Civil Rights: “During my discussions with Senator Sessions and his staff, it was clear that the senator has a strong interest in ensuring our nation’s antidiscrimination laws are vigorously enforced. Senator Sessions is a man of great character, integrity, with a commitment to fairness and equal justice under the law."

Just a few more.

Fred Gray. Fred Gray is an iconic figure in civil rights, for those of us who may not be familiar with him. Fred Gray is an African-American civil rights attorney. He represented the Revenger Dr. Martin Luther King, Jr. He represented Rosa Parks. He represented the Tuskegee men who were exploited in the syphilis experiment by the government. This is what he said in this letter from 2016:

What would be more noteworthy for the State of Alabama than having an Alabamian follow in the footsteps of the late Mr. Justice Hugo Black? I have experienced appreciation for your acts herein stated. I look forward to working with you in any future capacity in which the Lord permits you to serve.

That is a quote from a letter that he wrote to JEFF SESSIONS.

We are talking about a hero of the civil rights era. We are talking about the lawyer for Martin Luther King, Jr., Rosa Parks, and the Tuskegee men. We are not talking about someone who doesn’t understand and appreciate the weight and the importance of civil rights in this Nation.

William Gray is a lawyer who was hired as the first African-American Republican chief counsel to the Senate Judiciary Committee by JEFF SESSIONS. He said:

Jeff Sessions is a man who cares for me, who listened to me and who had my best interests in mind. So, anybody who says anything different simply doesn’t know Jeff Sessions.

One last statement. This is an important one from my perspective...

I mentioned earlier that there was a case against a couple, the Turner couple, where JEFF SESSIONS was the prosecutor, and the Turners were being tried. There is notation of the KKK involvement. Interestingly enough, what you don’t hear in the news, by the way, is that the case was brought by other African Americans in Alabama against an African-American couple, the Turners. This is the Turner case. The son of the two defendants in that case. He says:

While I respect the deeply held positions of other civil rights advocates who oppose Senator Sessions, it is important for me to speak out with regard to Senator Sessions personally. First, let me be clear. Senator Sessions and I respectfully disagree on some issues. That won’t change when he is the Attorney General of the United States. And I expect that there will be times, as it is with other people who I believe ultimately disagree and I will be required by my conscience to speak out, I look forward to those constructive debates, if necessary. However, despite our political differences, the Senator and I share certain Alabama and American values, including love of our State, its people, and our country.

I have known Senator Sessions for many years, beginning with the voter fraud case in Perry County in which my parents were defendants. My differences in policy and ideology with him do not translate to personal disrespect. He was a prosecutor in the Federal level with a job to do. He was presented with evidence by a local district attorney that he relied on, and his office presented the case. That is what prosecutors do. I believe him when he says that he was simply doing his job.

JEFF SESSIONS has also worked on civil rights cases, including the KKK murderer Henry Hays in 1981.

JEFF SESSIONS worked with the Department of Justice attorneys, the FBI, coroners, and the county district attorney to solve the murder of a 19-year-old African American, Michael Donald. Sessions and the U.S. Attorney’s Office prosecuted "Tiger" Knowles as an accomplice, obtaining a guilty plea and a life sentence in Federal court. After hard investigatory work, SESSIONS shifted the case of the KKK murderer Henry Hays to the State court where he received the death penalty, which was not available at that time at the Federal level.

USA v. Bennie Jack Hays is another successful case against the KKK that JEFF SESSIONS participated in.
what elections are about. The Attorney General, more than any other Cabinet official, must be the people’s lawyer, an advocate for the rule of law above all else.

My office has received nearly 3,000 calls and emails opposing this nomination. Many of them I cannot read today on the floor for fear of violating the Senate rules. But it is clear from these comments that young Coloradans who came here as children and who fear that an Attorney General may be out of our country, who arrived here illegally, but, through no other country but this country, who are operating. It went to the Judiciary Committee where Democrats and Republicans together amended the legislation in 2013 against our bipartisan effort to create a legal pathway to citizenship. We certainly didn’t need to tell that to the immigrants from all over the world. I am not from Colorado. The fourth graders were there watching what they would be doing next year as fifth graders.

There was no need for a politician to tell anybody in that room that America is an exceptional country to the politician needed to say that to the fifth graders in Mrs. Roth’s class who were studying the Constitution and studying immigration. We certainly didn’t need to tell that to the immigrants from all over the world. We were from 13 different countries.

One of the great parts of the ceremony was when they asked people to stand up to the country from which they came and to stand up if they were from that country. There were kids from China; there were kids from Mexico standing up in this fifth grade class; incredibly, three kids from Libya whose parents are at their priority in some capacity in Fort Collins.

As always in these naturalization ceremonies, people had tears in their eyes because as one of them once said to me at another time in Colorado, his country needed to say that to the fifth graders in Mrs. Roth’s class who were studying the Constitution and studying immigration. We certainly didn’t need to tell that to the immigrants from all over the world. I am not from Colorado. The fourth graders were there watching what they would be doing next year as fifth graders.

There was no need for a politician to tell anybody in that room that America is an exceptional country to the politician needed to say that to the fifth graders in Mrs. Roth’s class who were studying the Constitution and studying immigration. We certainly didn’t need to tell that to the immigrants from all over the world. I am not from Colorado. The fourth graders were there watching what they would be doing next year as fifth graders.
Trump’s attacks on the judiciary and free press over the last several weeks since he has been sworn into office, since he has taken the oath of office to be President of the United States. He has repeatedly undermined the credibility of Federal judges doing their constitutional duty to uphold the rule of law simply because he disagrees with them.

The Vice President said the other day: There is a tradition in America of one branch of government criticizing another branch of government that is not the custom. There is no tradition, that I am aware, of a President meddling in an ongoing case in an article III court.

Just today, he called our courts “political.” That is about the most damaging thing you could say about our independent judiciary. He said that last night’s Federal appellate hearing was “disgraceful.” A decision hasn’t even been rendered in the case, and he is saying it is “disgraceful.”

Earlier this week, he accused what he called “liberal American journalists” of his word, “ignoring” terrorist attacks in the name of some unnamed hidden agenda.

I wish to say, I sat through the last speech at some length, and I want to make sure I get it on the record; so through the Chair, I beg the indulgence of my colleagues for a few more minutes.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Denver Post, Feb. 6, 2017]

With Latest Bashing, Lying Trump Gets Sinister Indeed

(By The Denver Post Editorial Board)

Donald Trump’s weekend bashing of a federal judge, and Monday’s attack of news organizations for supposedly sharing a hidden agenda with terrorists, goes way too far, and would have been more crazy if it weren’t also rather frightening.

Where to begin? Let’s hope that President Trump wasn’t aware of an imminent terror plot in which he and his staff were going to be killed and travel ban. For if he was, his approach to the threat has backfired so horrendously it could be some time before his administration is able to reinstate it, or, hopefully, a more thought-out version. Now that Judge James Robart rendered the travel and refugee order unenforceable, it is likely that the matter won’t end there. It makes it to a divided U.S. Supreme Court, where its chances could meet the futility of deadlock.

We hope Trump sees the error in his strategy. Anyhow, one of the United States, working to achieve on-the-ground results within our massive federal government takes skill, and some buy-in from those charged with making it so.

Trump’s order had none of that. Officials in all the relevant agencies knew too little about it until it went into effect. No wonder lawlessness that one of them persuaded a judge to block the order.

Sadly, Trump doesn’t appear to have gotten the message. Just as he did on the campaign trail, he insulted a judge by claiming his Mexican heritage disqualified him to rule in a case involving Trump Uni-

versity. Trump attacked Judge Robart. “Just cannot believe a judge would put our country in such peril,” the president posted on Twitter on Sunday. “If something happens blame him and court system. People pouring in, Bada!”

Had the president stuck to defending his executive power, he would have been on solid ground. But he hasn’t been here to argue that, in making a ruling based on the review of the law, Robart deserves to be held accountable for any lawless action perpetrated on terrorists long sworn to harm Americans.

Then, on Monday, Trump told members of the military that the explanations he has been intentionally covering up terror attacks, saying that “in many cases the very, very dishonest press doesn’t want to report them. They have their reasons, and you understand that.”

To back his assertion, Trump pointed to the exhaustively reported terror attacks in Paris and Nice.

American journalists have been killed reporting on terrorists. They’ve been beheaded. It would be impossible to calculate how many journalists have been among the overall war-on-terror beat. To suggest that some kind of shared bias exists throughout American newsrooms so strong that it compels journalists to hide truth and thereby endanger the public is as dangerous as it is demonstrably untrue.

So, once again, Lying Trump takes the stage. When he can’t make the grade, he blames others. Doing so is a common enough human reaction to personal weakness, but to falsely suggest—based on the known evidence—that members of the judiciary and the press are somehow on the side of enemies of the state points to a cracked mind, or something more sinister.

Americans shouldn’t buy what our president is selling. The truth is Trump botched what could have been a reasonable attempt to make the country safer. His mistakes gave our enemies a huge morale and recruiting boost. And his bashing of others is as unseemly as it is dishonest.

Mr. BENNET. The Denver Post editorialized yesterday, stating the obvious horrible truth here:

American journalists have been killed reporting on terrorists. They’ve been beheaded. To suggest that some kind of shared bias exists throughout newsrooms so strong that it compels journalists to hide truth and thereby endanger the public is as dangerous as it is demonstrably untrue.

That is right. It is dangerous. It is dangerous for the leader of the free world to be saying that journalists are crooks; that the facts they are publishing in newspapers and online are untrue when they are true. It is dangerous when we are engaged in an experiment of self-government that goes back about 240 years to the founding of this country to refute things that are absolutely true as false and to claim that the reason they are being raised is because people lack integrity; that journalism is all about false news.

What: When I put out a list of, I thought it was in the seventies, of terrorist attacks they claim had never been reported, and newspaper after newspaper after newspaper had run stories on the times that the White House described as unreported and then have links to the stories in their own newspapers and other newspapers that had reported on terrorists. As the Denver Post noted, and it is worth remembering this, there are journalists who have lost their lives trying to cover this story to have us better understand what is happening in the Middle East, what the threat of terror looks like, the people who are lawyers who have to put their law practice on hold for something that should be the greatest reflection of achievement of their life, being appointed to a Federal district court in this country, and who wait and wait and wait for this unconscionable delay and disputes and partisan bickering that happens here instead of getting people on the court to do the job that they need to do.

Now we are going to be in the business of accusing judges and the judiciary of being crooked, of not following the law, of just playing politics. I think it is really important for us—not just Democrats but also Republicans—and I think my colleague from Florida and I wish to say in this body how much I appreciated his comments last night. He may not appreciate that I am saying that, but I appreciate his comments because a lot of what he said I completely agree with.

I know it has become fashionable to tear down rather than work to improve the democratic institutions which generations of Americans have built. This place didn’t get here by accident. It is not fragile. This Founding Fathers would be shocked—to know this Republic still exists. They would be proud. I think they would be proud of the progress we have made, but they would be shocked, at the time they were compromising with one another—slave owners and abolitionists, compromising to create this Republic that had never existed in an expanse as big as the Thirteen Colonies geographically or with as many people in the Thirteen Colonies geographically to see this about 240 years later from coast to coast, 330 million people, the strongest military on the planet, the strongest economy on the planet, a place where people want to come—just as my mother and her parents came—to build opportunity for the next generation. That is incredibly special in the history of humankind. As I think my colleague from Florida was saying last night, we need to treat it with a little more care.

I am not just talking about the Senate. I am talking about our responsibility to provide oversight for this administration. I am talking about the information for us, for the children I saw last Friday at the naturalization ceremony, just as they are setting an example for us.

None of us is going to be here forever. We have a lot of work to do. There are a lot of people here and around the world who are counting on us to pull ourselves together and start making this place work.
I will finish by saying that I think in this world of social media, it is also critically important for us to remember the importance of edited content and the work that journalists do. There is not a class of school kids whom I don’t implore least that thought on, as they think about the research they are doing for their papers and the work we need to do as Senators.

I thank my colleagues for their indulgence. Thank you for allowing me to speak on this floor. It is a great privilege to be here, but it is a privilege we need to exercise in a way that actually reflects the values of this country and the expectations that the American people have for us to address their priorities.

Mr. President, I yield the floor.

The PRESIDENT OFFICER. The Senator from Florida.

RUSIA

Mr. RUBIO. Mr. President, first, I do appreciate the words of my colleague from South Carolina, Senator SCOTT—that neither my ancestors nor his were participants in terms of structuring this Republic. Yet this Republic is so grand that there is room for people like me and him and so many others participating—including here, as one of only 100 Americans who are entrusted with the responsibility of representing our States and also upholding our Constitution in this body.

The Senator from Colorado is also right in talking about the role of the Senate not just in terms of passing laws but in conducting oversight irrespective of who occupies the White House. It is a difficult thing to do these days because everything in American politics is covered through the lens of politics and of elections. Almost immediately, whatever I say here on the floor today will be analyzed through the lens and construct of elections past and elections future. What is he trying to achieve or what are any of us trying to achieve politically? There is a place for that. I think we are not foolish enough to believe there is no politics in politics.

There is also something that is incredibly important, and that is the Constitution that every single one of us is sworn to uphold. It is a pledge I took today and listened to my colleague from South Carolina, Senator SCOTT—that neither my ancestors nor his were participants in terms of structuring this Republic. Yet this Republic is so grand that there is room for people like me and him and so many others participating—including here, as one of only 100 Americans who are entrusted with the responsibility of representing our States and also upholding our Constitution in this body.

The first thing we have to understand is that much of what Vladimir Putin does is not in pursuit of an ideology, like the Soviet Union did. It is about domestic politics in Russia and about needing the Russian people to believe that he and his strength are essential to what Russia has. So much of it is about power and politics.

What is the prong of the strategy? The first is that he has sought to make their military modern and strong, and you see evidence of that in the fact that while Russia is going through a downturn in the global economy, oil prices falling, and sanctions against the Putin government, they are increasing defense spending. They are modernizing. They are adding capabilities. They are, for the first time, allying in a limited way, beginning to conduct naval exercises and projection of power in places they hadn’t been in for 25 years or longer.

In America, when you believe that civil rights are being violated at this moment in our history or you think the election system was in some way it should or you are defending the press, as my colleagues have done here today in the right of a free press, you have a bad blog post written about you, someone may run against you for office, or someone may say nasty things about you from the other side, maybe somebody will stand up on the floor and criticize you for this or that.

Let me tell you what happens when you don’t meet that Russia test. They poison you. Kara-Murza is believed to have been poisoned in February 2017; after he experienced organ failure, and he is currently in the hospital—just this month. This comes 2 years after another suspected poisoning that nearly killed him in May 2015.

I want to take a moment to urge the administration to do everything in their power to ensure that he is receiving the medical care he needs and to determine who was behind the latest apparent attempt against him.

If this was an isolated case, you would say: Well, maybe something else happened. There is an incredible number of critics of Vladimir Putin that wind up poisoned, dead, shot in the head in their hotel room, found in the street, and other things.

In other instances, just today we have this article from the Wall Street Journal about someone who was thinking about running against Vladimir Putin, Alexey Navalny, who is thinking about running for President.

So what happens in America when somebody thinks you are going to run for President? They do an opposition research file. They plant negative stories about you. They start badmouthing you on cable news. That is unpleasant, no doubt. He was found guilty by a kangaroo court of corruption, which, of course, according to Russian law, finds him and blocks him from running in next year’s Presidential election.

Again, if this were an isolated case, you would say: Maybe this guy did
something wrong. The problem is, just about anyone who is either thinking about running for office or challenging Putin winds up poisoned, dead, in jail, or charged and convicted of a crime.

The second thing he has done is just completely crack down on all internal dissent. There is no free press in Russia. I would venture to guess that if I controlled 80 to 90 percent of the press reported about me, I would probably have approval ratings in the eighties and nineties as well. That is a pretty good deal for the leader but not for the people.

The third thing that is part of this effort is that they are basically doing everything they can—Vladimir Putin—to undermine the international order that is built on democracy and respect for human rights. I think the example of that is in various places.

Look at what has happened in Syria. Vladimir Putin gets involved in Syria, not because he cares about humanitarians, but, in fact, Russian forces have conducted airstrikes in civilian areas. We have seen the images. It is undeniable that it happened. It is by every definition of the word a war crime to target civilians with military weaponry.

That is what has happened in Syria. But for Vladimir Putin, it has been successful because his engagement basically changes the conflict. He now has positioned himself in the eyes of the world and many around the world as a power broker in the Middle East—in fact, as an alternative to the United States in that region.

This is part of his strategy. It wasn’t about Syria as much as it was about his goal of being able to go to the Russian people and say that we matter again on the global stage. In Ukraine, there was talk about moving toward the European Union in terms of economic partnership. There was talk about joining NATO. Then he invaded Crimea, and he kept it. He has funded separatists forces in eastern Ukraine. There is no more talk of NATO, and there is no more talk of uniting the economy with Europe, and they kept Crimea. The last few days we are starting to read open press reports of mobilization and unusual activity among eastern Ukrainian separatists backed, supported, trained, and equipped by the Russians, and we fear that new fighting could be imminent at any moment once again.

Then we have all heard the discussions about the elections in the United States and the efforts of other governments to not just hack computers. It is not about hacking alone. It is people the strategic placing of information, gathered through cyber intrusion, for the purposes of undermining political candidates and, therefore, influencing the election.

There was something deeper here. It was part of a broader effort to discredit our Republic and our democracy, to be able to go back to the Russian people and to the broader world and say that the American political system is corrupt. The American political system is not a true democracy. The American political system is as bad as all these other systems in the world that they criticize. They do not come to this with clean hands.

I often wonder sometimes if we contribute to that argument in the way we behave toward one another in our political discourse in this country. That is something to think about in the long term. I believe that as we engage in these political debates in this country, these things are being viewed around the world. For people who may not have a clear perspective, or if this information is being used negatively—by no means am I saying that we should not have vibrant debate in this country; we should, but I also want people to understand—that often times gives off the perception that, in fact, our Republic is on the verge of collapse.

We are in challenging times. We have some strong disagreements, and often times they become heated. I know for a fact that there isn’t a single Member of this body prepared to walk away from the Constitution and the belief that it protects and are ensnared therein.

By the way, I don’t believe Vladimir Putin is done in this effort. I think you are now going to see him continue to interfere in Yemen. He can use that as leverage against the gulf kingdoms, against the Saudis.

I think you are going to see him continue to engage in Egypt. He will go to the Egyptians and say: The Americans are always hassling you about human rights. Why don’t you just buy your weapons from us? Why don’t you give us a military base? We are never going to give you grief about human rights. We are a much easier and low-maintenance partner.

I would be even more surprised to see him start dabbling in Afghanistan with the Taliban, in some capacity anyway, and couch it in terms of fighting ISIS.

We will see. My point is, it is not done. I bring all that up in the context of this suggestion among some, and I think it is important to talk about it because I don’t think we should dismiss viewpoints. There are some, including in the administration, who believe that maybe we can do a deal with Vladimir Putin where he helps us fight against ISIS and not sanctions.

The argument that I hear from people is this: Why wouldn’t we want better relations with Vladimir Putin and enlist them in the fight against ISIS?

I come here today in the context of everything we have laid out to tell you why I think that is unrealistic and deeply problematic.

Here is No. 1. Why do we have to do a deal with Vladimir Putin to fight ISIS? He already claims that he is. In fact, that is the way he describes their operations in Syria—as an anti-terror operation. There is no more dangerous terrorist group in the world today than ISIS. There is certainly no more dangerous terrorist group in the world today than ISIS.

Isn’t that what he is already doing? Why would we then have to cut a deal to encourage him to do what he claims to already be doing? There are only two reasons. Either No. 1, we think he should do more, which in and of itself tells you that he is not doing it now. Or No. 2, because he is not doing it now.

Here is the second problem: this argument that as part of this whole effort with Russia, one of the things we would be able to achieve is to break them from the Iranians, to create some sort of split between the Russians and the Iranians.

I saw an article the other day talking about that as part of this endeavor. My point is, just about everyone really need to do that. That is going to happen on its own. Say what you want, as soon as ISIS is destroyed in Syria and Iraq or in both, the Iranians are going to immediately not just push to drive the Americans out of the region but drive the Russians out as well.

The Iranians are not interested in replacing American influence in the region with Russian influence. They want to be the hegemonic power in the region. As to this argument that we somehow can peel them apart, my friends, that is going to happen all on its own. If we abandon there tomorrow, the Iranians would immediately turn to the Russians because they want to be the hegemonic power. They have long desired to be the hegemonic power in the region. That is going to put them in conflict with the Russians sooner rather than later at some point there, at least to some level.

The third thing I think we have to understand is that there is absolutely no pressure, no political rationale why Vladimir Putin needs a better relationship with the United States at this time. Least not no, it is not going to lose an election, because if you run against him, you go to jail. He controls the press. He controls the political discourse in the country. So one of the reasons we should always be advocates for democracy because democratic leaders act much more responsibly because they have to answer to their people, but in essence that is not what you have in Russia. There is really no reason or rationale why he needs to be linked to have a better relationship with us.

Do the Russian people want a better relationship with America? I have no doubt about that, but I want you to understand that everything they learn about our relationship with them is largely derived through the Russian press. If you never had the pleasure of watching, for example, the RT Network on television, and you are interested in comedy and satire, I encourage you to tune into that station from time to time so you can see an alternative representation of events that will startle you, and perhaps make you laugh.
This is unfortunately the sort of media information that filters to the Russian people that Vladimir Putin and the Kremlin completely control.

Here is the fourth and perhaps most important reason I think this endeavor is unwise, and perhaps even counterproductive. The price you would have to pay is simply too high in return for the alleged benefit that would come about.

No. 1, the Russian Federation under Vladimir Putin has basically violated every agreement they have made now and in the past. They are violating the cease-fire. They violated all sorts of arrangements with regard to arms reductions, and they will continue to do that in any deal anyone cuts with him.

The second one of the first things he is going to ask for is the lifting of all sanctions for both Ukraine and interference in our elections, in return for no changes to the status in Ukraine and no promise of not undertaking efforts like what happened here in the future.

The third thing they are going to demand is recognition of a Russian sphere of influence in Eastern Europe, especially in places that are now countries, including turning part of the Baltic region over to the Russian Union. In essence, a United States acceptance officially or otherwise that there are countries in the world who are not allowed to enter into economic or military engagements with the United States or the NATO alliance, which one of his other goals is to render NATO feckless and irrelevant.

I just don’t think that is a price worth paying in exchange for alleged cooperation against ISIS—that he claims we are conducting sanctions in exchange for basically sending a message to the world that America is your ally, unless there is a better deal with us for someone else. That would be devastating. What do I think we should do, and what I hope the Senate will do if there is an agreement not only in the future, by anyone, to change or conduct a deal of this magnitude?

I think the first thing we need to do is be committed to the principle. These sanctions that are in place should remain in place until the sovereignty of Ukraine is respected, and until these efforts to undermine democracy and spread misinformation are fully accounted for.

The second is, I think it is important for us to reaffirm our commitment to NATO, and that includes the building and sustained commitment that we have to continue to do that firmly, not just with our NATO allies but with any nation who seeks cooperation with us.

The third is careful but strategic engagement in the Middle East to the like. To make very clear that the United States will continue to be their partner after ISIS fails; that we want Iraq to be prosperous and free and that we believe it is better for the world and we are prepared to help them achieve that.

To the Egyptians, we will continue to press them on human rights, and we should. We should also be willing at the same time—and, by the way, with the argument that respecting human rights is actually good for Egypt, that in that ability to overreach, that exist will lead to constant threats to their government, but we can do that while at the same time continuing to partner with them on military sales. I think they would welcome a conversational approach by a bilateral trade agreement with them about opening up avenues for business investment and so forth.

The fourth is to point out that if they are not going after ISIS, then what are they doing now? It is important for us to point that out to the world. Again, I made this point numerous times. I want to make it once again; this idea that we are going to get them to cooperate more against ISIS basically implies they are not doing it now, but they claim that is why they are in Syria to begin with.

Finally, I think it is important for us to try to communicate directly with the Russian people to the extent possible, with the Russian Government, under Putin, also controls the Internet with filters and the like. It is important for us to say our quarrel is not with the Russian people; that for many years up until this unfortunate turn of events over the last decade, the links with the United States and the Russian people grew strong and those links remain.

In my home State of Florida, there is a significant number of Russians who have Florida as their second home and so forth. I hope that will continue. Our quarrel is not with the Russian people, and we desire for Russia to be powerful and influential in the world. We want Russia to be prosperous. This country does not view this as a zero-sum gain. In order for America to be less important, Russia must be less influential.

Our quarrel is not with Russia but a leader who does view it as a zero-sum gain, a leader who believes the only way Russia can be more important is for America to be less important, a leader who has chosen to try to undermine an international order based on democracy and free enterprise and human rights that has kept the world out of a third world war, and I think it is important for us to do that.

I think that is important and why we need at least to be prepared in this body, if necessary, to move forward with any deal that doesn’t just codify existing sanctions but that prevents the lifting of those sanctions, unless the conditions in those sanctions are met. This is our job. It is true that Presidents and administrations have an obligation, a duty, and a right to set the foreign policy of the United States. There is no doubt about it. I think that is true, no matter who is the President.

But it would be a mistake, and in my opinion, a dereliction of duty for the Senate and the Congress to not recognize that we, too, have a duty to shape the foreign policy of the United States and the power to declare war in the budgets that we pass, in the laws and conditions that we put in place, and in the advice we give to the President when necessary, even in the process of nominating individuals to serve in the U.S. Government and the executive branch.

We not only have the power, we have the obligation; the obligation to shape and direct the foreign policy of this Nation, and if we don’t, then we are not living up to the oath we took when we entered this body, and that it is not a political thing. This is not about embarrassing anyone. This is not about partisan issues. It should never be. In fact, one of the traditions that has existed in this Nation for a long time is that foreign policy, when it came to issues that impacted the security issues of the United States, there was an effort to make sure it was as bipartisan or nonpartisan as possible because when America gets in trouble on national security, there is no way to isolate on a bipartisan basis.

It is my hope, as we debate all these other issues that are right before us, that we not lose sight of these issues in mind because it is critical to the future of our Nation, critical to our standing in the world, and ultimately vital and critical to the kind of world and Nation we will leave to our children and grandchildren in the years and decades to come.

I, for one, in the midst of all of this debate about a bunch of issues that divide us, will continue to work to ensure that this is one that unites us and allows us to live up to our constitutional obligation to participate fully in shaping and directing the foreign policy of this great Nation.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia?

Mr. Kaine. Mr. President, I rise to oppose the nomination of Senator Jeff Sessions to be Attorney General. I thought very carefully about this matter and about what it means to oppose a colleague. Last Friday night, where one of our Members was ordered to stop speaking as she explained her opposition. Comments that
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would have been allowed regarding any other Cabinet nominee were ruled unacceptable because this nominee also sits in this body, I voted to overturn that ruling and restore my colleague’s speaking privileges because I was of the opinion that the constitutional duty to advise and consent on nominations should allow for debate. But whatever my opinions about the ruling, I do have to acknowledge that standing on the floor to speak in opposition to a colleague is not an everyday occurrence. We disagree every day, all of us, even within our own caucuses on matters of policy, but there is something more personal about taking the floor to take a position regarding a sitting Senator who has been nominated for a Senate-confirmable position.

I know Senator Sessions well. We served together on the Armed Services Committee. We attend a weekly Senate Prayer Breakfast together. We have taken codel trips together. I consider Senator Sessions a friend, and I respect that he has been repeatedly sent to this body by the voters of his State, but while we can and should be friends, strive to be friends, in this Chamber, we are not ultimately here about friendship. We are here to do people’s business. And significant differences in our opinions and convictions are not to be papered over, even when we find ourselves in different positions than our friends.

Some Members of this body ran for President, and I did not support them, even though they were my friends. And some people in this Chamber did not support me to be Vice President, even though we are friends. There is nothing unusual about that. We all understand it. We must treat each other with respect and civility. We are still called to, in the words of Lincoln, “be firm in the right as God gives us to see what is right.”

So based upon how I see the right and on my convictions, I cannot support my colleague for the position because I do not have confidence in his ability to be a champion for civil rights, to wisely advise the administration on matters involving immigration, and to be resolute as the Nation’s chief law enforcement official that torture is contrary to American values.

‘This one matters to me a lot. This appointment is very critical. The Attorney General is one of the four Cabinet appointees who are not allowed to be engaged in political activity: Secretary of Treasury, Attorney General, Secretary of State, Secretary of Defense. They are beyond politics and supposed to be above politics. They must have an independent gravitas and even be willing to challenge the President. The mission of the Department of Justice cannot be more important. For 17 years, before I got into State politics, I was a civil rights lawyer. I read a book in law school, about the lawyers who battled to end segregated education in this country. Even though I really didn’t know any lawyers and certainly didn’t know any civil rights lawyers—and was living in an Irish Catholic neighborhood in the suburbs of Kansas City—I decided I wanted to devote my life to this.’

So I voted against Senator Sessions in 1984 and started practicing civil rights law, and I did it for 17 years. I will always remember—and I bet you will too—my first client, the first case that I had that was really mine. A young woman who walked into my office and told me she was from a racially integrated apartment, and she thought it was because of the color of her skin. I was able to prove that was the case, and so we were able to win, but what I remember about Lorraine was how it made her feel. She was my age. She had just finished school. She was looking for an apartment, her first apartment away from home, just like I had done. While my experience getting a job, finding an apartment, getting out on my own had been a positive, her experience had been a real risk. She had come to turn to the civil rights attorney for help, but still have that feeling and carry it with her every time she looked for a house for the rest of her life: Am I going to be treated differently because of the color of my skin? What had been a happy occasion for me, as a young man venturing out into the world, had been a sad one and a difficult one for her.

That started 17 years of fighting in State and Federal courthouses for people who had been turned away from housing or who had been otherwise treated poorly, either because of their race or their disability or because of their advocacy about important public policy issues.

The civil rights laws of this country protect the liberty of minorities of all kinds who otherwise could be tyrannized by the majority view in their court. The promise of equal justice under the law is sacrosanct and fundamental. And in this battle, the Attorney General is the guardian of liberty, or in the wise Biblical phrase, the “Watcher on the Wall.”

Judges sit in their courts and they wait for cases to come to them, but an Attorney General is charged with going out and finding wrongdoing and making sure it stopped. None of the advances that our country has made in the civil rights field has happened without a supportive Department of Justice and Attorney General. And those of us out in the field, lawyers who were taking cases, but especially the clients who simply seek equal justice under law, they have to view the Attorney General as their champion.

In 1963, a married couple in North-east DC sat down at their kitchen table not far from here, and they wrote a letter to a lawyer in town. I want to read the letter to you.

Dear sir: I am writing to you concerning a problem we have. 5 years ago my husband and I were married here in the District. We then moved to Virginia to live. My husband is white. I am part negro and part Indian. At the time, we did not know that there was a law in Virginia against mixed marriages. Therefore we were jailed and tried in a little town of Bowling Green. We were to leave the State to make our home. In that case we were not married, but now we are coming back once in a while to visit our families. The judge said if we enter the State within the next 30 years that we will have to spend 1 year in jail. We know we cannot afford an attorney. We wrote the Attorney General, he suggested that we get in touch with you for advice. Please help us if you can. Hope to hear from you real soon. Yours truly, And Mrs. Richard...

That attorney, Bernie Cohen, became a friend of mine. And his partner Phil Hirschop and Bernie took the case of this married couple all the way to the Supreme Court, and 50 years ago the Supreme Court struck down interracial marriage in this country. But the case started with a couple who, having no where else to turn, thought, if we write the Attorney General, surely he will be a champion for us and he will help us redress this horrible wrong. That is the Attorney General’s job to be a champion for civil rights, to wise counsel those of us out in the field, lawyers who were taking cases, but especially the clients who simply seek equal justice under law, they need a justice to stand up for them, they need a justice enforcer of the Nation’s voting rights law, who the Attorney General needs to be.

The powerful never have a hard time finding somebody to represent them in court, but the poor or oppressed or those who don’t have anybody else to stand up for them, they need a justice system that will treat them fairly, and they need an Attorney General who will embody that value.

Three areas: civil rights, immigration, and torture.

In the area of civil rights, Senator Sessions record here as a Senator has been troubling to me. In the past, when he was considered for a judicial position, he declared that the voting rights laws were “intrusive.”

He received the “good news” when the Supreme Court in the last few years struck down, in the Shelby County case, parts of the Voting Rights Act. He has not engaged in efforts that many of us have tried to engage in to improve and fix the law. It’s an important issue to know about an Attorney General whose Department is supposed to be the chief enforcer of the Nation’s voting rights laws. Voting rights are under attack all over this country. The Attorney General must be a champion of those laws.

Senator Sessions has opposed protections for LGBT citizens in this body. He voted against the elimination of don’t ask, don’t tell. He voted against the passage of the Matthew Shepard hate crimes bill. He has publicly stated numerous times his opposition to marriage equality. As far as I know, he has never stated otherwise that he has changed those opinions.

The Senator spoke on the Senate floor about the Individuals with Disabilities Education Act in 2000. He said that this beneficial law was “a big factor in accelerating the decline in civil liberty and discipline in classrooms all over this country.” This is very troubling to me as someone who believes that act is one of the Nation’s pre-eminent civil rights laws.
There are other examples, but I won’t belabor the point. The Loving family wrote to Attorney General Robert Kennedy to help them battle injustice because they believed he would protect their important human rights at stake. I am not confident that people hard-pressed in this country, who feel marginalized, will see the office as a potential ally and champion under Senator Sessions. This is particularly the case when we have seen who has been fully sued in the past for civil rights violations and who makes prejudicial comments about people based on their gender, their religion, their immigrant status, or their disability.

Second, immigration. Our immigration policies are critical. We need to fix our laws. In my time in the Senate, Senator Sessions has been the most vocal Senator in opposition to what I believe to be common sense immigration reforms. His floor comments and his obvious personal passion around this issue are clear, but I think his policies are simply wrong.

Immigration does not hurt our economy; it helps it. Jefferson recognized this in the Declaration of Independence. In his Bill of Particulars against King George, he said: We do not want to live under your tyranny. You won’t let us have a good immigration system.

Jefferson recognized it and all through the years, the inflow of talent, the blood of innovation and talent and new ideas from immigrants, has been part of what has made our country great. There is such a consensus in favor of immigration reform from the labor unions and the chambers of commerce. The CBO says that it will increase our net worth and GDP.

Immigration does not hurt our workers, as Senator Sessions often Claims it does. A reform would help our workers by eliminating the ability of people to live and work in the shadows and be paid standard wages that undercut the wages of others.

Senator Sessions’ views on immigration even extend to a critical program like the Special Immigrant Visa Program, which grants special protection to foreign citizens, especially those from Afghanistan and Iraq, who have helped our troops on the battlefield. They signed up to help Americans who are in the service. They put their lives at risk for doing so. Because of that, we have a special program to accord them recognition that they are deserving in this country.

Senators McCain, Shaheen, and I and many others have worked on this program, and Senator Sessions has been a determined opponent of the SIV Program—an understandable position. If we will not help the people who help us, then who will choose to help us in the future? Some of these SIV immigrants were turned away at airports after the poorly conceived and poorly implemented immigration order of President Trump.

As we contemplate some of this President’s outlandish and discriminatory claims about immigrants and as we deal with the aftermath of this poor order, we have to separate the extreme and the untrue from our legitimate security concerns. A good lawyer often needs to be a check against the bad influence of his client. In this area, I am not confident Senate Sessions can do that.

Finally, torture. Like the vast majority of this body, I believe torture is contrary to American values. That is why I joined with Senators McCaskill, Reed, Feinstein, and others in 2015 to pass a law clearly stating that torture would not be allowed by any agency of our government—not just the military but any agency of our government. This law passed the Senate overwhelmingly and in a strongly bipartisan fashion. But Senator Sessions was one of a small number of Senators who opposed the law, who opposed a ban on torture.

When we met, I asked Senator Sessions why he had opposed the law, why he had opposed this bipartisan bill. This is a fundamental question for any of us but certainly for an individual who wants to take the powerful chief law enforcement position. His response was not at all convincing. I don’t think the Nation should have an Attorney General with an ambiguous record about torture.

While most Federal agencies have a general counsel, it is ultimately the Attorney General who sits at the very top of the pyramid of attorneys advising the President in providing this legal advice. This President has—very unwisely, this law passed the Senate overwhelmingly and in a strongly bipartisan fashion. But Senator Sessions was one of a small number of Senators who opposed the law, who opposed a ban on torture.

When we met, I asked Senator Sessions why he had opposed this bipartisanship bill. This is a fundamental question for any of us but certainly for an individual who wants to take the powerful chief law enforcement position. His response was not at all convincing. I don’t think the Nation should have an Attorney General who will check that instinct and not support it or justify it.

I will say this in conclusion: There is an independence that is necessary in this position. It is established in law in this position and three other Cabinet positions. Any Attorney General must be able to stand firm for the rule of law, even if that means working with the powerful Executive who nominated him or her. In this administration, I believe that independence is even more necessary.

I oppose Senator Sessions, who is a friend, who is someone I respect for this position because I believe his record raises doubts about whether he can be a champion for those who need this office most, and it also raises doubts about whether he can curb unlawful overreach by this Executive. I yield the floor.

The PRESIDING OFFICER (Mr. Tillis). The Senator from Pennsylvania.

MR. TOOMY. Mr. President, I rise today to speak briefly in support of the nomination of Senator Jeff Sessions to be the next Attorney General of the United States. I do that as someone who has known him personally quite well for 6 years now. I want to do this briefly because we are pressed for time, but I want to make a few points.

First, I think we all recognize the terrific credentials that Senator Sessions brings to this job—his career, his lifetime serving his country, from his time in the U.S. Army Reserve, to his 12 years as a U.S. attorney, to the 2 years he spent as the attorney general of Alabama, all before being elected to the U.S. Senate. But much more important, I am so lucky to know a good man, this good and decent man’s commitment to protecting all members of our society and his sense of fairness.

Let me give a couple of examples. Senator Sessions worked with a Democratic colleague, Senator Coons, on legislation to help women and children who were victims of abuse. It was Senator Sessions who joined me in our successful effort to provide hundreds of millions of dollars of additional funds each year to victims of child abuse and sexual assault and domestic violence.

Senator Sessions’ sense of fairness is also illustrated in his approach to law enforcement. It is probably widely known that he has been an opponent of every major law enforcement group in America, but Senator Sessions has also spent a lot of time and effort making sure people on the other side of law enforcement are treated fairly and humanely.

It was Senator Sessions who led the successful effort to eliminate the disparity in sentences for crack users versus cocaine users, working with Senator Durbin, a Democrat. They succeeded because they understood that the disparity—the much harsher penalty on the use of crack cocaine versus white powdered cocaine—was completely unfair and overwhelmingly adversely affected African Americans. That was not acceptable to Jeff Sessions.

It was Senator Sessions who in 2003 joined with Democratic Senator Ted Kennedy in introducing and helping to successfully enact the Prison Rape Elimination Act because of concern about the appalling abuse experienced by some people in our prisons. That was not acceptable to Jeff Sessions.

Let me just say that—I am going to be very candid. The most objectionable and offensive slander I have heard against Senator Sessions is the notion that somehow he has some kind of racist leanings. That is an outrageous and dishonest charge. I have known this man very well. There is not a racist bone in his body. There has been no one who has been endorsed by many, many African-American leaders. This is a man who personally took on the KKK every chance he had when he was serving as the U.S. attorney. In fact, arguably, he was the reason that the law enforcement system—indeed, I personally did probably more than anyone else to bankrupt the KKK by design so that he could destroy that organization in Alabama, which is exactly what he succeeded in doing.

Jeff Sessions is a man who has tremendous respect for the law, a reverence for the law, respect for the rule of law. There is absolutely no question
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in my mind, from my own personal experience with him for these years, that he will enforce the law vigorously and fairly.

Several of my Democratic colleagues have come down here and they have rattled off phone numbers in which they disagreed with Senator Sessions. You know what, there are areas where I disagree with Senator Sessions. I guarantee you, there are lots of areas where I had disagreements with the members of President Obama's Cabinet. But it never occurred to me that I would have complete agreement on every policy issue with every candidate for a Cabinet position.

What I know about JEFF SESSIONS is that he is an extremely well-qualified attorney, with outstanding credentials, has spent his adult life serving his country and his State, that he has gone to the mat to work for people who are some of the least fortunate and people who have been through appalling circumstances. He has been their champion. I just know he is going to stand up for the principles of the rule of law and equal justice before the law.

The last point I want to make is, when Republican Senators gather periodically for our lunches and our private discussions, every Republican Senator knows that when we are discussing something, if JEFF SESSIONS believes that we are talking about doing something that is a violation of a principle that he holds, he is going to be the last guy who is going to stand up, and he is going to say: My colleagues, this would be a mistake. This is not the right thing to do.

He is the one who is the first to stand up to any other member of the conferees; it doesn't matter who it is. If he thinks what they are suggesting is not the right thing to do, not the principle thing to do, not consistent with our role as Senators, not consistent with our principles, JEFF SESSIONS is always willing to stand up for what is right.

He will stand up for what is right as the Attorney General of the United States. I am proud to support him, and I urge all of my colleagues to do likewise.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I think many millions of Americans perceive, as I do, that these are not normal times.

We have had a new President of the United States who called a judge a "so-called judge" because he dared to disagree with President Trump's decision on the ban of Muslims coming into this country.

We have a President who attacks the media in this country as fake news; everything they are saying is a lie. We have a President who goes before the troops and women in the American military—and starts talking about politics. It is very clear to me that we have a new President who really does not understand the Constitution of the United States of America, who does not understand the separation of powers in the Constitution, and in that context, we need an Attorney General who will have the courage to tell the President of the United States when he is acting in a way that is not the right thing to do, not consistent; it doesn't matter who it is. If he thinks what they are suggesting is not the right thing to do.

I have known JEFF SESSIONS for a number of years, and personally, I like JEFF SESSIONS. But I do not believe at this moment in history, when we need a person around this President to explain the Constitution to him, that JEFF SESSIONS will be the Attorney General to do that.

I am deeply concerned about voter suppression in this country. I am deeply concerned that, as a result of the Supreme Court's gutting of the Voting Rights Act, we have, in State after State after State, Governors and legislatures that are working overtime to make it harder for poor people, people of color, older people, young people to participate in the political process.

Today in the United States, we have, compared to the rest of the world, a low voter turnout. Only about 60 percent of eligible voters in America cast a ballot. Our voter turnout is conservative, Republican, Progressive, Independent, Democrat—whatever you are, if you believe in democracy, what you should believe is in bringing more people into the political process, increasing voter turnout, not working as hard as you can to suppress the vote.

I want an Attorney General of the United States of America to tell those Governors, to tell those attorneys general all over this country that as Attorney General of the United States, he will fight them tooth and nail in every way legally possible to stop the suppression of the vote in State after State throughout this country.

We have the distinction in this country of having more people in jail than any other nation on Earth. We have about 2.2 million Americans. We are spending about $80 billion a year locking them up, and the people who are disproportionately in jail are African American, Latino, Native American.

I want an Attorney General who understands that the current criminal justice system is failing, that we have to figure out ways to keep people from getting into jail by investing into education, in jobs, and that incarceration and more jails are not the answers to the crisis we face within criminal justice. I honestly do not believe that JEFF SESSIONS is that person.

In recent years, we have made significant progress in allowing people—regardless of their sexual orientation—to get married and to have the full rights of American citizenship. I do not believe that JEFF SESSIONS will be the Attorney General who will be supportive of LGBT rights.

We have some 11 million undocumented people in this country. I believe that most Americans see the solution as comprehensive immigration reform and a path toward citizenship.

Today we have some 700,000 people who are DACA recipients, who have come out of the shadows and trusted the Federal Government to protect them. We need an Attorney General who is sensitive to the needs of DACA recipients, who will pursue humane immigration policies, and advocate for the need of comprehensive immigration reform. I do not believe that JEFF SESSIONS will be that Attorney General.

So, Mr. President, for all of those reasons and more, I will be voting against JEFF SESSIONS to become the next Attorney General of the United States.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I also rise this evening to talk about the nomination of our colleague from Alabama, Senator JEFF SESSIONS, to serve as our next Attorney General.

Like many of our colleagues, I have heard from an incredible number of people in my State regarding this nomination—some in favor, fewer than 100—many against. Almost 1,300 Delawareans have called, emailed, or written to my office, expressing their opposition to Senator Sessions' nomination.

I would like to share, if I could, just a few excerpts from some of the emails that I have received concerning this nomination.

We will start with Priscilla from the town of Newport in the northern part of our State. She wrote to me about the experience of her family growing up in a segregated society. Here is what she had to say. She said:

I lived through my parents not having the right to vote, not being able to go through the front door of a restaurant or doctor's office, using the colored fountains and bathrooms. Never again.

Another person, Rhonda from Dewey Beach wrote to me about Senator Sessions' voting record on voting rights. Here is what she had to say. She said:

Mr. Sessions has called the Voting Rights Act of 1965 a "piece of intrusive legislation." Under him, the Justice Department would most likely focus less on prosecutions of minority voter suppression and more on root- out mythical voter fraud.

Here is one from Wilmington, DE—my hometown now—from a woman named Dawn. She wrote to me about her concerns as a parent of a child with autism. She wrote these words:

I am writing to express my deep concern with Jeff Sessions' nomination for Attorney General. I am a parent of an autistic son and I am terrified that people with these types of views will be in power to enforce (or not) the laws that protect the rights of my son and so many others.

Mr. President, the common theme throughout these letters, these calls, these emails is their fear that Senator Sessions will not be an Attorney General for all Americans.

I know that many of my colleagues—our colleagues—will soon be voting
their hopes by voting to confirm Senator Sessions to be our next Attorney General, but too many of my constituents, including African Americans, immigrants, women, Muslims, and other vulnerable populations, have called and emailed my office in numbers that I don’t think I have ever seen before to express their fears and to ask me to do something about it as their senior Senator.

I have heard their voices loud and clear, and I feel compelled to add my voice to so many others in opposing this nomination.

Let me just say this as clearly as I can. I do so with no joy, no joy.

Last night, as I was thinking about what I wanted to share on the floor this evening, my mind drifted back to another time and place.

The Presiding Officer may not know this. I grew up in Danville, VA, my sister and I, the last capital of the Confederacy. I got there this week when I was just about 9 years old and left when I was about to finish high school.

The home that we lived in right outside of Danville, VA—if you walked out the front door, about 100 yards down the road, across the street, was a church, Woodlawn Baptist Church. That was our church, and my mom dragged my sister and me there every Sunday morning, every Sunday night, every Wednesday night, and most Thursday nights.

When my sister and I were in high school, we stood on the doorstep of that church Monday through Friday when school was in session, and we would catch a school bus. About 200 yards down the road, on Westover Drive, there was another school bus stop, where African-American kids got on their school bus, 200 yards away. We would drive in our school bus 10 miles to our school, Roswell High School, and the kids at the other school bus stop would get in their bus, and they would drive past our school another 10 miles to get to their school.

On weekends, my dad worked a lot. He was in the Navy Reserve as a chief petty officer. He was gone a lot on the weekends. My mom worked in downtown Danville in the five-and-dime store. My sister and I would catch a bus, and we would ride downtown to go have lunch with my mom on many Saturdays when we were 9, 10, 11, 12 years old.

I couldn’t help but notice when we got on the bus that if you were white, you got to sit up front, and if you were Black, you sat in back. We would go to a blue plate diner with my mom at lunchtime. There was one section where, if you were white, you got to eat there, and another section where, if you were Black, colored, you would eat there. To go to the restrooms, it was colored only, white only.

After lunch, my sister and I would go to Rialto Theatre, and my mom would give us each a quarter. And for 25 cents, we could see that afternoon three movies until she was finished with work, and we would go home together. At that Rialto Theatre, if you were White, you sat down in front on the first floor; if you were Black, you sat up in the balcony.

I will never forget that when I was a little boy, one day, I went to the dentist’s office for some dental care. I remember this older African-American woman coming into the dentist’s office, and she was in pain with I think an abscessed tooth.

She said: I know I don’t have an appointment, but could someone just help me out of my misery?

They said: I am sorry, ma’am. You don’t have an appointment. We can’t do anything for you. And she left crying.

My parents—it turns out I am a Democrat; they were Republican, as far as I know. They got to vote, and they got to vote regularly. But I will bet you dollars to doughnuts that the kids at that bus stop who caught that bus to go to that all-Black, all-African-American school, my guess is that a bunch of them didn’t get to vote because of something we had in Virginia called a poll tax.

Among the lessons that my sister and I learned at Woodlawn Baptist Church was the Golden Rule: Treat other people the way we want to be treated.

Among the things that we learned at that church is Matthew 25: We should care for the least of these. When I was hungry, did you feed me? When I was naked, did you clothe me? When I was thirsty, did you give me a drink? When I was sleeping in prison, did you visit me? When I was a stranger in your land, did you welcome me? And we were taught: yes, yes, yes, yes.

Micah 6. In my church this past Sunday, the question was raised: What is expected of us by the Lord? And we received three answers. And the three answers: Do justice, love kindness, walk humbly with thy God.

I have taken those lessons from my childhood, and the answers are lessons from my own church today. And I want to tell you that as a kid growing up in Danville, VA, I can understand how other kids in my community were racist or bigoted. I can understand how it happened in Alabama or North Carolina, where our Presiding Officer is from.

But somewhere along the line, somebody got ahold of me and said: You know what, they are talking about in church and the Bible? If you really believe it, here is how you should act and talk and speak. And finally it sunk in.

I just want to say that JEFF SESSIONS has never been here for 16 years. He has been my friend and colleague for 16 years. We read the same Bible. There have been times where we read it together over the years. When we met in my office just a few weeks ago, we talked about something that had affected our lives. I reminded him of how Matthew 25 talks about moral obligations, “the least of these,” which I have talked about.

As I carefully considered my friend’s nomination to serve our country in such a critical role, I found that while we agree on many issues, including that our faith is an important guide not only in our personal lives but in how we act as public servants, I could not hold our Justice Department to the principles that everyone, no matter their age, income, sex, or color, deserves equal protection under the law.

My colleagues and I have these concerns with a number of Cabinet nominees. I voted for more of them than I voted against.

Having said that, we need individuals to serve in these key posts who are willing to speak truth to power. Ironically, that is what got Acting Attorney General Sally Yates in trouble. She did it a few days ago when she was fired for refusing to defend the Muslim ban because she thought it might not be constitutional.

Throughout the campaign, Senator Sessions supported a religious-based test for immigrants, and I fear that Senator Sessions is unlikely to stand up to Donald Trump and tell him that he has to abide by the law. Honestly, that is what got Acting Attorney General Sally Yates in trouble.

Like many Americans, I am troubled by the direction Donald Trump is seeking to take our country’s first few weeks of his administration. I believe that an independent Attorney General can provide a check on this President’s legal recklessness, and it may be more necessary now than at any point in recent history. Donald Trump has already revealed an agenda that reflects his divisive campaign, one that I believe will make our economy less robust, less fair, our environment less clean, our country less inclusive, our classrooms less secure, and our allies less inclined to take America at its word.

Many of us worry that JEFF SESSIONS will not be the independent check on this administration that we need, and many of us worry that he is not hold our Justice Department to the principles that everyone, no matter their age, income, sex, or color, deserves equal protection under the law. My colleagues and I have these concerns with a number of Cabinet nominees. I voted for more of them than I voted against.

Ultimately, however, the votes are where they are, and it appears that our friend, our colleague, Senator Sessions, will be our country’s next chief law enforcement officer and chief attorney. Over these past days and weeks, I thought about whether our friends are in the best job, as I have said. I know others have too. I also thought about the millions of Americans who fear that he may have views about different races and minorities that could seep into the Justice Department, resulting in an unequal applications of our country’s laws.

My thoughts have led me to the example of Lyndon Johnson, a man from
the South who served, as you may recall, in the U.S. House of Representatives in Texas for a number of years and later suddenly became President under tragic circumstances, as we all recall, in November of 1963. LBJ didn’t just oppose civil rights while in the House, he also voted against them. When he became Senator, he often bragged about it. But he went through a public transformation that would lead him to pass the first civil rights bill since reconstruction as Senate majority leader in 1965. Here is what he said. “It is a law that our Nation’s landmark civil rights laws—the Civil Rights Act of 1964, the Voting Rights Act of 1965, the Elementary and Secondary Act, the Fair Housing Act, and countless others.

LBJ’s transformation didn’t happen overnight, though. The truth is that his views on civil rights and racial justice might have been there all along. Here is what Robert Caro wrote about LBJ in the most recent installment of his biography of Johnson. Although the cliche says that power always corrupts, what is seldom said, but what is equally true, is that power always reveals. When a man is climbing, trying to persuade others to put their trust in him, concealment is necessary: to hide traits that might make others reluctant to give him power, to hide also what he wants to do with that power. If men recognized the traits or realized the aims, they might refuse to give him what he wants. But as a man obtains more power, camouflage is less necessary. The curtain begins to rise. The revealing begins.

So it was, in Caro’s view—and I think he is probably right—so it was with Lyndon Johnson.

Mr. President, that reminds me of another quote tonight. This is one from our former First Lady Michelle Obama, who said these words: “Being President doesn’t change who you are, it reveals who you are.” It reveals who you are. We are not confirming JEFF SESSIONS to be our next Attorney General, and most people in this room, and certainly the Senator from Iowa, who would go on to join the Senate for these 20-some years and become our colleague and our friend. So you can understand why it is very frustrating to me to listen to all of these attacks, and it is particularly frustrating to hear them from Members who were not even here in 1986.

With that, let me just say this in closing: Senator Sessions has served with us for 20 years. Every Member of this body knows him to be a man of integrity who has served in the Senate for these 20-some years and become our colleague and our friend. So I know what I have. What we know from those debates is that whether Senator Sessions agrees with you or not on any policy question, he handles the debate fairly, he handles the debate respectfully, and he handles the debate honorably.

Senator Sessions answered our questions in the Judiciary Committee for 10 long hours. He gave us his word on the critical issues that should decide our vote on this nomination. Most of that was centered around the fact that he is a man devoted to the law, and he is devoted as the chief law enforcement officer of our country to enforce the law, even if he didn’t vote for it and even if he disagreed with it.

We know from the questioning that Senator Sessions will be independent when he said when he has to say no to the President of the United States, he will say no to the President of the United States. We know Senator Sessions then, as I have said, will enforce the law faithfully, without regard to person, for all Americans.

Motivated by those principles, Senator Sessions will make a very fine Attorney General, and most people in this body know that—even those who are going to vote against him.

I am pleased to cast my vote in favor of his nomination, and of course I urge my colleagues to do the same thing.

I yield the floor.

The PRESIDING OFFICER (Mr. PERDUE). The Senator from Alabama.
Mr. SHELBY. Mr. President, I rise in support of the nomination of my colleague and friend JEFF SESSIONS to be the Attorney General of the United States.

Why? We have had this debate. It has gone on for a long time, and we have heard from a lot of proponents and opponents of JEFF SESSIONS. Who would know JEFF SESSIONS better maybe than I would? I have worked with JEFF SESSIONS since he came to the Senate 20 years ago. Between us we have been here year by year, session for many years for him. Our staffs worked day and night on issues that have affected our State and affected the Nation.

I really got to know JEFF SESSIONS when he was the Attorney General of Alabama. He had been the U.S. attorney. He was pretty well known, but I didn’t know him. We didn’t really know each other until he became the Attorney General.

I urged him to run for the U.S. Senate. I thought he could win, but I thought not just that he could win but that he could bring something to this body. I thought he would be a good colleague, he would be a good Senator for the State of Alabama and for the United States of America, and he has been.

When you deal with people day after day—remember, we all know each other as colleagues here. There are just 100 of us. It sounds like a lot of people, but it is not. When we interact on committees, when we deal with each other, when our families are thrown together, we talk, we debate, we maybe even fight a little bit at times over issues. We get to really know somebody.

I know JEFF SESSIONS pretty well. I believe he is competent as a lawyer, he was a good lawyer, he was a good prosecutor, and he served our State as Attorney General. He has been active on the Judiciary Committee where he has chaired subcommittee. He has been active on the Budget Committee. He has been active on the Armed Services Committee. He has been active right here in the Senate—our Senate—on the Environment and Public Works Committee, and he is well respected.

What kind of Attorney General do we want? We want somebody who is competent, somebody with integrity—inegrity above everything. That is what counts in this job. This is a very, very important job. These are big shoes. These are big shoes.

After he took on the Attorney General’s role, he almost instantly went on the road to every county in Alabama—all 67 of them. His staff would certainly agree. They remain ever grateful for his daily struggle. They have not forgotten the time he accidentally ran his suit coat through the paper shredder. His staff will tell you it is these trips that make you feel as if you have known him your entire life. He is usually the first to arrive at constituent events and the last to leave. He has also made it a priority to travel annually to every county in Alabama—all 67 of them.

His staff will tell you it is these trips home when Senator SESSIONS is really in his element. Driving across Alabama, from sunup to sundown, milkshake in hand, or maybe a Blizzard from Dairy Queen, Heath bar flavor, thank you very much, that is Senator Sessions.

Now, it is not hard to see why Alabamians keep sending him back to Washington. Last time out he scooped up a modest 97 percent of the vote. Part of Senator SESSIONS’ secret to success is simple enough; he is just a likable guy.

Our colleague is one of the most humble and most considerable people you will ever meet. He is a true Southern gentleman. He is pretty funny too. His staff would certainly agree. They still remember the time he accidentally ran his suit coat through the paper shredder. They save the evidence too. Let’s hope that one makes it into his archives.

SESSIONS’ alums call this man a mentor. They remember ever grateful for his focus on their own development. I know they are going to miss grabbing a Blizzard or maybe a Blizzard from Dairy Queen, Heath bar flavor, thank you very much, that is Senator Sessions.

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SESSIONS’ alums call this man a mentor. They remember ever grateful for his focus on their own development. I know they are going to miss grabbing a Blizzard or maybe a Blizzard from Dairy Queen, Heath bar flavor, thank you very much, that is Senator Sessions. Now, in Sessions’ world, Mary Sessions is something of a legend. She has been our colleague’s strongest supporter, no matter the task before him. She has been a source of encouragement and a friend to all of Team Sessions. I doubt they will ever forget Mary’s friendship or her famous cream cheese pound cake.

One thing they will not soon forget is Senator Sessions’ intense focus on the office’s letter-writing operation. Sometimes that meant working weekends with the boss to get the constituent correspondence just right. There is no doubt that Sessions is very, very particular about his writing, whether it is constituent letters or legal memoranda, and there is a good reason for that. Words, as this lawyer is known to say, have meaning. It is a philosophy that has animated Senator Sessions’ longtime love affair with the law.

He believes in equal application of the law to each of us, regardless of how we voted where we come from. It is a genuine passion for him. It is an area of deep importance and principle.

Senator SESSIONS will stand up for what he believes is right, even when it is not always the easiest thing to do.

Now, this is a guy who fought for Republican principles long before—long before—Alabama became a red State. He stood up to the George Wallace dynasty as a young man. He staked down the forces of hate and McCarthyism and fought for the有色人种’s rights.

Now, this is a guy who fought for Republican principles long before—long before—Alabama became a red State. He stood up to the George Wallace dynasty as a young man. He staked down the forces of hate and McCarthyism and fought for the有色人种’s rights.

The politics of the moment may have changed, but the truth of statements like these endures. Deep down, each of us knows these things remain just as true about Senator Sessions today as they did when our Democratic colleagues praised him.

Fair in action, bound to the Constitution, a defender of civil rights, this is the man we have come to know in the Senate. It is the same man we can expect to see as Attorney General. Senator SESSIONS may be leaving the Senate, but there is plenty this Eagle Scout will be taking with him. That includes the motto he has lived by—“Be Prepared”—which is so engrained in our friend that it is even engraved into the back of the granite nameplate on his desk. It is a simple phrase with a simple message, and it seems particularly fitting for our friend today.

He has a big job ahead of him. I think he is up to the task. He is tough, but he
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is fair. He is persistent, but he is respectful. He is a likeable guy, a principled colleague, and an honest partner. And while we are really going to miss him, we also couldn’t be prouder of him.

So let us thank Senator SESSIONS for his many years of service.

The PRESIDING OFFICER. All time has expired.

The question is, Will the Senate advise and consent to the Sessions nomination?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. SESSIONS (when his name was called). Present.

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 59 Ex.]

YEAS—52
Alexander 
Barrasso 
Blunt 
Boozman 
Burr 
Capito 
Cassidy 
Coehlo 
Collins 
Corker 
Coryn 
Durbin 
Feinstein 
Donnelly 
Duckworth 
Daines 
Feinstein 
Coons 
Corker 
Coryn 
Lankford 
Sasse 
Rounds 
Roberts 
Paul 
Barrasso 
Blunt 
Boozman 
Burr 
Capito 
Cassidy 
Coehlo 
Collins 
Corker 
Coryn 
Durbin 
Feinstein 
Donnelly 
Duckworth 
Daines 
Feinstein 
Coons 
Corker 
Coryn 
Lankford 
Sasse 
Rounds 
Roberts 
Paul

NAYS—47
Baldwin 
Bennet 
Blumenthal 
Booher 
Brown 
Cantwell 
Cardin 
Carper 
Casey 
Coons 
Cortez Masto 
Donnelly 
Duckworth 
Duckworth 
Durbin 
Feinstein 
Franken 

ANSWERED “PRESENT”—1

The nomination was confirmed.

(Applause, Senators rising.)

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote on the nomination.

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

Mr. MCCONNELL. I move to table the motion to reconsider.

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

The motion was agreed to.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum call be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk reads as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to consider the nomination of Thomas Price, of Georgia, to be Secretary of Health and Human Services.


The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Thomas Price, of Georgia, to be Secretary of Health and Human Services shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is not responding: The Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 48, as follows:

[Rollcall Vote No. 60 Ex.]

YEAS—51
Alexander 
Barrasso 
Blunt 
Boozman 
Burr 
Capito 
Cassidy 
Coehlo 
Collins 
Corker 
Coryn 
Durbin 
Feinstein 
Donnelly 
Duckworth 
Daines 
Feinstein 
Coons 
Corker 
Coryn 
Lankford 
Sasse 
Rounds 
Roberts 
Paul

NAYS—48
Baldwin 
Bennet 
Blumenthal 
Booher 
Brown 
Cantwell 
Cardin 
Carper 
Casey 
Coons 
Cortez Masto 
Donnelly 
Duckworth 
Duckworth 
Durbin 
Feinstein 
Franken 
Baldwin 
Bennet 
Blumenthal 
Booher 
Brown 
Cantwell 
Cardin 
Carper 
Casey 
Coons 
Cortez Masto 
Donnelly 
Duckworth 
Duckworth 
Durbin 
Feinstein 
Franken

The PRESIDING OFFICER. The motion is agreed to.

Mr. MCCONNELL. Mr. President, I thank my colleagues in the Senate. Serving in this body for 20 years has been one of the great honors of my life. I remember coming up when I was running for the Senate and going to the Republican luncheon. They said: Well, you have a few minutes. You can say something, but don’t talk very long because people don’t want to hear a lot from you, frankly.

So I told them that I could think of no greater honor than to represent the people of Alabama in the greatest deliberative body in the history of the world. That is what I feel about this body. I want to say, I appreciate the full debate we have had. I want to thank those who, after it all, found sufficient confidence in me to cast their vote to confirm me as the next Attorney General of the United States of America.

I have to tell you, I fully understand the August responsibilities of that office. I served as United States attorney for 12 years and assistant United States attorney for a little over 2 years. During that time, the very idea of those great leaders in Washington leading those departments I served under make it almost impossible for me to conceive, I am that person and will have that opportunity and that responsibility.

So I understand the seriousness of it. I have an interest in law enforcement. I have an interest in the rule of law. So I want to thank those of you who supported me and had confidence in me. I want to thank President Trump. He believes in the rule of law. He believes in protecting the American people from crime and violence. He believes in a lawful system of immigration that serves the national interest, within bounds, and those are things that may from time to time come before the Office of Attorney General.

I look forward to lawfully and properly advancing those items and others that we as a body support, and the American people believe in.

The Attorney General—this is a law enforcement office first and foremost. People expect the Department defend us, defend us from terrorists, defend us from criminals, defend the country from fraudsters who raid the U.S. Treasury time and time again and too often are not being caught or held to account for it.

I believe that is a big responsibility of the U.S. Attorney General and the whole Department of Justice. As a former Federal prosecutor, I worked nights, weekends, and became personal friends with fabulous Federal investigative agents. They give their lives, place their lives on the line.
for us to promote public safety, to try to do the right thing for America.

Sometimes people think of them in terms of taking away our freedoms. That is not so. They are out there every day putting their lives on the line to advance our freedoms, to protect our liberties, to protect public safety, to stop terrorism that threatens our government.

So I feel strongly about that. I had the honor to lead some of the finest assistant United States attorneys in America. Our goal—well, before I became an assistant, I was told that Mobile had the best U.S. attorney's office in America.

So when I came back as U.S. attorney some 6 years later, I told them that was our goal. We were going to have the best United States attorney's office in America. What a great time we had. We had wonderful people. They worked with a zeal to do a job to its end, their case. We went before great Federal judges. It was a glorious time. It was really a special time.

I will never ever forget that. I was before the Judiciary committee in 1986, and Senator Kennedy—later my friend—spoke harshly about me. It was on the TV. They would show his statement. He said I should resign my office. So a few minutes later I had a chance to say something. I said: Senator Kennedy, what you said breaks my heart. Nothing I have ever done have I been more proud of than serving as United States Attorney. I still believe that. Nothing I have ever done am I more proud of than the work we did in that little office in Mobile, AL, representing the United States of America.

You go into court, you stand before the judge, and you say: The United States is ready. I represent the United States in a litigious matter. This is a big deal. So I would say to you, friends and colleagues, that this is a special honor. I feel it in my bones. I hope and pray I can be worthy of the trust you have given me. I will do my best to do that.

Let me comment a minute on the heated debate we have had here in the Senate on my nomination and others. It was an intense election. There is no doubt about that. There have been strong feelings expressed during the election and throughout this confirmation process. Sometimes we have philosophical disagreements, just sincere disagreements about policy, what is right or wrong on the hill. I work in what the law says, what it does not say.

I believe words ought to be given their fair and plain meaning. Words are not tools that can be manipulated to make it say what you want it to say. I believe in a literature of objective meanings. So sometimes we have differences about that, but that is what elections are about. I have always liked the debate. I have always enjoyed participating in this great body, where we are free to speak and able to advocate for the values that we have.

But I don’t think we have such a classical disagreement that we can’t get together. I have always tried to keep my disagreements from being personal. I have always tried to be courteous to my colleagues. Still, tension is built in the system. It is there. The plain fact is that our Nation does have room for Republicans and Democrats. That is the way it has to be. I am fairly firm, I have to say, in my convictions, but that does not mean that all of us have to agree on the same thing. We need latitude in our relationships.

So let’s agree on what we can agree on, and I suggest that to my colleagues as I leave here, and take action where we can agree on things, but denigrating people whom you disagree with I think is not a healthy trend for our body.

After I had been here for a number of years, I had gotten along pretty well with Senator Kennedy on the Judiciary Committee. He asked me to be the lead sponsor with him on the significant, pretty controversial bill to eliminate prison rape. There were a number of honorable people who opposed it, some friends of mine. He said: I want to do this with you. People asked me: Did you ever have a reconciliation? Did he apologize?

He said: I want to do this bill with you. And I knew what that meant. I appreciated that. I said: I want to do this bill with you. And so we were able to pass that bill together. It was a moment of reconciliation that meant a lot to me. I think he appreciated it too. We later got involved in another major piece of legislation, just the two of us, that would have established a portable savings plan for young workers like the Federal thrift plan.

About that time, the financial crisis hit, and then he became ill and it never came to fruition. But reconciliation is important. We ought to do that in this body. We ought to try to fight for our values and not give an inch. You don’t have to back down if you believe you are right, and you should not back down.

But there are ways that we can get along personally. I would say that would be my prayer for this body: that in the future maybe the intensity of the last few weeks would die down and maybe somehow we would get along better.

So, colleagues, I can’t express how appreciative I am for those of you who stood by me during this difficult time. I could start calling all their names, but it would not be appropriate. I want to say again, I appreciate the President and his confidence in me, and by your vote tonight, I have been given a real challenge. I will do my best to be worthy of it. I look forward to working with each of you during that time, and maybe make sure that we have a good open door at the Department of Justice.

My wife has picked up pretty quickly that we have a chef, and we can actually invite people for lunch or breakfast there. Maybe we can do that.

Finally, let me thank my family because without their support, I could not be here. It is great. My children have been so engaged in this. They were young when my 1986 adventure occurred. Now they are grown. Your support and affirmation have meant much to me.

Mr. SESSIONS. Thank you all. (Applause, Senators rising.)

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

Mr. LEAHY. Mr. President, since 1989, Vermont has accepted more than 8,000 refugees from around the world. Most recently, two families from war-torn Syria were placed in Rutland.

Vermonters understand the meaning of community, of supporting one another through tough times and celebrating together in seasons of joy. Over the last three decades, the meaning of community has expanded to include numerous nationalities as Vermonters have welcomed new neighbors from countries including Somalia, Sudan, and Bhutan, among others. Over the last 25 years, Vermont’s growing diversity has infused vitality and a diversity of culture into our rural State as locals open their arms—and their hearts—to new cultures and ways of life. New Vermonters hail from the world over...
and are greeted in the Green Mountains by support groups and refugee associations. Some organizations aid new arrivals by offering workforce developments and translation services, while others host furniture and clothing drives. Many refugees are able to find jobs in the state’s bustling tourism industry, as they work to save for future endeavors.

These support networks expand as the same individuals who once relied on refugee organizations begin to offer guidance to more recent arrivals. For some, this means years of saving before opening restaurants or stores with food and products that feature their home countries. Others focus on engaging recently arrived refugees in the very communities that they were welcomed into. As their roots grow deeper and their communities wider, Vermont’s cultural vibrancy increases.

At the end of the day, however, these refugees have become part of the fabric of our communities. Vermont has become a home, if not their first home. In an article featured in POLITICO in November 2016, one refugee, Ramadan Bahic, a Bosnian Muslim who fled their Serb-controlled town during the Bosnian civil war said, “My language is my language, my accent will stay, but if you ask me, I’m a Vermonter.”

To Mr. Bahic and to those refugees recently settled in Vermont—or hope to do so in the future—I say welcome home.

I ask unanimous consent that the text of a November 2016 POLITICO article, “My Language is My Language, But I’m a Vermonter,” be printed in the RECORD.

There being no objection, the material ordered to be printed in the Record, as follows:

(From POLITICO, Nov. 17, 2016)

MY LANGUAGE IS MY LANGUAGE, BUT I’M A VERMONTER

Vermont has accepted thousands of refugees over the years, boosting the population and the economy. A debate over accepting Syrians put the state to the test.

(BY Erick Trickey)

BURLINGTON—Eight years ago, Som Timina’s family left a refugee camp in Nepal and became one of the first Bhutanese families to seek sanctuary in Vermont. Timina drove the Holiday Inn’s shuttle on night shifts for three years as he saved to open his own Asian grocery. Five years later, Central Market has become a gathering place for the state’s growing population of ethnic Nepalis and, among other things, has showcased Himalayan cuisine that gets raves from locals on Yelp—tikka masala and biryani, plus包括 his dumplings.

Timina, 38, works long, fast-paced days. In a 20-minute chat in his store, he never takes off his black jacket or takes the Bluetooth from his ear. Though business isn’t as strong as he’d like, and housing costs in Burlington are high, Vermonters, he says, have offered a welcoming refuge for him and his family—his wife, Mangan, and their daughter, Misha, who was tortured by authoritarians in Bhutan.

“They react good so far,” he says of Vermonters. “They are helping us.”

For Vermonters who have welcomed refugees from around the world: more than 8,000 since 1989, just over 1 percent of the small state’s population. Vermonters have been almost Canadian in their big-hearted welcome of the displaced and persecuted, primarily from Somalia, Sudan, Central Africa, and the United Nations have donated computers, furniture and household goods for new arrivals. They’re taken Somali refugees into their homes to help them adjust to American life. Others have stepped up with English-language classes for kids from abroad. In Vermont, refugee resettlement has enjoyed near-unanimous support from local political leaders, who see it as a way to add youth and vigor to the largely rural state’s declining population.

But accepting refugees in one’s community is a sensitive undertaking, requiring the support of local leadership and the cooperation of many community organizations.

On April 26—the same day Donald Trump swept through seven Republican primaries in the northeast—the mayor of Rutland, southern Vermont’s largest town, announced a plan to accept up to 100 war refugees a year, beginning with Syrian families. The reaction was swift. A volunteer group, Rutland Welcomes, organized to prepare for the Syrians’ arrival, and at the same time a vocal group bent on halting the resettlement, Rutland First, filed an appeal to decline $18,000 in funding.

The ensuing debate, which dragged on through the summer, was a miniature version of the emotionally charged argument that dominated American political life. In July, the Rutland residents responded was quintessentially Vermont: generous and pragmatic. In the end, most residents supported the plan to accept the refugees, while a minority voiced concerns. But in the end, these concerns had agreed. Until this year.

In Vermont, refugee resettlement administration and a conversation partners program for refugee students at the Community College of Vermont.

“I feel Vermont has more open doors than other states,” says Mubayi. Immigrants in the state tend to find ones and ma health insurance faster than elsewhere, he says.

At the Vermont Refugee Resettlement Program in Colchester, the state’s only refugee placement agency, flyers on a lobby bulletin board offer refugees tips on jobs, health care and transportation: “UPS is now hiring” “Vermont Health Connect” “Get a bike—Bike Recycle Vermont.” “And Remember, Please Give 15 Days Notice If You Are Retiring.”

In the months following the election of Donald Trump, America, edited by William J. Bennett, the Reagan administration secretary of education, rests on a coffee table, its cover illustration a bunch of kids from a kaleidoscope of ethnicities waving American flags.

Amila Merdzanovic, VRRP’s director, came to Vermont in 1996 as a Bosnian refugee. She makes the case for resettlement’s contributions to Vermont: It brings about 200 working adults a year to a state with a stagnant, aging population. “We have employers calling us asking do we have Vermonters,” she says. Many refugees get jobs at hotels and restaurants. Landlords call, too, despite Burlington’s low housing vacancy rate. “Refugees are good tenants,” she says. “(They) take care of their apartments and their neighborhoods.”

The idea is to measure refugees’ assimilation or happiness. Instead, agencies like VRRP look at self-sufficiency to measure success. Refugees get a one-time payment of $925 to $1,000 to start anew on their own. After that, the goal is to help them find a job that pays enough to make them ineligible for state aid. In 2015, Merdzanovic says, 73 percent of employed refugees found a job within three months of arriving. By eight months, the figure rose to 88 percent.

If we don’t hear from them, we know they’re working, their kids are in school, they’re driving, they have a car and driver’s license. That’s a success,” she says.

In Burlington, refugees’ biggest challenge is affordable housing. Timina, the Bhutanese grocer, says some refugees have moved to Fair Haven or South Burlington. Timsina’s high rents—at least $1,500 a month for a three-bedroom apartment. That’s one reason Rutland appealed to VRRP.

But accepting Rutland’s application to become a resettlement site for Syrian refugees has exposed VRRP to something it hasn’t dealt with elsewhere: angry opposition. “It’s very frightening,” says Merdzanovic. “It’s new waters for all of us.”

As Rutland Mayor Chris Louras crosses a downtown street corner, an SUV pulls up. “Hi, the car is almost paid for,” he says. After that, the goal is to help them find a job that pays enough to make them ineligible for state aid. In 2015, Merdzanovic says, 73 percent of employed refugees found a job within three months of arriving. By eight months, the figure rose to 88 percent.

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“I saw that as an opportunity,” Louras says, “not just to do the right thing—to open our doors to a people who are fleeing for their lives—but also to do the right thing for the community.” He says Syriac refugees could give Rutland a population boost and more cultural and ethnic diversity, which in turn could help the town attract and retain employers. “Our population is crashing,” Louras says. Though Rutland is one of Vermont’s largest cities, that doesn’t mean it’s very big. About 16,000 people live there, down from 19,000 in 1970. Louras, mayor for nine years, has worked to turn it around. He says downtown occupancy is at 95 percent, up from 75 percent in 2000. But Rutland has been hit hard by the opioid epidemic and the subprime mortgage crisis. Absentee landlords have neglected their properties, leaving the city to step in with garbage pickup and grass-mowing. Refugees, he says, could revitalize the city’s hardest-hit neighborhoods. “In Burlington and Winooksi, new Americans really take pride in where they live and become very engaged community members.” Besides, he says, the town’s economy needs workers and Rutland is below the state average for new residents moving in. Rutland County, and the region’s top employers, Rutland Regional Medical Center and a GE aviation plant, have trouble finding new employees.

So, after talking with State Department and Homeland Security officials, VRPP, the local school district and major regional employers, Rutland Regional Medical Center and Homeland Security officials, VRRP, the local school district and major regional employers, Rutland Regional Medical Center and a GE aviation plant, have trouble finding new employees. So did opposition. “These are the same people or many of the same who danced in the street celebrating 9 11, that aren’t the people who hate us,” reads a change.org petition against the resettlement plan and hosted national anti-immigration speakers Philip Baney and James Simpson in September.

Some critics complained that Louras had acted secretly by not informing the city’s board of aldermen. “To keep it a big, fat, national secret was just too late in this day and age,” says Alderwoman Jenny Notte. “The city needs to be tarred [as] the community that voted immediately to prepare for the Syrians’ arrival.”

In late September, the State Department approved Rutland as a new home for refugees. Louras says 75 Syrians from either the Zaatari refugee camp in Jordan or camps in Lebanon, plus 25 Iraqis, should arrive in December or January.

Notte says he’s confident that most Rutland residents support the refugees’ arrival. He says meetings of Rutland Welcomes attracted a new audience for resettlement’s vocal opponents. The refugees’ supporters have organized a furniture donation drive and begun holding free weekly Arabic language classes at the Unitarian Universalist Church.

“Vermont is desperately in need of working people,” Notte says. “It’s a match made in heaven.”

REMEMBERING DERMOT GALLAGHER

Mr. LEAHY. Mr. President, I have come to this Chamber to pay tribute to Dermot Gallagher, an Irish diplomat and civil servant who I was deeply saddened to hear passed away on January 15, 2017, after a lifetime dedicated to public service.

Dermot Gallagher was a friend of the United States. His career overseas was bookended by tours here, having first been posted at the Irish consulate in San Francisco in 1971 before serving at the United Nations in New York, the Irish Embassy in London, with the European Commission in Brussels, as Irish Ambassador to Nigeria, and ultimately returning to the U.S. as the Irish Ambassador in Washington.

He is perhaps best known for his role in the Northern Ireland peace process. For decades, Dermot was involved in efforts to bring about peace and reconciliation. He was involved in the Sunningdale negotiations in 1973, implementation of the Anglo-Irish Agreement in the late 1980s, and ultimately the negotiations and implementation of the Good Friday Agreement, when he used his “emollient style of negotiation and diplomacy,” as former junior minister and former Senator Martin Mansergh aptly described, to make significant contributions.

Dermot was also my friend. Over the course of his 6 years as Ambassador, my wife Marcelle and I came to know Dermot and his wife, Maeve, and I was fortunate to retain his friendship long after he returned to Ireland to advance the cause of peace.

I fondly recall our discussions about the relationship between the U.S., and particularly Vermont, and Ireland over dinner while he was Ambassador, visiting with him over a decade later when he had returned to Ireland and I visited on a trade mission, and the multitude of conversations about our families, our shared heritage, and our passion for U.S.-Ireland relations and the cause of peace.

I shared a personal memory in Ireland only 20 years ago. It is worth sharing again because it speaks to who Dermot was as a person. While he was Ambassador, I was discussing my family’s Irish ancestry, and I told him I wished my father, Howard Francis Leahy, had still been with us to know how he was planning a trip to Ireland. Dermot said to me, “Pat, don’t you think your father knows?” It brought tears to my eyes. He was as personable and genuine as he was a skillful diplomat.

Perhaps his legacy has been best conveyed by the reaction of his former colleagues on learning of his passing, who described him as a “gentleman,” “distinguished diplomat,” and “a brilliant, creative and warm human being.” Prime Minister Michael D. Higgins noted his significant contribution to the peace process. Minister for Foreign Affairs Charlie Flanagan lauded his “talented service,” marked by “great loyalty and constant commitments.” Prime Minister Enda Kenny described him as a “patriot, an outstanding public servant who embodied the best of Ireland and its people.”

Dermot was all of these things, and he will be greatly missed, but affectionately remembered.

Marcelle and I send our deepest condolences to his wife, Maeve, and to their children, Fiona, Aoife, and Ronan.

TRIBUTE TO FATHER RAY Doherty

Mr. LEAHY. Mr. President, I would like to take a moment today to honor Father Ray Doherty, a fellow Michaelman and a pillar of the St. Michael’s College community. Father Ray, as he is warmly known, exemplifies many of the qualities we Vermonters hold dear. His compassion and leadership have contributed to a vibrant college campus and has inspired those beyond its borders. As a member of the Society of Saint Edmund, as he is more commonly known, as he is known to many of us, he has made contributions to the state of Vermont.

Father Ray first came to St. Michael’s as a 17-year-old freshman. He spent his college years as both a student and an athlete, gracing the baseball program with his talents as pitcher before graduating in 1951. Father
Ray then served as a staff sergeant in the U.S. Marine Corps during the Korean conflict. It was there that Father Ray saw the importance of loyalty and strong leadership, leading him to join another brotherhood following his discharge. As an Edmundite priest for more than six decades, Father Ray had advised and supported countless students at Saint Michael's. His leadership on campus focuses on setting a good example through actions rather than words. Father Ray's commitment to social justice and involvement in campus service organizations has fostered peace and justice with in the college community. Though honored with an array of awards, including induction into the college's athletic hall of fame and the establishment of a scholarship in his name, Father Ray remains humble. His role as an administrator, leader, and friend is rooted in a sense of selflessness and an everlasting commitment to the community around him.

"To my friend Ray, I say, "Semper Fi.""

The St. Michael's College Magazine recently highlighted Father Ray's service, and I ask unanimous consent that that featurette be printed in the RECORD.

"There being no objection, the material was ordered to be printed in the RECORD, as follows:"

**GREAT LEADERS THINK OF THE COMMON GOOD**

(By Susan Salter Reynolds)

Father Ray Doherty, SSE, served as a staff sergeant in the United States Marine Corps during the Korean conflict, and has been an Edmundite priest in the campus ministry and on the Board of Trustees at Saint Michael's for half a century. He is, by all accounts, a much-loved and admired presence on the campus.

"What I look for in leadership is a good example," Father Ray says, paraphrasing St. Francis: "It's not so much what you say as what you do." Father Ray can't help but point out that in this election season these words took on special meaning.

"Great leaders think of the common good," he says. "They aren't in it just for themselves. Here at Saint Michael's, he says, "We are blessed with the opportunity to lead by example."

Father Ray believes that making people feel safe is an important part of good leadership. He admires the leadership of Pope Francis. "He is a man of action," Father Ray says, recalling a time when Pope Francis embraced a man with a very disfigured face. "He didn't hesitate. This is an example of action being more important than words."

Humility is another raw ingredient of leadership, and Father Ray sees this quality on campus. "I'm including leadership of President Jack Neuhauser. "He is extremely humble—always stands in the back for group photographs!"

Was the leadership Father Ray saw in the Marines different from the leadership he has experienced in civilian life? "The training was strict," he says, "but I might never have become a priest. I didn't have that opportunity to think about things. There's a lot of love in military life. Many talk about love for their fellow Marines, about fighting for their country or a comrade in the moment for the guy next to you. You develop these bonds, this loyalty."

"Leadership can also mean listening to the call. When I look back on my life I see so many surprising moments when I made decisions on my own or with God's help. As a Christian and a believer, I do believe that there is some guidance out there if we are open to it. We must be open to inspiration in order to be good leaders."

**MESSAGE FROM THE PRESIDENT**

A message from the President of the United States was communicated to the Senate by Mr. Pate, one of his secretaries.

**EXECUTIVE MESSAGE REFERRED**

In executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Homeland Security and Environmental Affairs.

"(The message received today is printed at the end of the Senate proceedings.)"

**MESSAGE FROM THE HOUSE**

At 10:18 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following joint resolutions, in which it requests the concurrence of the Senate:

H.J. Res. 44. Joint resolution disaproving the rule submitted by the Department of the Interior relating to Bureau of Land Management regulations that establish the procedures used to prepare, revise, or amend land use plans pursuant to the Federal Land Policy and Management Act of 1976.

H.J. Res. 57. Joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to accountability and State plans under the Elementary and Secondary Education Act of 1965.

H.J. Res. 58. Joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to teacher preparation issues.

**INTRODUCTION OF BILLS AND JOINT RESOLUTIONS**

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

- By Mr. GRAHAM (for himself, Mr. CARDIN, Mr. MCCAIN, Mr. BROWN, Mr. RUINO, and Mrs. McCASKILL)
  - S. 341. A bill to provide for congressional oversight of actions to waive, suspend, rescind, provide relief from, or otherwise limit the application of sanctions with respect to the Russian Federation, and for other purposes; to the Committee on Foreign Relations.

- By Mr. BLUMENTHAL (for himself and Mrs. EINSTEIN)
  - S. 342. A bill to provide for the issuance of a "Gold Star Families Forever Stamp" to honor the sacrifices of families who have lost a loved one who was a member of the Armed Forces in combat; to the Committee on Homeland Security and Environmental Affairs.

- By Mrs. FISCHER (for herself and Mr. KING)
  - S. 343. A bill to repeal certain obsolete laws relating to Indians; to the Committee on Indian Affairs.

- By Mrs. FISCHER (for herself, Mrs. EINSTEIN, and Mrs. CAPITO)

- By Ms. MURKOWSKI (for herself, Ms. CANTWELL, and Ms. HIRONO)
  - S. 346. A bill to provide for the establishment of the National Volcano Early Warning and Monitoring System; to the Committee on Energy and Natural Resources.

**ADDITIONAL COSPONSORS**

- S. 39
  - At the request of Mr. CRAPO, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a co-sponsor of S. 39, a bill to provide that silencers be read the same as long guns.

- S. 66
  - At the request of Mr. HELLER, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 66, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

- S. 86
  - At the request of Mr. MCCAIN, the names of the Senator from Oklahoma (Mr. LANKFORD) and the Senator from North Carolina (Mr. TILLIS) were added as cosponsors of S. 86, a bill to amend the Veterans Access, Choice, and Accountability Act of 2014 to modify the termination date for the Veterans Choice Program.

- S. 139
  - At the request of Mr. HATCH, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a co-sponsor of S. 139, a bill to implement the use of Rapid DNA testing systems to inform decisions about pretrial release or detention and their conditions, to solve and prevent violent crimes and other crimes, to exonerate the innocent, to prevent DNA analysis backlogs, and for other purposes.

- S. 178
  - At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 178, a bill to prevent elder abuse and
exploitation and improve the justice system’s response to victims in elder abuse and exploitation cases.

S. 283

At the request of Mr. BURR, the name of the Senator from Indiana (Mr. YOUNG) was added as a cosponsor of S. 283, a bill to reaffirm that the Environmental Protection Agency may not regulate vehicles used solely for competition, and for other purposes.

S. 285

At the request of Mr. CARDIN, the names of the Senator from Rhode Island (Mr. WURST) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 285, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 296

At the request of Mr. ISAACS, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 306, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 316

At the request of Mr. HATCH, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 316, a bill to amend the Mineral Leasing Act to recognize the authority of States to regulate oil and gas operations and promote American energy security, development, and job creation, and for other purposes.

S. 324

At the request of Mr. HATCH, the name of the Senator from Oklahoma (Mr. COOPER) was added as a cosponsor of S. 324, a bill to amend title 38, United States Code, to improve the provision of adult day health care services for veterans.

S. 331

At the request of Mr. LANKFORD, the name of the Senator from Oklahoma (Mr. HAWKINS) was added as a cosponsor of S. 333, a bill to limit donations made pursuant to settlement agreements to which the United States is a party, and for other purposes.

S. 337

At the request of Mrs. GILLIBRAND, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 337, a bill to provide paid family and medical leave benefits to certain individuals, and for other purposes.

S. 338

At the request of Mr. NELSON, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 338, a bill to protect scientific integrity in Federal research and policymaking, and for other purposes.

S. 346

At the request of Mr. LANKFORD, the name of the Senator from Utah (Mr. Lee) was added as a cosponsor of S. 346, a bill to provide for the establishment of the National Volcano Early Warning and Monitoring System; to the Committee on Energy and Natural Resources.

Mr. President, I rise today to reintroduce, along with my cosponsors Senator Maria Cantwell of Washington and Senator Mazie Hirono of Hawaii, legislation that will establish a national volcano early warning and monitoring system to monitor, warn, and protect citizens from undue and avoidable harm from volcanic activity. The system will tie the Alaska Volcano Observatory and the Cascadia Volcano Observatory with the other existing U.S. Geological Survey, USGS facilities: the Hawaiian; Long Valley, California; and Yellowstone Volcano Observatories. The bill will unify the monitoring systems of the volcano observatories into a single connected system, establish a national volcano watch office, operational 24 hours a day, 7 days a week, and fund necessary new academic-governmental research.

The United States is home to 169 active volcanoes, of which 55 are considered to be threatening to life and property. Few Americans realize that of the 50 volcanic eruptions that occur annually worldwide, the United States is the third most active country for eruptions, ranking only behind Indonesia and Japan in its number of historically active volcanoes. Since 1990, eight commercial aircraft have lost engine power in flight and dozens more have been damaged after flying into ash clouds caused by volcanic eruptions. Many Americans remember that Mount St. Helens in Washington State explosively erupted on May 18, 1980. The eruption caused 57 fatalities, destroyed 27 bridges and 185 miles of highways at a cost of $1.1 billion. Fewer Americans remember that lesser known volcanoes, such as Mount Redoubt in Alaska, erupted well over 100 times in 2009-2010, causing the cancellation of more than 230 commercial airline flights and putting almost 10,000 airline passengers at risk. If eruption forecasts had not accurately predicted where ash clouds from these eruptions would go, the negative impacts could have been much worse, or even catastrophic.

The threat to our Nation from volcanic eruptions was dramatically illustrated on December 15, 1989, when a Boeing 747 flying 150 miles northeast of Anchorage, AK encountered an ash cloud that rose from an earlier eruption of Mount Redoubt. The plane lost power in all four engines, falling some 10,000 feet before it could restart two of its engines. The restart saved the lives of the plane’s 231 passengers but caused $80 million in damage to the craft.

This incident points out the dangers to aircraft, especially on the west coast and in Alaska’s air space. The Federal Aviation Administration report that more than 80,000 large aircraft a year carrying more than 30,000 passengers a day, travel in skies over and potentially downwind of many of Alaska’s volcanoes, mostly on the heavily traveled great-circle routes between Europe, North America, and Asia. The Alaska Volcano Observatory, with only partial Federal funding, today is responsible for monitoring 29 active volcanoes in the Ring of Fire area along the Aleutian Island flight path.

Even greater potential problems exist for west coast air travelers. There are five active major volcanoes in the Cascade Range of Washington, Oregon, and Idaho, including Mount Baker, Glacier Peak, Mount Rainier, Mount St. Helens, and Mount Adams. In the past 31 years, there have been more than 50 eruptions and at least 17 episodes of significant unrest at 31 different volcanoes in the United States, according to the USGS.

While Mount St. Helens is well known, Mount Rainier near Seattle could cause far greater loss of life should it erupt again, highlighting the benefit of advance notice. The same is true of the Yellowstone National Park caldera, should it erupt. The advances in volcanic/earthquake forecasting aided by a national watch office could help to make more accurate and timely predictions of eruptions possible.

The USGS Alaska Volcano Observatory was able to provide only a few days’ notice before Mount Redoubt erupted that year. In 2009, after the center’s capabilities had been expanded and hours of operation increased, it would provide two months of notice before the volcano again erupted, giving enough warning time to reduce oil stored in the Drift River tank farm complex, located downslope from the volcano, and reducing the threat of significant environmental damage.

This bill will require the Secretary of the Interior to establish the national volcano early warning and monitoring system within the USGS to monitor,
warn, and protect the United States from volcanic eruptions. The system would organize, modernize, standardize, and stabilize the operation of the Nation’s five western volcanic observatories: Alaska, California, Cascade, Oregon, and Yellowstone observatories. The bill calls for upgrading the existing networks, using geodetic capacities when appropriate, on currently monitored volcanoes and allowing new networks to be installed on some non-monitored volcanoes. The bill will also prompt USGS to help fund observatories to monitor another 20 high-priority volcanoes such as Mount Adams in Washington, North Sister Field in Oregon, Clear Lake in California, and Mount Spurr in Alaska; set up a national volcano watch office that will be operational at all hours; establish a national volcano data center; support research in volcano monitoring science and new technology development; encourage modernization of monitoring activities including “comprehensive application of emerging technologies, such as digital broadband seismometers, real-time continuous Global Positioning System receivers, satellite and airborne radar interferometry, acoustic pressure sensors and spectrometry to measure gas emissions” from lava chambers; authorize cooperative agreements to establish partnerships between the system and institutions of higher education and State agencies to collect data and coordinate volcanic information sharing and funding to pay for new work; and establish an advisory committee to assist with implementation.

This bill was proposed in 2009, 2011, and most recently in 2015. Last year it was the subject of a hearing before the Committee on Energy and Natural Resources. The record of that hearing contains no opposition to this necessary legislation or the effort it would spur. I hope that this Congress will be the one that puts this bill on the President's desk and sees it enacted on public safety grounds alone, the need for this bill is compelling.

AUTHORITY FOR COMMITTEES TO MEET

Mr. LEE. Mr. President, I have four requests for committees to meet during today’s session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to Rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today’s session of the Senate:

COMMITTEE ON ENERGY AND NATURAL RESOURCES
The Committee on Energy and Natural Resources is authorized to hold a hearing during the session of the Senate on Wednesday, February 8, 2017, at 10 a.m. in room SDG 50.

The Committee will hold a hearing on “A Look Ahead: Inspector General Recommendations for Improving Federal Agencies.”
On the Affordable Care Act, he is the architect of repeal and run. He wrote the bill himself. He proposed weakening protections for Americans with preexisting conditions. He would slash Medicaid, shredding the health care safety net for the least fortunate in our country. He would take away health care choices for women across the country.

Look for the common thread, Mr. President and colleagues, among the Price proposals. They take away coverage for preexisting conditions and make health care more expensive for individuals or both. That is where Congressman PRICE stands when it comes to American health care.

Every Senator who casts a vote for Congressman Price has to stand by that agenda. Beyond what this means for the future of American health care, there is the lingering specter of serious legal and ethical issues.

Tonight and in the hours ahead, this debate will be long and it will tackle each of those issues and more. As it gets underway, I am going to begin with Medicare.

In my view, Medicare has been a historic achievement in the way policy is made in our country. In any debate like this one, I recall my days when I was the codirector of the Oregon Gray Panthers, when I worked with seniors who could’nt imagine life without Medicare. But I will tell you, they told me stories about what it was like for their grandparents when there wasn’nt Medicare. There were poor farms—literally, poor farms—where older people who had served our country in the Armed Forces very often spent their last days in what amounted to squalor at these poor farms. Then Medicare came along. For millions of older people, it was a godsend.

So I want to start my discussion with respect to Medicare with a comment that Congressman Price made about Medicare in 2009. It is a quote that speaks volumes about the Price perspective on the Medicare program that is so treasured by millions of older people.

Congressman Price wrote in 2009: “Nothing has had a greater negative effect on the delivery of health care than the federal government’s intrusion into medicine through Medicare.”

I would just say to my friend, the Presiding Officer of the Senate knows how I look at this. Seniors in Oregon consider Medicare to be a Godsend, not an intrusion into medicine, as you see from the Price perspective.

Here is the bottom line, colleagues, as we begin here today: Medicare is a promise. Medicare is built on a promise of guaranteed benefits—guaranteed benefits that will be there for you. It is not a voucher. It is not a slip of paper. It is guaranteed benefits that you can count on, and it is a promise that Congress has been indicating in every budget, and it is a matter of public record—it is a promise that Congressman Price is more than willing to break.

It is a promise that when you turn 65, you will be guaranteed health care benefits regardless of your economic situation in life or the status of your health. And the reason Medicare was built with this special guarantee is straightforward: No American knows how healthy they will be as they reach the age 65. Perhaps you are a marathoner at age 50 and you develop arthritis or Alzheimer’s or cancer a decade and a half later. Furthermore, no one knows what the economy is going to look like year after year into the future. For the less fortunate, high inflation or a stock market crash could all but wipe out what they set aside over a lifetime of work. Seniors could find their benefits exposed to new dangers every time there is a financial downturn.

During the recent campaign, the American people heard a standard Trump pledge: No cuts to Medicare. But when you look at the Price record and the Price proposals, there is a big gap between the two. When you look at Congressman Price’s plan, it is clear that the Trump pledge was on the ropes the minute he was nominated. In fact, Congressman Price said that he wants to voucherize Medicare within the first 6 to 8 months of the administration. Let me repeat that again.

Mr. President, some of these statements that the Congressman has made about Medicare in the last few years are so treacherous and the promise of guaranteed benefits—Congressman Price wants to break the promise. In his budget, the Congressman is quoting for privatizing Medicare and cutting it by nearly $500 billion. He also championed legislation to allow a practice called balanced billing in Medicare. That means seniors could be forced to cover extra charges above what the program pays for the services they receive in the doctor’s office. Older Americans on fixed incomes would be forced to pay more for their care.

Colleagues, I believe the Congress has no greater duty than to uphold the promise of Medicare. In my view, there is no need to mince words: Privatizing Medicare as Congressman Price has thought to do means an end—an end to the program-guaranteed health benefit. It would break the Medicare promise, the promise of guaranteed benefits and services, and end Medicare as our country knows it.

Now let me turn to the Affordable Care Act. When it comes to the Affordable Care Act, for years now, there has been a steady drumbeat coming from my colleagues on the other side: Repeal and replace. Repeal and replace. I think it has gotten to the point where children sing it almost as a jingle. Repeal and replace. It has been said so many times. A government shutdown all built around that slogan—repeal and replace.

At one point, the President-elect said repeal and replace would happen, in his words, after a ‘‘simple’’ executive order instructing the executive branch to roll back the Affordable Care Act in any way possible.

So I thought given these developments, the fact that Congressman Price is the architect of a repeal-and-run bill; that the President immediately on day one tried to set in motion a strategy to gut some of the key protections in the Affordable Care Act, I thought I ought to follow this up with Congressman Price during his nomination hearing in the Finance Committee.

So I asked Congressman Price—during his finance nomination hearing—whether the Congressman would state that nobody would be worse off under the President’s Executive order—not real complicated.

There had been all this talk through the campaign about how now President Trump could do a better job, less money. That was the constant refrain. I decided, given these ominous developments that I just described since the beginning of this year, I thought I would just ask Congressman Price whether anybody would be worse off under the Executive order. He ducked the question.

I remember asking him about whether people would be worse off with respect to coverage, and I remembered he had already indicated that he would have access to health care. Well, I will tell you, hearing the word “access” rather than “coverage” means that...
society is walking back a commitment to people really getting care. Everybody pretty much can have access. Sure, if I had the money, I could get it. It is about coverage. So we asked Congressman PRICE whether people would be worse off and he ducked the question.

So then I asked if he would commit that no one would lose coverage, and he ducked once more.

Then I asked if he would commit to holding off on implementing the Executive order until a replacement plan was enacted. He ducked.

So the Congressman was given an opportunity to, in effect, say that he would honor what the American people were told by President Trump in the campaign; that the two would be hand in hand, the replacement and repeal would go hand in hand, but he had the chance to say that at the nomination hearing and he ducked and ducked and he ducked some more.

Americans are still being told that the Affordable Care Act is the problem and it has to be repealed. It looks to me that what Republicans have on offer now isn’t repeal and replace at all. It has been called it since last year, repeal and run, and the architect of repeal and run is Congressman PRICE. In fact, he wrote the bill. He wrote the bill that would have gutted the ACA the last time around.

Under the plan, 18 million Americans would lose their health insurance in less than 2 years. By 2026, it would be 32 million who would lose coverage. Today 26 million Americans are uninsured. In a decade it would be 59 million. Working Americans would make up four out of every five people who lose their coverage. These are folks struggling to climb the economic ladder. No-cost contraceptive coverage for millions of women would be gone. We would have hundreds of thousands of women’s access to care almost immediately just by the defunding of Planned Parenthood. Hundreds of thousands more would lose their choice to see the doctors they trust. Just think about that. Legislation that is going to take away from American women the chance to see the doctor of their choosing, the doctor they trust. I don’t know anybody in the last election who thought they were voting to see women lose the choice of the doctor they trust.

Under the Price plan, premiums jumped by hundreds of dollars a year as the individual market for health insurance collapses. Health care costs skyrocket. It is a gut punt to all, even those who get their health insurance at work because what it would do is, in effect, it would shrink—it would shrink the health care market in a way that there would be many more people who are seriously ill and had great expenses, and when you try to pass those on, the people in your workplace and those who had health insurance from their employer would see increases.

Another issue in the Price plan that ought to set off any alarm bells, in my view, is what Congressman PRICE has proposed for those with preexisting health care conditions. This is especially important in my view. When I proposed my own health plan, eight Democrats, eight Republicans; I was especially pleased that Senators on both sides of the aisle understood that making sure that insurance companies could not knock the stuffing out of people with a preexisting condition any longer was central to reform. Because when you allow discrimination against those with a preexisting condition, what you are essentially saying is health care in America is going to be for the healthy and wealthy. If you are healthy, no problem with a preexisting condition. If you are wealthy, again, no problem. So right at the heart of the Affordable Care Act is a guarantee that insurance companies cannot discriminate against Americans with preexisting conditions. Frankly, I was very pleased to see that because as I indicated, 16 Senators—8 Democrats and 8 Republicans—on our bill said that was right for the heart of what we wanted in health reform. So the ACA—the Affordable Care Act—said, No denying coverage to pregnant women, no denying coverage to cancer patients, no denying coverage to kids with autism. Under the Affordable Care Act, that is the law of the land. It protects every single American. No American under the Affordable Care Act should have to feel, when they go to bed at night, that they are going to get hammered as in the old days because they have a preexisting condition.

Now, Congressman PRICE, once again turning to the public record—it is all in the public record here. Congressman PRICE doesn’t believe the American people should have the protection of the law against discrimination for a preexisting condition. In fact, he was quoted in 2012 saying that it was, in his words, “a terrible idea.” So he, like the law, changed, and his way to change a law that guarantees universal protection is to get rid of the guarantee that you aren’t going to get discriminated against if you have a preexisting condition.

Our colleague, Senator NELSON of Florida, asked Congressman PRICE but we see those with preexisting conditions don’t get discriminated against when the Finance Committee held their nomination hearing. Once again, Congressman PRICE ducked, bobbed, and weaved. Senator NELSON asked if the Congressman thought that the proposal to continue the ban on discriminating against people with a preexisting condition is a terrible idea. Here is what Congressman PRICE said: “What I have always said about preexisting condition is the system that pays attention to patients, nobody ought to be priced out of the market for having a bad diagnosis. Nobody.” Now, that probably is a pretty good sound bite. It is a good sound bite if you are trying to duck a question, but it is not a real answer to what Congressman PRICE was asked by Senator NELSON. And if you examine Congressman PRICE’s own proposal, when it comes to actually dealing with a preexisting condition from discrimination, you can see why Congressman PRICE isn’t very interested in giving a straight answer.

I am going to now to one of the Congressman’s bills. It is ironically called “Empowering Patients First.” Instead of a ban on discrimination against those with preexisting conditions, the Price bill opened up loophole to benefit insurance companies. The Price plan hinged on something called continuous coverage, and Americans are going to probably hear a fair amount about that in the months ahead.

The Price plan said that insurance companies had the right to inspect your recent past when you applied for coverage to the private market. If they found gaps when you went without insurance, they could deny coverage for your preexisting condition for up to a year and a half. Your premiums could go up by hundreds of dollars a year as your premiums go up by hundreds of dollars a year. Just think about that. Legislation that is going to take your money and shift your premiums by 50 percent. In short, under the Price plan, insurance companies could take your money and skip over on covering the health care that you actually need.

In summary of the Price health provison there: Worse health care, higher costs.

Now let’s think about what this would mean for a cancer patient who suffers a job loss: Up to 18 months without coverage for cancer treatment they need that could be the difference between life and death. Congressman PRICE’s bill didn’t allow any special exceptions for certain gaps in coverage. No matter why you lost your insurance—maybe you lost your job, maybe your spouse passed, quitting your job to start a business or go back to school—insurance companies with the Price plan again would be allowed to discriminate. And Congressman PRICE’s bill didn’t create any safeguards for particular patients with life-threatening illnesses. No matter what kind of preexisting condition you have, you would be at risk of losing access to care. And going by the practices those companies followed before the Affordable Care Act, no million or more than 15 million Americans under age 65 may have a preexisting condition.

Now, it is correct that Republicans may not decide to go ahead with Congressman PRICE’s bill as the final measure of replacement. But make no mistake about it: If confirmed, Congressman PRICE will be the captain of the Trump administration’s health team. His proposals matter. And his approach is one that is followed by just about every other Republican who has put forward a plan of their own.

Colleagues, I think it would be an enormous mistake for this Senate—for
our country—to turn back the clock and go back to the days when health care was for the healthy and wealthy. I don’t think there ought to be a debate about the need for real, truly strong protection for our people against discrimination for those with a pre-existing condition.

The Affordable Care Act locked it in to black letter law. It set a new standard: Nobody in America is going to be denied insurance due to a preexisting condition. In my view, it would be unconscionable for seniors to look to yesteryear, turn back the clock, and undermine those strong protections for the millions and millions of Americans who suffer from those preexisting health conditions. That, as a matter of public record, is what Congressman PRICE’s proposal would do.

I want to turn now to his ideas with respect to Medicaid. This, in my view, is an especially important program, and a part of it that is usually missed is the large role it plays for seniors. Back when I was the director of the Oregon Gray Panthers and I ran the legal aid office for the elderly, I saw in particular what Medicaid meant for seniors who needed nursing home care. Medicare covers costs for two-thirds of the seniors in nursing homes. And I think we ought to think about who these people are because these are people in Colorado, in Oregon, and across the country, who worked hard. They always played by the rules. They put their kids through school. They were part of their communities. They saved, they scrimped, they didn’t go on an extra vacation; maybe they were thinking about buying a boat, but they didn’t do any of that. They didn’t do any of that because they wanted to save and make sure their spouse could have a dignified retirement, that they could put their kids through school, and they did everything right. So they saved hard and they saved as much as they could.

But the fact is, it costs a lot to be a senior in America today. So perhaps they spent down all those savings, and their kids—the kids they love so much—aren’t doing that well economically, so it is hard for the kids to help out with long-term care.

Without Medicaid—and particularly the nursing home benefit—seniors, 65 percent of whom depend on the program for nursing homes, wouldn’t be able to afford that dignified retirement.

So that nursing home benefit that is paid for by Medicaid is also one that Congressman PRICE has proposed slashing. He does that by cutting $2 trillion out of Medicaid over the course of two stages. First, Congressman PRICE repeals the expansion of Medicaid created under the Affordable Care Act. This means that more than 11 million Americans lose their coverage. And it is a plan that even Republican Governors are speaking out against. John Kasich of Ohio—I think he would unthinkingly tell you he is not anybody’s idea of a bleeding heart liberal—said recently: “So if all of a sudden that goes away, what do we tell those 700,000 people? We are closed? Can’t do that.”

But that is exactly what Congressman PRICE’s plan is going to end up doing. It is going to end up telling those 700,000 Ohioans, along with millions of people across the country in Oregon and across the land, that is because he is pushing to take away their coverage and hasn’t offered any real alternative that would preserve their access to care.

So for his seniors—the ones who worked hard and saved and did everything right—we all know them; perhaps they are the widower down at the end of the block—there is not going to be a way to pay for their health care, and they are not going to be able to have a dignified retirement, in spite of the fact they did everything all their life to plan and save.

Congressman PRICE’s second Medicaid cut turns the program into a block grant and introduces a cap approach. Care for those dependent on the majority of its funding and sets it up to be squeezed even more down the road.

Now, Medicaid goes a lot further in terms of taking on some of the biggest health care challenges in America. I want to turn here to the nursing home benefit because that is one that I dealt with again and again when I was director of the Gray Panthers. But the fact is that the program is helping communities across the country take on a whole host of health care challenges. The opioid epidemic is one example.

Now, we know that opioid addiction has hit American communities like a wrecking ball. More than a million people struggle with substance abuse, and they would lose access to care if the Price plan to repeal Medicaid expansion goes through. And further cuts to Medicaid would make the problem even worse, and it wouldn’t just be for adults.

Tens of thousands of babies are born with a dependency to drugs each year. It is largely a product of the opioid crisis. My view is that number can only rise under Congressman PRICE’s plan to cut Medicaid, a key source of primary care, prenatal care, and substance abuse treatment for pregnant women.

Medicaid is also the biggest source of funding for community and home-based care for those vulnerable Americans with serious disabilities. It is a huge source of health care for America, particularly with the Affordable Care Act expansion.

All in all, 74 million Americans rely on Medicaid, and they are certainly not among the most fortunate. Half of them are kids, including millions with special needs. The program covers nearly half of all births and millions of Americans with disabilities.

I want to come back again to the faces of these people because I am not sure, when people hear the word “Medicaid,” what they see. I mention that it is so many seniors who, after planning, saving, and scrimping, need the program for nursing home care. It covers people who toil through hard work, even multiple jobs, bringing home just enough to keep them out of poverty. For many, signing up for the Medicaid Program brought an end to the years when they had to choose between visiting the doctor and putting food on the table. Medicaid is their health care safety net. Make no mistake about it: Congressman PRICE’s proposals leave that safety net in tatters. There isn’t any other backstop for those vulnerable Americans. From small, tiny children to seniors and children for nursing home care, there is no other backstop if their access to health care through Medicaid goes away.

One of the arguments made by advocates of block grants and caps is that States would have flexibility, and they point to a section of the Affordable Care Act I wrote to support their case. I believe they are talking about what is called section 1332. There is a big difference between what I wrote in the Affordable Care Act as block grants would do. We had a number of Senators on both sides of the aisle who were interested in this issue. What I wrote is this: With that flexibility, the Affordable Care Act lets States do better by their people. The Price plan to block grant and cap Medicaid costs lets States do worse.

Slashing Medicaid also hits State budgets extraordinarily hard. That is a big reason why Governors across the country have been skeptical—even Republican Governors, like John Kasich and Rick Snyder of Michigan. Today, Medicaid comes with an open-ended kind of feature. Federal funding for the program doesn’t tick down to zero. Nobody gets cut off. If you are working in America and are eligible for Medicaid, you don’t have to worry about being locked out of the doctor’s office if the program goes into the red. Block granting and capping the program changes that. States get a chunk of money each year, and there is no risk that money runs out, especially during times of economic downturn. That is when Medicaid is needed most, at times when working Americans have the most trouble walking the economic tightrope.

This is in addition to the undeniable, routine demands on the program: an aging baby-boomer population that will be in increasing need of nursing home and home-based care, public health emergencies like Zika virus that can come without warning, natural disasters like Hurricane Katrina or the Flint water crisis that devastate communities, new high-priced drugs that can be cures but come with a steep price tag. The reality is if a State’s block grant runs out, that raises questions that ought to be alarming to all who care about vulnerable Americans having access to the care they need.

The health care system can’t lose their nursing home benefits in the middle of the year? Where would they go? Would patients in substance abuse treatment
lose access to care? If a State's Medicaid funding dries up midway through the fiscal year, who would pay for a birth? Would the parents of a newborn child have to bear the entire cost when they are on a modest income, working hard, and a hospital bill could reach tens of thousands of dollars?

When it comes time to pitch this very extreme health care agenda to the American people, Congressman Price is very articulate and sticks closely to well-rehearsed language. That is because the Price agenda would strip tens of millions of Americans of their insurance coverage and force people to pay much higher costs for much lesser care. It isn't going to go over very well when people really understand what is at stake.

One of the priorities Congressman Price talks about most frequently is access—always saying that his vision is that people are going to have access to care. That is one very hollow theory. Access to care doesn't mean a lot if you can't afford the cost. So when Americans hear the Price plan that people will have access, rather than coverage, pay attention. Pay attention, because if you have coverage today, you are going to promise access in the future, chances are you are going into the hole and you had better figure out how you are going to pay for it.

The Congressman talks about flexibility for patients. But under Congressman Price's plans that wipe out consumer protections and minimum standards for coverage, it is insurance companies that get the most flexibility.

The Congressman likes to talk about using metrics to measure health care. It is very hard to follow what this metrics approach is all about. When his proposals are challenged using facts and figures, including those that come from our nonpartisan scorekeepers at the Congressional Budget Office that he disagrees or he dodges. During his hearing, he just disagreed with the Congressional Budget Office when I asked him about some of his funding cuts that would deprive women of access to preventive care. He objects to even the simplest of measures—how much funding his proposals cut from our health care programs—as calculated by the nonpartisan experts. In my view, you can't run from the metrics when they don't tell you what you want to hear.

Finally, the Congressman and many others say patients should be at the center of care. Now, I want it understood, I don't see how anybody could dispute that idea. Of course patients should be at the center of care. But when I look at the Price proposals, I don't see the patient at the center of health care. I see money and I see special interests at the center of health care.

The Price plan tells vulnerable Americans that their health care will only go as far as their bank accounts are going to take them. The well-to-do may be able to manage just fine under the Price proposals and the costs they push onto patients, but I am absolutely certain that millions of working Americans won't be able to do it.

I am going to wrap up talking about several glaring ethical issues with respect to Congressman Price. I will begin with the Congressman's significant investments in an Australian biomedical company. A lot of information about these investments has come into view over the course of months of investigation and reporting. What the facts show is that in 2016, the Congressman was part of an exclusive deal to buy stock at a discounted price—a deal called "friends and family." On multiple occasions he was given opportunities to come clean and explain his participation in the special stock sale. He never has. Now, the majority on the Finance Committee has cut off the velvet rope and is asking all the facts or having the Congressman correct the record. So I am going to take a moment tonight to lay out the facts.

It is well known that Congressman Price learned about the company from his House colleague Chris Collins. But Chris Collins isn't exactly a casual observer of the Australian business pages. He is Innate's—the company's—largest shareholder and a member of its board. Many of the company's other major shareholders are people in Congressman Collins' orbit, family members and chief of staff and others that he is close to. After learning about the company from his colleague, Congressman Price made his first purchase of the company's stock in 2015. He bought 61,000 shares.

Now let's fast forward to August 2016. The Congressman bought another 600,000 shares before get as part of the facts or having the Congressman correct the record. So I am going to take a moment tonight to lay out the facts.

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The deal was open to shareholders—was dead wrong. I am going to repeat this quote from the Wall Street Journal. This was part of a report that was authored by a Pulitzer Prize-winning journalist. This is what he wrote in the Wall Street Journal: “Rep. Tom Price got a privileged offer to buy a biomedical stock at a discount, the company’s officials said, contrary to his congressional testimony this month.”

The stock deals I outlined are of very great significance. They aren’t the only ethical issue at hand. Congressman PRICE introduced legislation that would lower the tax bills of three major pharmaceutical companies in which he owns significant amounts of stock. He invested $15,000 in a medical equipment company and then introduced legislation to increase the amount Medicare pays for that type of equipment. Parts of his bill went on to become law.

Then there is his investment in a company called Zimmer Biomet. In 2015, Medicare was preparing a new pricing model that would change the way the program paid for hip and knee replacements. Instead of paying for each individual service, Medicare said it would try to make its payments more efficient by bundling the costs together in one lump sum. The new system, however, had the potential to affect the revenues of Zimmer Biomet.

On March 17, 2016, a few weeks before the government’s model—that is, the CMS model was set to go into effect—Congressman Price bought thousands of dollars’ worth of Zimmer Biomet stock through his brokerage account. On March 23, 2016, less than a week later, he introduced H.R. 4848, the HIP Act, which would have delayed the implementation of CMS regulations for Medicare coverage of joint replacements. He was the lead Republican sponsor of the bill.

Bottom line, Congressman PRICE introduced legislation that certainly had the potential to add to his personal fortune. Congressman PRICE has argued that he didn’t purchase this stock and others; his broker was making the deal. But at the very least, he would have known about the deals within days when he filed his periodic transaction reports with the House.

On August 15, 2016, not only did Congressman PRICE file a report that he had purchased Zimmer Biomet along with dozens of other stocks, he initialed the entry for Zimmer Biomet in order to correct a mistake on the document.

Wrapping up, I want to go back to the fact that when Congressman PRICE came before the Finance Committee, he didn’t give us the whole story. In effect, I think the Finance Committee regretfully has an ethical double standard now. Look at the nominations of Tom Daschle, Tim Geithner, and Ron Kirk at the outset of the Obama administration. That vetting was vigorous. It was bipartisan. We looked over every stone and peered around every corner. Now, when a glaring issue comes up that undeniably deserves investigation, the party in power is shutting down the vetting process and moving toward confirmation. I think this is sending a dangerous message to nominees in the future.

I will close by way of saying this is a nominee with an extreme agenda. His proposals would put Americans with preexisting conditions in danger of losing coverage through the care they need. It would unravel the Medicare promise, the guarantee of secured benefits of vital importance to millions of American seniors.

When it comes to ethics, as I have described, Congressman PRICE falls well short of the standard the American people expect nominees to meet. I will not support his nomination. I urge my colleagues to join me in opposition.

I yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

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

Thereupon, the Senate, at 9:05 p.m., adjourned until Thursday, February 9, 2017, at 10 a.m.

NOMINATIONS

Executive nomination received by the Senate:

DEPARTMENT OF HOMELAND SECURITY

ELAINE C. DUKE, OF VIRGINIA, TO BE DEPUTY SECRETARY OF HOMELAND SECURITY, VICE ALEJANDRO NICHOLAS MAYORKAS.

CONFIRMATION

Executive nomination confirmed by the Senate February 8, 2017:

DEPARTMENT OF JUSTICE

JEFF SESSIONS, OF ALABAMA, TO BE ATTORNEY GENERAL.
SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 9, 2017 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED

FEBRUARY 14

9:30 a.m.
Committee on Armed Services
To receive a closed briefing on long-term defense challenges and strategies.
SVC–217

10 a.m.
Committee on Banking, Housing, and Urban Affairs
To hold hearings to examine the Semiannual Monetary Policy Report to the Congress.
SD–106

2:30 p.m.
Committee on Armed Services
Subcommittee on Personnel
To hold hearings to examine Department of Defense single servicemember and military family readiness programs.
SR–222

FEBRUARY 15

10 a.m.
Committee on Environment and Public Works
To hold an oversight hearing to examine modernization of the Endangered Species Act.
SD–406

Committee on Foreign Relations
To hold hearings to examine ending modern slavery, focusing on building on success.
SD–419

10:30 a.m.
Committee on Appropriations
Subcommittee on Departments of Labor, Health and Human Services, and Education, and Related Agencies
To hold hearings to examine mental health care, focusing on examining treatments and services.
SD–138

2:30 p.m.
Committee on Commerce, Science, and Transportation
Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety and Security
To hold hearings to examine stakeholder perspectives on our multimodal transportation system.
SR–253

Committee on Homeland Security and Governmental Affairs
To hold hearings to examine government operations susceptible to waste, fraud, and mismanagement.
SD–342

Special Committee on Aging
To hold hearings to examine stopping senior scams, focusing on developments in financial fraud affecting seniors.
SD–562
HIGHLIGHTS

Senate confirmed the nomination of Elisabeth Prince DeVos, of Michigan, to be Secretary of Education.

Senate confirmed the nomination of Jeff Sessions, of Alabama, to be Attorney General.

Senate

Chamber Action

Routine Proceedings, pages S685–S974

Measures Introduced: Forty-one bills and nine resolutions were introduced, as follows: S. 306–346, and S. Res. 48–56. Pages S745–46, S867–68, S967

Measures Reported:

S. Res. 48, authorizing expenditures by the Select Committee on Intelligence.

S. Res. 52, authorizing expenditures by the Committee on Finance.

S. Res. 53, authorizing expenditures by the Committee on Armed Services. Pages S745, S869

Appointments:

Commission on Security and Cooperation in Europe (Helsinki): The Chair, on behalf of the Vice President, pursuant to Public Law 94–304, as amended by Public Law 99–7, appointed the following Senator as the Chairman of the Commission on Security and Cooperation in Europe (Helsinki) during the 115th Congress: Senator Wicker. Page S716

Congressional-Executive Commission on the People’s Republic of China: The Chair, on behalf of the President, pursuant to Public Law 106–286, appointed the following Members to serve on the Congressional-Executive Commission on the People’s Republic of China: Senators Rubio (Chairman), Lankford, Cotton, Daines, and Young. Page S716

John F. Kennedy Center for the Performing Arts: The Chair, on behalf of the President of the Senate, pursuant to Public Law 85–874, as amended, re-appointed the following individual to the Board of Trustees of the John F. Kennedy Center for the Performing Arts: Senator Blunt. Page S716

Library of Congress Trust Fund Board: The Chair announced, on behalf of the Majority Leader, pursuant to the provisions of Public Law 68–541, as amended by the appropriate provisions of Public Law 102–246, and in consultation with the Democratic Leader, the re-appointment of the following individuals to serve as members of the Library of Congress Trust Fund Board for a five year term: Chris Long, of New York, and Kathleen Casey, of Virginia. Page S885

United States Semiquincentennial Commission: The Chair announced, on behalf of the Majority Leader, pursuant to the provisions of Public Law 114–196, the appointment of the following individuals to serve as members of the United States Semiquincentennial Commission: Members of the Senate: Senators Cotton and Toomey. Private Citizens: Cathy Gillespie of Virginia, Daniel DiLella of Pennsylvania, Lucas Morel of Virginia, and Tom Walker of Alabama. Page S943

Members of the Finance Committee As Congressional Advisers on Trade Policy and Negotiations: The Chair, in accordance with Public Law 93–618, as amended by Public Law 100–418, on behalf of the President pro tempore and upon the recommendation of the Chairman of the Committee on Finance, appointed the following Members of the Finance Committee as congressional advisers on trade policy and negotiations to international conferences, meetings and negotiation sessions relating to trade agreements: Senators Hatch, Grassley, Crapo, Wyden, and Stabenow. Page S943

Resignation of Senator Jeff Sessions: Senator Jeff Sessions, of Alabama, submitted a letter of resignation from the United States Senate, effective 11:55 p.m., Eastern Standard Time, on February 8, 2017. Page S964
Certificate of Appointment—Agreement: A unanimous-consent agreement was reached providing that at 2 p.m., on Thursday, February 9, 2017, the Chair lay before the Senate a certificate of appointment from the State of Alabama.

Price Nomination—Agreement: Senate resumed consideration of the nomination of Thomas Price, of Georgia, to be Secretary of Health and Human Services.

During consideration of this nomination today, Senate also took the following action:

By 51 yeas to 48 nays (Vote No. 60), Senate agreed to the motion to close further debate on the nomination.

A unanimous-consent agreement was reached providing for further consideration of the nomination at approximately 10 a.m., on Thursday, February 9, 2017, post-cloture; and that all time during Morning Business, recess, or adjournment of the Senate, count post-cloture on the nomination.

Nominations Confirmed: Senate confirmed the following nominations:

By 51 yeas to 50 nays, Vice President voting yea (Vote No. EX. 54), Elisabeth Prince DeVos, of Michigan, to be Secretary of Education.

During consideration of this nomination today, Senate also took the following action:

By 91 yeas to 4 nays (Vote No. 53), Senate agreed to the motion to instruct the Sergeant at Arms to request the attendance of absent Senators.

By 52 yeas to 47 nays, 1 responding present (Vote No. EX. 59), Jeff Sessions, of Alabama, to be Attorney General.

During consideration of this nomination today, Senate also took the following action:

By 52 yeas to 47 nays, 1 responding present (Vote No. EX. 55), Senate agreed to the motion to close further debate on the nomination.

By 88 yeas to 3 nays (Vote No. 56), Senate agreed to the motion to instruct the Sergeant at Arms to request the attendance of absent Senators.

By 49 yeas to 43 nays (Vote No. 57), agreed to the ruling of the chair that the words spoken by Senator Warren violate Rule XIX shall stand as the judgment of the Senate.

By 43 yeas to 50 nays (Vote No. 58), Senate rejected the motion that Senator Warren be permitted to proceed in order.

Nomination Received: Senate received the following nomination:

Elaine C. Duke, of Virginia, to be Deputy Secretary of Homeland Security.

Nominations Confirmed: Senate confirmed the following nominations:

By 51 yeas to 50 nays, Vice President voting yea (Vote No. EX. 54), Elisabeth Prince DeVos, of Michigan, to be Secretary of Education.

Executive Communications:

Executive Reports of Committees:

Additional Cospromors:

Statements on Introduced Bills/Resolutions:

Additional Statements:

Authorities for Committees to Meet:

Privileges of the Floor:

Quorum Calls:

Two quorum calls were taken today. (Total—3)

Record Votes: Eight record votes were taken today. (Total—60)

Adjournment: Senate convened at 12 noon, on Monday, February 6, 2017, and adjourned at 9:05 p.m., on Wednesday, February 8, 2017, until 10 a.m. on Thursday, February 9, 2017. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S969.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Finance: Committee ordered favorably reported the following business items:

An original resolution (S. Res. 52) authorizing expenditures by the Committee; and adopted its rules of procedure for the 115th Congress.

Also, Committee announced the following subcommittee assignments:

Subcommittee on International Trade, Customs, and Global Competitiveness: Senators Cornyn (Chair), Grassley, Roberts, Isakson, Thune, Heller, Casey, Stabenow, Nelson, and McCaskill.

Subcommittee on Taxation and IRS Oversight: Senators Portman (Chair), Crapo, Roberts, Enzi, Cornyn, Thune, Burr, Isakson, Toomey, Scott, Warner, Carper, Cardin, McCaskill, Menendez, Bennet, Casey, and Cantwell.

Subcommittee on Health Care: Senators Toomey (Chair), Grassley, Roberts, Enzi, Thune, Burr, Isakson, Portman, Heller, Cassidy, Stabenow, Menendez, Cantwell, Carper, Cardin, Brown, Warner, and Wyden.

Subcommittee on Energy, Natural Resources, and Infrastructure: Senators Heller (Chair), Grassley, Crapo, Enzi, Cornyn, Burr, Scott, Cassidy, Bennet, Cantwell, Nelson, Menendez, Carper, and Warner.

Subcommittee on Fiscal Responsibility and Economic Growth: Senators Scott (Chair), Hatch, and Wyden.
(Committees not listed did not meet)
(Calendar Day Tuesday, February 7, 2017)

RECENT YEMEN OPERATION

Committee on Armed Services: Committee received a closed briefing on the recent Yemen operation from Theresa Whelan, performing the duties of Under Secretary of Defense for Policy, and J–3 Lieutenant General John L. Dolan, USAF, Joint Staff Director for Operations, both of the Department of Defense.

CYBER THREATS

Committee on Armed Services: Committee received a closed briefing on cyber threats from Admiral Michael S. Rogers, USN, Commander, Cyber Command, Director, National Security Agency, Chief, Central Security Services, Department of Defense.

BUSINESS MEETING

Committee on Armed Services: Committee ordered favorably reported an original resolution (S. Res. 53) authorizing expenditures by the Committee for the 115th Congress.

THE PLAN TO DEFEAT ISIS

Committee on Foreign Relations: Committee concluded a hearing to examine the plan to defeat ISIS, focusing on key decisions and considerations, after receiving testimony from James F. Jeffrey, Washington Institute for Near East Policy, and Jeremy Bash, Beacon Global Strategies, both of Washington, D.C.

BUSINESS MEETING

Committee on Veterans’ Affairs: Committee ordered favorably reported the nomination of David J. Shulkin, of Pennsylvania, to be Secretary of Veterans Affairs.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

(Calendar Day Wednesday, February 8, 2017)

CURRENT READINESS OF U.S. FORCES

Committee on Armed Services: Subcommittee on Readiness and Management Support concluded a hearing to examine the current readiness of United States forces, after receiving testimony from General Daniel B. Allyn, USA, Vice Chief of Staff of the Army, Admiral William F. Moran, USN, Vice Chief of Naval Operations, General Glenn M. Walters, USMC, Assistant Commandant of the Marine Corps, and General Stephen W. Wilson, USAF, Vice Chief of Staff of the Air Force, all of the Department of Defense.

INSPECTOR GENERAL RECOMMENDATIONS

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine Inspector General recommendations for improving Federal agencies, after receiving testimony from Peggy E. Gustafson, Inspector General, Department of Commerce; John Roth, Inspector General, Department of Homeland Security; Calvin L. Scovel III, Inspector General, Department of Transportation; and Allison C. Lerner, Inspector General, National Science Foundation.

MODERNIZING INFRASTRUCTURE OVERSIGHT

Committee on Environment and Public Works: Committee concluded an oversight hearing to examine modernizing our nation’s infrastructure, after receiving testimony from William T. Panos, Wyoming Department of Transportation, Cheyenne; Anthony Pratt, Delaware Department of Natural Resources and Environmental Control, Dover, on behalf of the American Shore and Beach Preservation Association; Shailen Bhatt, Colorado Department of Transportation, Denver; Michael W. McNulty, Putnam Public Service District, Scott Depot, West Virginia, on behalf of the West Virginia and National Rural Water Associations; and Cindy Bobbitt, Grant County Commissioner, Medford, Oklahoma, on behalf of the National Association of Counties.

BUSINESS MEETING

Committee on Indian Affairs: Committee ordered favorably reported the following business items:

S. 39, to extend the Federal recognition to the Little Shell Tribe of Chippewa Indians of Montana;
S. 63, to clarify the rights of Indians and Indian tribes on Indian lands under the National Labor Relations Act;
S. 91, to amend the Indian Employment, Training and Related Services Demonstration Act of 1992 to facilitate the ability of Indian tribes to integrate the employment, training, and related services from diverse Federal sources;
S. 140, to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund;
S. 245, to amend the Indian Tribal Energy Development and Self Determination Act of 2005;
S. 249, to provide that the pueblo of Santa Clara may lease for 99 years certain restricted land;
S. 254, to amend the Native American Programs Act of 1974 to provide flexibility and reauthorization to ensure the survival and continuing vitality of Native American languages;
S. 269, to provide for the conveyance of certain property to the Tanana Tribal Council located in Tanana, Alaska, and to the Bristol Bay Area Health Corporation located in Dillingham, Alaska; and
S. 302, to enhance tribal road safety.

FEMA’S FEDERAL-TRIBAL RELATIONSHIP

House of Representatives

Chamber Action
The House was not in session today. The House is scheduled to meet in a Pro Forma session at 2:30 p.m. on Thursday, February 9, 2017.

Committee Meetings
No hearings were held.

Joint Meetings
No joint committee meetings were held.

COMMITTEE MEETINGS FOR THURSDAY, FEBRUARY 9, 2017

(Committee meetings are open unless otherwise indicated)

Senate
Committee on Armed Services: to hold hearings to examine the situation in Afghanistan, 9:30 a.m., SD–G50.

Committee on Foreign Relations: to hold hearings to examine the United States, the Russian Federation, and the challenges ahead, 10 a.m., SD–419.

Committee on Homeland Security and Governmental Affairs: Subcommittee on Regulatory Affairs and Federal Management, to hold hearings to examine empowering managers, focusing on ideas for a more effective Federal workforce, 10 a.m., SD–342.

Committee on the Judiciary: organizational business meeting to consider committee rules, and S. 178, to prevent elder abuse and exploitation and improve the justice system’s response to victims in elder abuse and exploitation cases, 10 a.m., SD–226.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2 p.m., SH–219.

House
No hearings are scheduled.
Next Meeting of the SENATE
10 a.m., Thursday, February 9

Senate Chamber

Program for Thursday: Senate will continue consideration of the nomination of Thomas Price, of Georgia, to be Secretary of Health and Human Services, post-cloture.

At 2 p.m., the Chair will lay before the Senate a Certificate of Appointment for the State of Alabama.

Next Meeting of the HOUSE OF REPRESENTATIVES
2:30 p.m., Thursday, February 9

House Chamber

Program for Thursday: House will meet in a Pro Forma session at 2:30 p.m.