

and that the time during recess count postcloture on the Sessions nomination.

There being no objection, the Senate, at 12:52 p.m., recessed until 2:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, first of all, I rise to speak in favor of the Senate confirming Senator SESSIONS to the position of Attorney General, chief law enforcement officer of our country, but I do want to say thank you to the Democratic minority of my committee because they did not boycott the meetings. They debated. They debated too long, from my point of view, but they debated, and we were able to do our work in a businesslike way. So I want to thank all of them for their participation.

Now I will take a few minutes to speak in strong support of my friend and our colleague Senator JEFF SESSIONS to serve as the 84th Attorney General.

Last week, the Judiciary Committee spent over 6 hours debating the nomination. Every single Democrat opposed the nomination, but this wasn't, of course, much of a surprise. During our committee debate, Senator GRAHAM correctly pointed out that, based on the standard the Democrats established, it appears no Republican could ever earn their support.

It is no secret that our Democratic colleagues don't like the new President. They are doing what they can do to undermine the new administration.

With respect to Senator SESSIONS, my Democratic colleagues disagree with a number of policy positions he has taken over the years, but this year seems to be unlike previous administrations, where Senators supported Cabinet nominees even if they disagreed with the nominee on policy grounds. That is what happened in 2009, when Senator SESSIONS and I both supported Eric Holder for Attorney General, even though we disagreed with him on many policies.

So after listening to all the reasons they are opposing this nomination, I can boil their objections down to these points:

Even though many of my colleagues have known this good man for years, even though many of my colleagues have worked closely with him to pass important bipartisan legislation, even though many of them have praised him in the past for his integrity and for being a man of his word, even though Senator SESSIONS has pledged to support and defend all laws passed by Congress, even those he disagrees with, when it comes time to stand up in support of this good man, they are unwilling to take him at his word.

This is very troubling because all of us in the Senate know JEFF SESSIONS.

Some of us have known him for decades. Regardless of what my colleagues are willing to admit publicly, we all know him to be a man of deep integrity, a man of his word, and a man committed to fairness, to justice, and, most importantly, to the rule of law.

We all know that when Senator SESSIONS served as an assistant U.S. attorney, as a U.S. attorney, and as attorney general for his home State of Alabama, he worked hard to promote the rule of law and to bring justice to both victims and perpetrators. We know he has a deep commitment to the rule of law, something an Attorney General must possess or he could not be the chief law enforcement officer of the United States. In other words, that law or that position is all about carrying out and having a commitment to the rule of law. As I said, much of Senator SESSIONS' hearing focused on his record as a legislator.

Now, it is true Senator SESSIONS has voted on legislation in ways that the left doesn't like, and of course I have even disagreed with him from time to time, but we all understand that every time we cast a vote, we are voting the way we see as the best for our country. I think we all also understand that very rarely is any bill a so-called perfect piece of legislation.

At one time or another, every single Member of this body has opposed legislation based upon a principle objection to a particular provision.

So, of course, Senator SESSIONS has voted differently than his Democratic colleagues. Now, that is common sense. That is to be expected. This is the Senate. We are all about debating policy and for long periods of time. That is how the Senate works.

We all know the role of a Senator and the role of Attorney General are very, very different. A legislator debates policy and votes on legislation. The Attorney General enforces the laws, as enacted. All of us in the Senate understand that difference. Senator SESSIONS understands the difference better than most.

In addition to serving as a Senator for 20 years, he served in the Department of Justice for 15 years, a Department dedicated to law enforcement and to the rule of law and following what Congress directs law to be.

I am disappointed in my colleagues who have suggested Senator SESSIONS will not be able to put aside his policy differences that he established here in the United States and enforce the law, even if he voted against that law.

This is especially troubling after he specifically committed to us during this confirmation hearing that if he is confirmed, he will follow the law, regardless of whether he supported that statute as a policy matter.

The criteria for this nomination is, will this man, whose integrity is beyond reproach, enforce the law as he said he will?

Senator SESSIONS answered that question directly during his hearing. He stated this:

The Justice Department must remain ever faithful to the Constitution's promise that our government is one of laws and not of men. It will be my unyielding commitment to you, if confirmed, to see that the laws are enforced faithfully, effectively, and impartially.

He goes on to say:

The Attorney General must hold everyone, no matter how powerful, accountable. No one is above the law, and no American will be beneath its protection.

Now, whether he said those things one time or dozens of times—and it is more apt to be dozens of times during the day and a half of hearings that we had on him, plus the speeches that were given—it can't be much clearer than what he just said.

But even after he made this promise, Members asked Senator SESSIONS if he would defend the laws that he had voted against, and he answered in the affirmative, stating:

I would defend the statute if it is reasonably defensible. It is passed by Congress, it would be the duty of the Attorney General, whether they voted for it or support it, to defend it.

He was questioned about a host of hot-button policy issues. Time and again, his answer was the same. He will enforce the law. This will actually be quite different from the Obama administration, which refused to enforce laws it didn't like. They did this while the people who are now in the minority—the Democrats—turned a blind eye when they didn't enforce the law.

Senator SESSIONS also made clear that he possesses the independence necessary for the Attorney General. I have often heard Senator SESSIONS ask Executive nominees, including nominees for Attorney General, whether they will have the fortitude to stand up to the President who appointed them. So I asked him the same question during my time of questioning in the committee. I asked if he will be able to say no to President Trump, and he said:

I understand the importance of your question, I understand the responsibility of the Attorney General, and I will do so. You simply have to help the President do things that he might desire in a lawful way and have to be able to say, "No," both for the country, for the legal system, and for the President to avoid situations that are not acceptable. I understand that duty. I have observed it through my years here, and I will fulfill that responsibility.

Senator SESSIONS' commitment to be independent from the President when it is necessary and his promise to enforce the law is exactly what this Nation needs right now. We haven't seen much of this over the past 8 years.

The Department has been politicized over the past 8 years, and that has caused great harm. The leadership of the Department of Justice has undermined our confidence in the rule of law by picking and choosing which laws it will enforce. I am looking forward to turning a new page at the Department under our friend's leadership as Attorney General. It is desperately needed, particularly at this time.

Last weekend, in particular, it showed us how critical it is to have someone leading the Department who is committed to following the law. Last week, then-Acting Attorney General Sally Yates announced that she wouldn't present arguments in defense of the President's recent Executive order, even though she admitted there was a defense to be made. As soon as she did this, Democrats ran to her defense and sang her praises, but after Senator SESSIONS' hearing, I would have expected Democrats to come to the opposite conclusion. During his hearing, they asked Senator SESSIONS whether he would enforce a law that he didn't like over and over and over. But last week, Ms. Yates refused to enforce a law—why?—because she didn't like it, and the Democrats lauded her “bravery” and “courage.”

They lauded her “courage.”

Now, let's be very clear. She didn't say that she can't constitutionally defend the President's order or offer good-faith defenses of its legality in the court. Instead, this is what—she explained her decision by saying her job is not the same as the job in the Department of Justice's Office of Legal Counsel. She said, importantly, OLC, meaning Office of Legal Counsel, does not address whether any policy choice embodied in an Executive order is wise or just. That seems to suggest, of course, that the decision on whether to defend an Executive order or statute in court turns on whether the Attorney General believes the law or order is wise or just. But with all respect to Ms. Yates, that wasn't her job. The Department's job is to enforce the law, just like Senator SESSIONS, becoming Attorney General, said he would enforce the law. Ms. Yates' obligation was clear. If she couldn't defend the order in good conscience, the only proper course was to resign.

This unfortunate situation with Ms. Yates highlights why it is important to swiftly move to confirm an Attorney General who will be faithful to the Constitution and uphold the law regardless of policy preferences.

Ultimately, it comes down to this: There is no one more qualified than JEFF SESSIONS for this position. He served in the Department for 15 years. He served as attorney general for his home State of Alabama, and for 20 years he served on the Senate Judiciary Committee, which has oversight over the Department of Justice.

We all know Senator SESSIONS is a man of his word. We all know he will enforce all the laws on the books, regardless of whether he supported them. Both Republicans and Democrats know he will make an excellent Attorney General, and the Nation will be served well by his appointment. I urge all of my colleagues to vote in favor of the nomination.

I yield the floor.

THE PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, thank you very much, and I want to

thank the distinguished chairman of the Judiciary Committee for his remarks. I greatly appreciate the opportunity to work with him, and we have a number of major issues forthcoming.

I rise to oppose the nomination of Senator SESSIONS to become the Attorney General of the United States. I think some of us and I certainly have lived through many difficult times in this country, but today this country is as divided as I have ever seen it.

Some Republicans have said that Democrats are in the anger stage of grief, but with all due respect, those statements just trivialize what is going on in this country. It is not trivial, and it is not small. Today America is a country split in half, with at least half objecting to the actions of this President, including his nominee for Attorney General.

My office has received approximately 114,000 calls and emails regarding Senator SESSIONS, with 112,000—more than 98 percent—opposed to this nominee. I would like to quote a few of my constituents who deeply oppose this President and this nominee and have been taking to the streets to protect the fundamental values of America.

Here is one from a doctor:

I marched because of the thousands of patients I've seen in the community, people of color, immigrants from all over the globe, who are terrified about the loss of their rights and the dramatic explosion of racially and culturally focused hate crimes we're reading about.

I marched on Saturday because women must not be denigrated, as we've seen by the attitude exemplified by our new President in his unmeasured remarks.

I marched on Saturday because I'm desperately worried that the progress this country has made in recognizing the rights of all Americans regardless of race, ethnicity and religious belief, is now threatened with a roll-back to the '50s.

The American process of justice is a beacon and an example to the world. Jeff Sessions must not be confirmed.

Here is another:

As a Californian who wants to finish school, as a Californian with “pre-existing conditions,” as a Latina and as the kid of a South American immigrant—I don't know what I can say other than please, please, protect us from whatever is coming as best you can.

One woman who marched after the inauguration came to my office the following Monday and wrote a handwritten note explaining why she marched. Here is what it said:

Our President quickly dismisses all protesters as “professionals” and “sore losers.” I am here in Washington for his first full week of the presidency to send the message that I am neither a “professional” nor a “sore loser”—just an ordinary American citizen who can no longer sleep well at night worrying about how his agenda will negatively impact not only our country, but democracies all over the globe. America is already great; what Trump and his administration will do is destroy it.

To my constituents—112,000 have called and emailed to oppose this nominee—let me just say this: I hear you.

To my Republican colleagues, this is not grief about losing an election. At

no time when my party lost an election or when the President was of a different party did I feel the way I feel today. For most Presidents, there is hope—a hope of unity, a hope of bringing people together, a sense of common purpose. That is what it means to be a leader of this country, the whole country—red States and blue States, all of our people.

President Obama began his tenure in office with a 69-percent approval rating. President George W. Bush talked about compassionate conservatism. After a terrorist attack killed nearly 3,000 people, President Bush went to the Islamic Center in Washington on September 17, 2001, and said: “Islam is peace.”

He said:

Muslims are doctors, lawyers, law professors, members of the military, entrepreneurs, shopkeepers, moms and dads. And they need to be treated with respect. In our anger and emotion, our fellow Americans must treat each other with respect.

Incidentally, President Eisenhower dedicated the Islamic Center in 1957, and here is what he said then:

Under the American Constitution, under American tradition, and in American hearts, this Center, this place of worship, is just as welcome as could be a similar edifice of any other religion. Indeed, America would fight with her whole strength for your right to have here your own church and worship according to your own conscience.

Now, Mr. President, that was the man who led American and Allied forces in Europe against Nazi Germany, a regime of pure evil that targeted Jews based on their religion and exterminated millions of Jews, Poles, Serbs, Roma, Soviet citizens, gays, lesbians, and many others. President Eisenhower was saying that this country, the United States of America, would fight with her whole strength to protect the religious freedom of Muslims. “Without that concept,” President Eisenhower said, “we would be something else than what we are.”

Can anybody even imagine Donald Trump uttering words like two of his Republican predecessors, Dwight Eisenhower and George W. Bush?

Instead, there is attack after attack after attack on minorities, on immigrants, on Muslims, on women, on his critics, on judges, on the press, and yes, even on truth itself.

There is the President's Muslim ban Executive order, which our government says has caused between 60,000 and 100,000 visas to be revoked. That order, which caused chaos at airports around the country, is now subject to nearly 60 legal challenges in Federal courts. On Friday, a Federal judge in Washington State blocked implementation of major portions of the Executive order. The judge, appointed by President George W. Bush, was then promptly attacked on Twitter by President Donald Trump. This afternoon, the Ninth Circuit will review the stay.

To say this is just a stage of grief after losing an election is really to ignore reality.

Last week Sally Yates had to stand up and tell the President no. Now more than ever, it is clear how important it is that the Department of Justice be independent from the President. When she stood up, she was promptly fired by this President. And not only was she fired, but her integrity and her character were maligned in an over-the-top press statement. This woman is a career prosecutor with 27 years of experience. She was the lead prosecutor in the terrorist prosecution of 1996 Olympic bomber Eric Rudolph. She actually went after a real terrorist, and she got a conviction. The President called her a “disgrace” and “weak on borders.”

Here is the point: This is the man for whom Senator SESSIONS has been a stalwart campaign advocate. In response to my written questions, Senator SESSIONS stated: “I endorsed him in part because he was a leader advocating for issues I supported and believed in.”

Senator SESSIONS was a close campaign adviser and supporter of the President. He was the first Senator to endorse him. He spoke on Trump’s behalf at the National Republican Convention. He appeared at numerous rallies. He attended at least 45 campaign events. During the campaign, he spoke at large rallies, smiling and laughing, while crowds chanted “Lock her up.”

Then in October of last year, at one of the Presidential debates and again at a rally in Virginia, Candidate Trump repeatedly referred to him as “my attorney general.”

A month after the announcement of his nomination to be Attorney General, he appeared again with the President-elect on a thank-you tour in Alabama. This was a rally where many of the President’s campaign promises, such as building the wall, were repeated. Crowds once again chanted “Lock her up.” The President-elect introduced him, and Senator SESSIONS came forward. As he walked out to speak to dramatic effect, he whipped out a “Make America Great Again” hat, put it on, and pumped his fists into the air.

Already, at this point, he had been designated to be the next Attorney General of the United States, an independent legal check on the President, a man who responds to the Constitution and the law independent of the Chief Executive. One would have thought a sense of the solemn duty of the Office of Attorney General would have counseled against appearing at yet another political rally with Trump, but it did not.

At that rally, as Attorney General designate, Sessions said that the Trump campaign was “more than a normal campaign, but a movement,” and when he finished speaking, he thanked the President-elect for “the opportunity to participate in a movement that I believe can help make America great again.”

So, to me, this is key. This shows how Senator SESSIONS views this appointment—as an “opportunity to par-

ticipate in a movement” to advance the President’s agenda. This is not the role of the Attorney General of the United States. This is more political than any Attorney General nominee in recent memory has ever been. Can we really expect him to be an Attorney General who is independent from President Trump? I do not believe so.

In fact, a recent Washington Post story reports the depth of Senator SESSIONS’ involvement in the Trump transition. The Washington Post reported that during the transition, “Sessions became a daily presence at Trump Tower in New York, mapping out the policy agenda and making personnel decisions.” In fact, you can search C-SPAN, the Web site, for video of Senator SESSIONS speaking at Trump Tower about the transition.

On November 15, in the lobby of Trump Tower, he said:

My former chief of staff is doing a great job under incredible demands, and the whole team is working long hours I mean, 20 hours a day kind of work and just remarkable what is happening. I’m one of the co-chairs, of five, I believe, co-chairs of the committee under Vice President-elect Pence.

Then Senator SESSIONS said, “Steve Bannon is a powerful intellect and a thoughtful leader that consistently provides good advice.”

We learned last week that Steve Bannon thinks the same thing about Senator SESSIONS. As Bannon wrote to the Washington Post just days ago, SESSIONS was—and I quote, and here it is—“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.”

The Post went on to report that Senator SESSIONS “lobbied for a ‘shock-and-awe’ period of executive action that would rattle Congress, impress Trump’s base, and catch his critics unaware, according to two officials involved in the transition planning.”

The article says: “Sessions had advocated going even faster.”

Now, we have seen the consequences of those actions, and what is the result? Division, legal challenges, people marching in the streets.

Senator SESSIONS is not a man apart from this agenda. He is not independent of this agenda. He is part of it. He is committed to it. He is a leader of it.

Now, let me move to other parts of Senator SESSIONS’ record and what we learned from him in the hearing.

I said earlier that I cannot imagine a more important time for the Department of Justice to be independent of the President. Part of that is because of what we know about the Russians and their illegal efforts to get this President elected.

The Intelligence Community has reached the following conclusions about Russian activities during the election, among others: “We assess Russian President Vladimir Putin or-

dered an influence campaign in 2016 aimed at the U.S. presidential election.”

Quote: “Russia’s goals were to undermine public faith in the United States Democratic process, denigrate Secretary Clinton, and harm her electability and potential presidency.”

Quote: “We further assess Putin and the Russian Government developed a clear preference for President-elect Trump.”

Quote: “We also assess Putin and the Russian Government aspired to help President-elect Trump’s election chances when possible by discrediting Secretary Clinton and publicly contrasting her unfavorably to him.”

Quote: “We assess with high confidence that Russian military intelligence (General Staff Main Intelligence Directorate or GRU) used the Guccifer 2.0 persona and DCLeaks.com to release U.S. victim data obtained in cyber operations publicly and in exclusives to media outlets and relayed material to WikiLeaks.”

These are just some of the conclusions that our intelligence agencies—all of them—have reached, including the FBI.

The Department of Justice, through the National Security Division and the FBI, has an important role to play in investigating and prosecuting Russians or coconspirators in this matter. The FBI, as I said, was part of the assessment that led to the January report.

Now, Senator SESSIONS chaired the President’s National Security Advisory Committee during the campaign. That is a committee on which National Security Advisor Flynn served. So he was Trump’s top person on national security, and it is no secret that explosive allegations about the President’s and his campaign team’s connections to Russia are out there.

As a Senator, including as a member of the Armed Services Committee, Senator SESSIONS was quite critical of Russia. In 2000, he said Russia is a country where leaders lie, cheat, and steal to maintain political office.

That was a floor speech on April 13, 2000.

In 2014, after Russia invaded Crimea, Senator SESSIONS said, “I believe a systematic effort should be undertaken so that Russia feels pain for this.”

This was in the Montgomery Advertiser, March 19, 2014.

When he was a Senator in the 1990s, he and other Republican Judiciary Committee members called for a special prosecutor because of allegations of \$1 million in Chinese monetary contributions to a Presidential campaign.

That is from a floor speech on March 9, 2000.

He pointed to the campaign connection and said that meant the Attorney General needed to appoint a special prosecutor. He said: “This is serious business. We ought not to treat this lightly.”

Floor speech, March 9, 2000.

Yet, now that our intelligence community has concluded that Russia, at

the direction of Vladimir Putin, invaded the American political process with massive hacks and leaks for the purpose of favoring candidate Trump, Senator SESSIONS says that he has not even reviewed the intelligence community's reports.

When asked in writing by myself in Question for the Record 2b after his hearing whether he had even read the intelligence assessments, classified or unclassified, he said he had not read either one.

Now, that is stunning. One of the most important national security revelations in recent years, and he is nominated to be Attorney General, and he hasn't reviewed it? Why? He attended 45 campaign events, was intimately involved in the campaign and transition, but despite all of this, he would not commit himself to recuse himself.

This should be of real concern to all of us.

Another nation—namely, Russia—has attacked our political process in a major way: hacking a political party and leaking its internal deliberations. This time, it targeted the Democratic Party; next time, it could be the Republican Party, but whichever party it is, we can't let this continue.

Intelligence and law enforcement professionals must be able to follow the facts wherever they lead. The investigation could lead to the prosecution of people who helped hack and leak information hacked by Russia to help the President's campaign. It obviously has the potential to create embarrassment for the President and his people, and to implicate people involved in the campaign.

So the question is a big one, and we ought to think about it. How will this nominee handle investigation and prosecution into an unprecedented and major foreign intrusion into the election of the President of the United States? Can he be independent of the White House? I do not believe he can.

Let me move on to voting rights. Senator SESSIONS long ago testified that he thought the Voting Rights Act was an intrusive piece of legislation. He acknowledged this again in his hearing. In 1986, Senator SESSIONS said: "It is a serious thing . . . for the Federal Government to come in and sue a county and say we are going to change the form of government you have been living with for 20 years."

That implies a hesitation to use the Voting Rights Act to change certain systems of election in counties that were adopted to disenfranchise minorities.

When we considered the Voting Rights Act Reauthorization of 2006, the Senator voted for it. But he also expressed skepticism about the preclearance provision of the act, section 5, which was a core part of the act. And then, when the Supreme Court narrowly ruled five to four in *Shelby County*—that is a decision—and that section 5 of the Voting Rights Act could no longer be enforced, Senator

SESSIONS called it "good news for the South."

What does that mean? It means State after State that had been prevented from denying the right to vote by section 5 can now proceed unless they are affirmatively stopped by a new lawsuit that takes time to develop, and a wave of new laws suppressing the vote were quickly passed following the Supreme Court's ruling.

He has tried to argue that he will fully enforce the Voting Rights Act. In his committee questionnaire, he pointed to 4 cases he claimed were among the 10 most significant litigated cases he personally handled. As Senator FRANKEN demonstrated in our committee, his record of handling these cases is thin, at best. Lawyers who handled three of the cases say Senator SESSIONS had no substantive involvement. He did not mention them in his 1986 questionnaire, even though the cases were ongoing at that time. And now he says he played a supporting or assistance role in them.

So these cases do not make me confident that as Attorney General overseeing the Civil Rights Division, he will ensure that the civil rights and voting rights laws are fairly enforced.

So I asked him questions to see what he would do. I pointed out in written questions that several voter ID laws have now been struck down, or severely limited, under the Voting Rights Act. Just one example: One of the most conservative appeals courts in the Nation, the Fifth Circuit, found that Texas's law violates the Voting Rights Act. According to the courts, 608,470 registered voters in Texas lack required ID, and Black and Latino voters were far more likely than White voters to lack the required ID. The court found that the Texas law had a discriminatory effect, in violation of the Voting Rights Act.

Now, this means the Justice Department can protect the voting rights of Americans in these cases. So I asked him, would you continue to enforce the Voting Rights Act in these situations? There is now precedent for it. He would not answer. He tried to say that the Supreme Court has actually held that voter ID laws do not necessarily violate the Voting Rights Act.

That is my written question for the record, No. 14.

But the Supreme Court decision he referenced, *Crawford v. Marion County Election Board*, did not talk about the Voting Rights Act at all.

So I asked him to clarify his response. His answer indicated that it was just his own view that voter ID laws do not necessarily violate the Voting Rights Act. This was a follow-up question, No. 7a. That may be his personal view, but the courts' view is that these laws can and in some circumstances do violate the Voting Rights Act. But he still has refused to say whether he will bring those cases.

Then, when asked about voter fraud by Senator COONS, Senator SESSIONS responded that he believes "fraudulent

activities regularly occur" during elections. He pointed to a single report to support his view that voter ID laws are a good idea. That is Senator COONS' question for the record 9b. He refused to comment on data provided by Senator COONS that showed the rarity of in-person voter impersonation fraud, which is the only thing a voter ID law can catch. He didn't comment about the impact on hundreds of thousands of legitimate voters, many of them minorities and students, who are denied the fundamental right to vote by these laws.

Now we have the President on Twitter and television claiming that millions of illegal votes were cast and that is why he lost the popular vote by nearly 3 million votes, and he is ordering his administration to investigate that. If President Trump asks Attorney General SESSIONS to carry out his partisan, pointless investigation, what will Senator SESSIONS do? Is the legendary Civil Rights Division of the Justice Department going to become President Trump's political investigator? Or will it defend and use the Voting Rights Act to protect the right to vote of millions of Americans against efforts by States to take that right away? I just don't have confidence that JEFF SESSIONS will fairly apply the law in this area.

Now, if confirmed, what will Senator SESSIONS do when faced with questions on reproductive rights? Will he undermine a woman's fundamental right to control her own body and her own reproductive system?

In 2015, Senator SESSIONS voted for legislation that would impose a nationwide ban on abortion after 20 weeks. That legislation had a penalty of jailing doctors for up to 5 years, and it would have forced survivors of rape and incest to overcome additional and medically unnecessary hurdles before they could receive an abortion. The legislation also had no exception for a woman's health and only a narrow exception to save her life.

Imagine what it is like to be a woman who learns that she has serious complications late in pregnancy and that she will suffer debilitating physical health effects if she cannot get an abortion. Then imagine having to tell her that her health must suffer for the rest of her life because politicians have prohibited her from making her own health care decisions. But this is the outcome Senator SESSIONS voted for.

Senator SESSIONS believes the case that established a woman's right to control her own reproductive system—*Roe v. Wade*—is one of the "worst, colossally erroneous Supreme Court decisions of all time." In fact, weeks ago when testifying before our committee, I asked him if this is still his view, and he said "it is." He even said *Roe v. Wade* "violated the Constitution."

That statement essentially invites States to enact more and more restrictions on women's fundamental access to health care. It is a signal to those

States that if they enact restrictions and are challenged in court, then the Justice Department may in fact support them and try to overturn *Roe v. Wade*. In fact, I asked him about that, and he did not rule out the Justice Department's pushing to overturn *Roe*. He left the door open by saying:

Such decisions would depend upon the unique circumstances of the case or cases as they arise. I will not pre-judge the issues.

That is the response to my question for the record 6a.

He even refused to rule out punishment for women who have abortions—a position President Trump took during the campaign. That is a response to Senator BLUMENTHAL's question for the record 11a.

So what does it mean for him, as Attorney General of the United States? It means he very well may seek to overturn *Roe v. Wade*. It means the Justice Department may go to court and support continued State efforts to further and further restrict the rights of women to control their own reproductive system.

The bottom line: I do not have confidence that Senator SESSIONS will fairly and independently safeguard the freedoms of the women of America.

Let me move on to immigration. Senator SESSIONS has been the staunchest opponent of comprehensive immigration reform, preventing the passage of legislation to strengthen the border and prevent families from being torn apart.

Senator SESSIONS opposed immigration reform so strenuously that he drafted and distributed his own book entitled "Immigration Handbook for the New Republican Majority." This handbook implied that immigrants were taking jobs from low-income minorities and abusing public benefit programs—setting people against each other. More alarmingly, Senator SESSIONS voted at least twice against the DREAM Act, which seeks to protect some of our country's most vulnerable youth, undocumented individuals—children—who were brought here through no choice of their own.

On President Obama's Executive action to protect those children—known as DACA—he doesn't just oppose it. He is actively seeking to take it down. A recent Washington Post article says he is lobbying for the administration to overturn DACA. It is one thing to disagree on policy, but it is quite another when the policy could crush the lives of ordinary people.

In December, I wrote an op-ed in the San Francisco Chronicle about the importance of DACA and what it means for Californians.

I discussed the story of Denise Rojas, brought to the United States as a 10-month-old baby. Rojas' family is similar to many families with mixed status. Her mother and father came to the United States to create a better life for their children.

Denise excelled in high school and majored in biology at UC Berkeley. She

worked as a waitress and commuted an hour each way to classes because she couldn't afford to live near campus. After graduation, she volunteered at San Francisco General Hospital. Denise dreamed of going to medical school, driven in part by a family member's early death from cancer. The disease was diagnosed at a late stage because the family's immigration status made it impossible to afford health insurance.

Today, Rojas is enrolled in New York's Icahn School of Medicine at Mount Sinai, where she is on track to earn her degree in 2019. She intends to specialize in emergency medicine and work in low-income communities to provide health care to families, like her own, who would otherwise go without necessary treatment.

This is the perfect case for discretion. This is the perfect case for the exercise of a just humanity. But Senator SESSIONS is lobbying to overturn DACA. The consequences of such a draconian and inhumane action would be devastating to thousands of people in my State, and I find it deeply disturbing that Senator SESSIONS would advocate for the deportation of children who have known no other country but the United States.

If he doesn't believe these youth deserve some sort of prosecutorial discretion when it comes to deportation, how is he going to act as our Nation's leading Federal criminal prosecutor?

It is no secret that he believes in an aggressive use of executive enforcement power in the area of immigration. He testified in response to Senator FLAKE that he favors "a zero tolerance" policy for immigration crimes. Immigration offenses already make up about a third of all Federal prosecutions each year. So does it make sense to increase that substantially? There certainly are more troubling crimes at the border and across the country that require the attention and resources of the Department of Justice: human trafficking, smugglers, organized crime, gangs, drug trafficking, hate crimes, white-collar crimes, civil rights, and voting rights, just to name a few. So Senator SESSIONS' opposition to prosecutorial discretion caused me great concern.

Let's move on to criminal law.

During the hearing, discussing sentencing with Senator COONS, Senator SESSIONS revealed his view about what a Federal prosecutor should be. He said it was "a problematic thing" that is "difficult to justify" when a prosecutor uses some discretion to bring lesser charges or not to charge the maximum drug charge available.

As we know, drug prosecutions were the most common Federal charge in 2015. So Senator SESSIONS' view on them will have a big impact on the workload in U.S. attorneys' offices. If it becomes the nationwide policy of the Department, it will mean mandatory sentences of 5 years, 10 years, 20 years, and even life in prison for drug charges

will be imposed much more often, because depending on how prosecutors charge cases, the law will tie a judge's hands when it comes to a sentence. That is how our system works today.

The mission of a prosecutor is to do justice, not instinctively bring the maximum charge. As then-Attorney General Robert Jackson said in 1940:

The prosecutor has more control over life, liberty, and reputation than any other person in America. His discretion is tremendous.

Your positions are of such independence and importance that while you are being diligent, strict, and vigorous in law enforcement, you can also afford to be just. Although the government technically loses its case, it has really won if justice has been done.

For Senator SESSIONS to say that a prosecutor cannot exercise some judgment, based on the circumstances of a case, to seek a lesser charge or a lesser punishment, in my view, is just not correct.

We have discussed mandatory minimum sentencing in the Judiciary Committee. The Senator from Illinois, distinguished as he is, has been a leader in this cause. It has been discussed for years in the context of the sentencing reform efforts led by Senators LEE, CORNYN, DURBIN, GRASSLEY, LEAHY, and WHITEHOUSE. Senator LEE, in particular, has been a passionate advocate against mandatory minimum sentencing.

I believe in enforcement of the drug laws. I always have. There are difficult questions about what actions the Justice Department would take in States that have legalized marijuana in some way or another under their own laws.

The bottom line is this: sensitivity and good judgment are needed in prosecutorial decisions. We want to make sure the sentence fits the crime and that resources are used wisely. Senator SESSIONS' comments make it clear that he generally opposes granting discretion to a prosecutor to impose a lesser charge or a lesser sentence based on the circumstances of the case before them.

One thing I found striking was that in Senator SESSIONS' written statement to the committee, he said the following: "I understand the demands for justice and fairness made by the LGBT community."

I have served on the Judiciary Committee for 24 years. Twenty of them have been alongside Senator SESSIONS. I cannot recall a single time when he spoke about supporting any kind of "justice and fairness" for the LGBT community or made any kind of statement like this. We looked and couldn't find one in the CONGRESSIONAL RECORD either. In fact, the statement stands at odds with his record.

Let me give you a few examples. In 2011, we marked up a bill I had introduced to repeal the Defense of Marriage Act, known as DOMA, that denied married gay and lesbian couples equal protection under the law. Not only did Senator SESSIONS vote no—as

all Republicans on the committee did—but he asked questions like, “What about two sisters?”—as if to compare same-sex marriage to incest, a demeaning statement about hundreds of thousands of families in this country.

He voted against allowing gay and lesbian Americans to serve in the military. In 2009, he voted against the Matthew Shepard and James Byrd, Jr. Hate Crimes Act. He said he did not see the kind of discrimination happening against the LGBT community or women. He said the law was potentially unconstitutional, which is not an argument that, to my knowledge, has ever been accepted by a court.

In 2006, he voted to enshrine discrimination in our Constitution by supporting the constitutional amendment to ban same-sex marriage everywhere in the country. What did he say? He said the Senate had to debate the amendment because of a “deliberate and sustained effort by leftists in America,” “social activists,” and “activist judges.”

He talked about harm to children, ignoring the fact that same-sex couples are raising children and that denying equal recognition to their families actually hurts those children. Then he went on to criticize the 2003 decision of the Supreme Court in *Lawrence v. Texas*, which essentially said that private homosexual conduct cannot be made a crime in this Nation.

The *Lawrence* decision, written by Justice Anthony Kennedy, was a victory for freedom. How did Senator SESSIONS describe it? He argued the decision was wrong, and “troubling with far-reaching ramifications.” He said it was a “new vision of social justice, masquerading . . . as constitutional law.”

He called Justice Scalia’s dissent “brilliant.” That dissent, by the way, accused the Supreme Court of “sign[ing] on to the so-called homosexual agenda, by which I mean the agenda promoted by some homosexual activists directed at eliminating the moral opprobrium that has traditionally attached to homosexual conduct.”

When he was Attorney General of Alabama, he sought to shut down a conference of LGBT students on a public university campus in Alabama. This was despite a Supreme Court decision issued just a year earlier protecting a Christian student group from discrimination based on viewpoint.

The Eleventh Circuit Court—in a panel of three judges appointed by Republican Presidents—called the State’s action “blatant viewpoint discrimination” and characterized Sessions’ arguments as “feeble.”

Does any of this sound like the actions of a person who understands the demands for justice and fairness made by the LGBT community? My answer is no.

How will that impact the Attorney General? The Attorney General must enforce Federal hate crimes laws. The Attorney General must ensure that

Federal law treats same-sex couples equally; that the right to marry and be treated equally under Federal law is recognized and protected.

Here we are, I think, at a very difficult and dangerous turning point. We have a President with little apparent regard for constitutional or legal restrictions and who is willing to take to Twitter to target and abuse individuals and groups of Americans, and even belittle and demean Federal judges and the Federal court system, just as he did during the campaign.

We have a President who has taken a “shock and awe” approach with cruel, un-American, and potentially illegal Executive orders even in his first 2 weeks in office, which this nominee reportedly urged be done even faster.

We have a President who wants to bring back torture, even though—thanks to Senator MCCAIN—Congress has already stated it is clearly illegal. We have a President who is already angering long-term allies like Australia and making ridiculous threats of sending troops to Mexico.

We have a nominee for Attorney General who is anything but independent. He was part and parcel of the Trump campaign apparatus, transition, agenda, and way of thinking.

As Steve Bannon wrote in the *Washington Post* just days ago, SESSIONS was “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.”

Do any of my colleagues—Republican or Democratic—think Steve Bannon didn’t know what he was talking about in this email to the *Washington Post*? Do any of my colleagues believe that if Senator SESSIONS is confirmed, he is going to take off the political hat and be an even-handed Attorney General for all Americans who will tell this President no when it is merited on the basis of the law and the Constitution?

I don’t believe it for a second. I must vote no and urge my colleagues to do the same.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. HOEVEN). The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I rise in support of the nomination of Senator SESSIONS to be Attorney General of the United States. Let me make a few comments about the process. I would expect that the Attorney General nominee know the President before they are chosen. This idea that Senator SESSIONS was close to President Trump during the campaign and that it is somehow a disqualifier makes absolutely zero sense to me.

The bottom line is, that is exactly the kind of people you would expect a President to pick—someone who has been on their team, someone they know, someone they believe in to carry out the duties of the office that they are nominated for.

I don’t have the time to go through history, but I would assume that in past nominations—particularly for Attorney General—there has been some kind of relationship between the President who nominated him and the person who is seeking the job. If that is going to be the new standard, I suggest that nobody in this body ever endorse anybody for President because apparently you can’t serve in the Cabinet. That would be kind of silly.

I look at this as are you qualified for the job? Our friends on the other side look at it as if you don’t agree with their liberal agenda, you can’t do the job. Big difference. There has been an absolute wholesale attack on everything Trump when it comes to the nominations, with a few exceptions.

The basis of the attack is that they don’t share the world view of our friends on the other side. That world view was litigated pretty thoroughly and you lost. What do you expect Donald Trump to do after his campaign? I expect him to do what he said he was going to do. Some of it I agree with, some of it I don’t. Where I don’t agree with him, I will challenge him.

The one challenge I will not make against this President is to deny him the ability to pick somebody who is clearly, in my view, qualified, even though I may have differences with him on particular issues.

I would say this about Senator SESSIONS. I have known him for 20 years almost. I have traveled throughout the world with Senator SESSIONS and his family. Most of the time I agree with JEFF SESSIONS. Sometimes I don’t, but I found him to be an incredibly honorable man worthy of the job of being U.S. Senator from the great State of Alabama, reflecting the values of the people of Alabama. That is what he got elected to do, by the way.

I think he will be uniquely qualified to be the Attorney General of the United States at a time of great challenge. He has been a U.S. attorney. He has been Attorney General of his State. He is a man steeped in the law. His biggest crime, I think, is that he is very conservative. That, to me, is not a disqualifier any more than being very liberal is a disqualifier.

How do you think we felt when Barack Obama basically turned ObamaCare upside down with one Executive order after another every time it started stinking up in public? He would unilaterally change the law to avoid a political consequence or granting millions of people legal status with a stroke of a pen, well beyond his lane, struck down by the Court as being outside his ability as President to do.

Not once did anybody on that side raise an objection. Eric Holder is a fine man. I can’t remember a time when Eric Holder stood up to this runaway train in the Obama administration. Loretta Lynch is a fine woman. I can’t remember one time she expressed doubt about President Obama’s agenda. When it was left up to the courts to express

doubt in this election, believe it or not, that had a lot to do with the way the last 8 years rolled out.

This was a check-and-balance election, and you are not going to be able to undo the consequences of this election unfairly. I think it would be unfair to say that Senator JEFF SESSIONS is not qualified for the job at hand.

Most of the attacks against Senator SESSIONS could be levied against almost everybody on this side of the aisle. The NAACP, according to JEFF SESSIONS, is one of the premier civil rights organizations in the history of the country. I think that is a fair characterization. Mr. Cornell Brooks, CEO of the NAACP, said of Senator SESSIONS: Senator SESSIONS' record throughout his career, whether in the Office of the U.S. Attorney for the Southern District of Alabama, as attorney general of the State of Alabama or, most recently, as the junior U.S. Senator from Alabama evinces a clear disregard, disrespect, and even disdain for the civil and human rights of racial and ethnic minorities, women, the disabled, and others who suffer from discrimination in this country—a damning indictment.

Apparently, he doesn't stay in contact with the NAACP chapter in Alabama. In 2009, the NAACP gave JEFF SESSIONS—Civic and Human Rights Convention, April 23 to 26, 2009, NAACP Governmental Award of Excellence, Senator JEFF SESSIONS: For the outstanding work you do.

That is one of the awards he forgot to tell us about, so I hope he will amend. Another attack on Senator SESSIONS, he received an award from a David Horowitz group that was labeled by the Senator from Connecticut as being some rightwing extremist organization. All I can say is that the Annie Taylor Award is named for a lady who went over Niagara Falls in a barrel. They give it to conservatives who stood up under difficult circumstances. I actually received the award as an impeachment manager. Chris Matthews was there to moderate the dinner. So I don't know what Mr. Horowitz said after I was there, before he was there; all I can say is that I received the award, too, and I sure as hell don't consider myself a bigot.

Voting against the Violence Against Women Act authored by Senator LEAHY—I won't give you a long rendition. I voted against it, too, for reasons I will be glad to explain to you at a later time.

The bottom line here is that most of the things said about JEFF SESSIONS and the way he acted as a Senator could be said about almost all of us on this side who consider ourselves conservative.

Back to our friends at the NAACP, I asked Mr. Brooks, "Do you have a legislative scorecard how you rate people in the Body?" He said, "Yes. And Senator SESSIONS has been historically low rated."

Here is what I want the body to know: that in the report card of the

113th Congress, the first half, here are the ratings. Senator GRASSLEY—all Republicans here, 11 percent; HATCH, 25 percent; GRAHAM, 25 percent; CORNYN, 11 percent; LEE, 11 percent; CRUZ, 11 percent; SASSE, he wasn't in Congress; BLAKE, 29 percent; CRAPO, 14 percent; TILLIS and KENNEDY were not rated yet. On the Democratic side of the Judiciary Committee, FEINSTEIN, 100 percent; LEAHY, 100 percent; WHITEHOUSE, 100 percent; KLOBUCHAR, 100 percent; FRANKEN, 100 percent; COONS, 96 percent; BLUMENTHAL, 100 percent; HIRONO, 100 percent. Not only did JEFF SESSIONS have a poor rating, all of us did.

So to my friends on the other side, you are making arguments that I don't think are good for the future of this body and the country as a whole. You are basically saying: You did not vote for the legislation I supported. You voted against ideas I embrace that I think make America a unique place; therefore, you cannot have this job.

Here is what I would say: Senator SESSIONS voted as a very conservative Senator from the State of Alabama who has conducted himself honorably his entire life. And I really regret that we have gotten to this point. All of us in here know JEFF, and I have been on this floor fighting with him tooth and nail about immigration reform. I worked with Senator DURBIN, who is going to speak next, and our chief antagonist most of the time was Senator SESSIONS. Never in my darkest day will I ever believe JEFF SESSIONS said one word on this floor that he did not truly believe. And he reflects the views of millions of Americans.

As to the status of the LGBT community, I think JEFF SESSIONS was representing the values of his State. And all I can say is, that is what we are sent up here to do. If we disagree, we disagree, but it is a big leap from the policy disagreement to not qualified.

I asked the NAACP chairman: Name one Republican you would recommend to be Attorney General.

I have yet to get a name.

So what we are talking about here, unfortunately, is an attack on conservatism more than it is JEFF SESSIONS because almost everything said about JEFF could be said about me and most of my colleagues over here. Why did I vote for Holder? Why did I vote for Lynch? Why did I vote for Sotomayor and Hagel? And the list goes on and on and on.

I expect that when a liberal President wins, they will pick people who are qualified, who share their view to represent their administration. When it comes to the Attorney General, you can be liberal and you can be conservative, but you also still can be fair to the public as a whole.

I don't believe for 1 second that JEFF SESSIONS, as Attorney General of the United States, will take any of his political positions and jam them down your throat if the law says no. I have never seen that about the man.

The minority leader of the Alabama Senate, Senator Ross, an African-

American Democratic minority leader, said:

I have worked with Jeff Sessions. I know him personally, and all of my encounters with him have been for the greater good of Alabama. We have spoken about everything, from civil rights to race relations. We agree that as Christian men, our hearts and minds focus on doing right by all people.

That is the JEFF SESSIONS I know. That is why I am lending my support to his nomination.

I have some serious differences with President Trump, and those differences will materialize over time. And I hope I have the courage of my convictions to stand up for what I believe even when my party has the White House. That is a very hard thing to do for all of us. I intend to do it to the best of my ability, and I will get a lot of coverage for doing that because that makes for good political reporting. But what will not be covered is the fact that on the really big issues, mostly, I agree with President Trump and JEFF SESSIONS about what we need to do to change the dynamic regarding crime. I will work with Senator DURBIN to bring about sentencing reform, but it is now time to go in on the offense against crime.

One of the things that pleases me most about this nomination of Senator SESSIONS is that we have been very strong allies in fighting the War on Terror. JEFF SESSIONS understands the difference between fighting a crime and fighting a war. It will be welcome news for me to have an Attorney General who understands that Bin Laden's son-in-law who is captured on the battlefield should be treated differently than somebody who tried to steal your car. Under JEFF SESSIONS, the Justice Department will look at enemy combatants for who they are—warriors in a cause to destroy our lives—and they will be held consistent with the law of war, not domestic criminal law. And the days of terrorists being read the Miranda rights as if they were common criminals will soon be over. That will make us all safer.

I look forward to voting for Senator SESSIONS and working with him. And if we have disagreements, the one thing I know for sure is that JEFF will at least listen to me.

This body is adrift. The country is really divided. I hope that once this confirmation process is over, we can get back to doing the business of the American people.

To the extent that Donald Trump becomes the problem, we will push back. Right now, people are pushing back against everything all the time, and you are going to hurt yourself, as well as this body, because there is no way you can ever convince me that JEFF SESSIONS is not qualified to be the Attorney General. I can understand why you wouldn't pick him, but there is no doubt in my mind that he is somebody a Republican conservative President would pick, and they did.

I yield the floor.

The PRESIDING OFFICER (Mr. SASSE). The Senator from Arizona.

Mr. McCAIN. Mr. President, I thank the Senator from Illinois for his courtesy. I think this will take about 7 or 8 minutes, I would say to my colleague from Illinois.

I ask unanimous consent to address the Senate as in morning business.

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

TRIBUTE TO VLADIMIR KARA-MURZA

Mr. McCAIN. Mr. President, last week I was heartbroken to learn that a dear friend and great fighter for freedom, Vladimir Kara-Murza, had been hospitalized in Moscow. Those of us who know the work of this brave Russian patriot could not afford to hope or assume that he was suffering some ordinary illness. Just 2 years ago, under mysterious circumstances, Vladimir grew very ill and fell into a coma.

Many suspected he was poisoned, to intimidate him or worse. That is why last week's news signaled another shadowy strike against a brilliant voice who has defied the tyranny of Putin's Russia.

Many Americans are not familiar with the life of Vladimir Kara-Murza, but it is one that reflects the best qualities of leadership, courage, selflessness, idealism and patriotism, and it is a life dedicated to the principles we all hold dear: truth and justice, freedom and fairness, human rights and human dignity.

All his life, Vladimir has been a brave, outspoken, and relentless champion for the Russian people. He is a deputy leader of the People's Freedom Party, Russia's leading pro-democracy party. He is a leading coordinator of Open Russia, a foundation that promotes civil society and democracy in Russia. In 2011, he helped mobilize the largest anti-Kremlin demonstration since the early 1990s, leading tens of thousands of Russians to march in protest of widespread fraud and corruption in the parliamentary elections.

In the United States, Vladimir was one of the most passionate and effective advocates for passage of the Magnitsky Act, legislation that gives the Federal Government powers to punish human rights violators in Russia. Most recently he has eloquently and persuasively campaigned to expand the Act to impose sanctions on those Russians journalists who were so cowed and corrupted by the Kremlin that they become indispensable to propagating the lies and atmosphere of hate, fear, and violence the Putin regime relies on to maintain power.

Vladimir's family has a long history of heroism for years, dating back to the early 1900s. Vladimir once described the experience of visiting the KGB archives in Moscow where he reviewed the thin file on his great grandfather who was executed. It contained the scant evidence required for a death sentence in Stalin's Russia. He recalled the weight that fell upon him when he read the modest document to which the executioners affixed the date and their signatures to signify that the judgment had been carried out.

Vladimir also learned what it takes to be a revolutionary from our mutual friend Boris Nemtsov. Vladimir and Boris struggled together for years in the cause of freedom and democracy. Vladimir once called Boris the best President Russia never had.

Boris was one of the first to warn of the incoming Putin dictatorship, even when many of his fellow liberals could not see it. He told the truth about Putin's reign of terror, rampant corruption, and his illegal invasion of Ukraine. For the crime of telling the truth in Putin's Russia, Boris Nemtsov was murdered in the shadow of the Kremlin in 2015.

He died a martyr. He died a martyr for the rights of people who were taught to hate him but who will one day mourn his death, revere his memory, and despise his murderers. After Boris's assassination, many urged Vladimir not to return to Russia. He had every reason not to. He knew his own family's history with tyranny. He knew what happened to Boris Nemtsov, and he knew all too well about the culture of impunity that Putin has created in Russia, where individuals are routinely persecuted and attacked for their beliefs, including by the Russian Government, and no one is ever held responsible.

He knew about Sergei Yushenkov, who was investigating the Kremlin's potential role in the 1999 apartment bombings in Russia when he was shot and killed at the entrance of his apartment. He knew about American journalist Paul Klebnikov, who was investigating Russian Government connections to organized crime when he was shot to death in Moscow in 2004.

He knew about Anna Politkovskaya, a journalist, human rights activist, and fierce critic of Putin's brutal war in Chechnya, who was murdered in the stairwell of her apartment building on Putin's birthday in 2006.

He knew about former FSB officer Alexander Litvinenko, who exposed the Putin regime's massive corruption tied to organized crime and involving assassination and murder. He was poisoned to death in 2006 with a radioactive isotope in a brazen act of nuclear terrorism.

He knew about Sergei Magnitsky, that most unlikely of heroes in the cause of freedom, the humble tax attorney who blew the whistle on tax fraud and large-scale theft by Russian Government officials, only to be charged with their crimes and die in a squalid cell inside the prison that once held the political opponents of the Czars and the Soviets.

In short, Vladimir knew that Putin is a killer—and he is a killer. He might very well be the next target. Vladimir knew that there was no moral equivalence between the United States and Putin's Russia. I repeat: There is no moral equivalence between that butcher and thug and KGB colonel and the United States of America, the country that Ronald Reagan used to call a shin-

ing city on a hill. To allege some kind of moral equivalence between the two is either terribly misinformed or incredibly biased. Neither can be accurate in any way.

Knowing all this, knowing that his life was at risk, Vladimir returned to Russia. He continued to speak truth to power. He kept faith with his ideals and was in confrontation with a cruel and dangerous autocracy. He kept faith honorably and bravely with the example of his friend and comrade Boris Nemtsov.

Now it appears that Vladimir has once again paid the price for his gallantry and integrity, for placing the interests of the Russian people before his own self-interest. He is very ill, but I am encouraged to learn his condition is now stable.

So today, speaking for so many Americans, I offer my most heartfelt prayers for the recovery of Vladimir Kara-Murza and for the success of the cause to which he has dedicated his life: truth and justice for the Russian people. And I do so with the confidence Vladimir himself once expressed: "I am sure that in the end, we will win, because even when dictators prevail for some time, sooner or later, freedom wins."

I thank my colleague from Illinois for his indulgence.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, let me say at the outset that I am glad I was here for the statement made by the Senator from South Carolina. We disagree on many things. We agree on things as well. I respect him very much and turn to him often to find bipartisan support when, frankly, no one else will answer the phone. He has been a great friend and ally and has been very blunt with me when we disagree. We do disagree today, and I do it respectfully because Senator GRAHAM is a person I do, in fact, respect as a Senate colleague.

He is right about one thing: You would expect a new President to pick someone to be an Attorney General whom they know and trust. It might have even been someone from the campaign trail.

A classic example is 1960, when President John Kennedy was elected and chose his brother Robert Kennedy, who had worked on his campaign, to serve as Attorney General of the United States. You can't think of a clearer analogy to what has been described today. But the point that was made earlier by Senator FEINSTEIN about the relationship of Senator SESSIONS with Candidate Trump is one that goes beyond familiarity, beyond support in a political campaign. In fact, they did work together, and they do agree on some fundamental issues.

If the press can be trusted—and the White House is the first to tell us they can't—but if the press can be trusted,

in a Washington Post article of January 31, 2017, we see a very clear working relationship that extends beyond the would-be Attorney General JEFF SESSIONS and the new President Donald Trump but includes a former key staffer for Senator SESSIONS, Steve Miller, and a man named Steve Bannon, who is with Breitbart News and is now a political inspiration to the Trump White House. It appears that they have a very close working relationship among them. That in and of itself is not troubling, except when you look at the issues they have worked on closely together—the issue of immigration, the Executive orders, of which the Post said Senator SESSIONS was the “intellectual godfather.” That is a clear example pointed out by this article, and that is one of the reasons it was raised by Senator FEINSTEIN.

I understand what Senator GRAHAM has to say: that Senator SESSIONS has been nothing more than a Senator loyal to his home State of Alabama in his politics and in his views on issues. I do acknowledge that and can tell you that, over 20 years, I have heard Senator SESSIONS’s speeches repeatedly, and he does take those positions. But the thing that troubles me is the question about whether the values of the Senator from Alabama are the values we want in the Attorney General of the United States. To be very blunt, in some cases, they are not, as far as I am concerned.

I understand that President Trump won the election, but that doesn’t mean, when it comes to advice and consent, that every Member of the Senate has to bow and step back a few steps for every nominee proposed by this new President. We have a responsibility to ask what is right for America, what is right in terms of values and judgments that we bring to this job, as well.

It is not a happy moment for me to say this, but I do stand in opposition to the nomination of JEFF SESSIONS to serve as Attorney General of the United States. The reason I don’t view this as a happy moment is I have known him for 20 years. We have worked in the Senate, in committees, and on the floor. I know him personally. I met his family. And to say that I don’t support him for this elevation to Attorney General is something that is hard to say, but I know that I have to. This is not a decision I have come to lightly. Senator SESSIONS is a colleague of over 20 years. But the question we now face is whether he is the right person to be the No. 1 law enforcement official in the United States of America.

He comes to this new opportunity in a sharply divided nation. We have a controversial new President who already has seen an Executive order blocked by the courts in what appears to be record time. Think about that for a moment. Donald Trump has been President of the United States for 19 days. In those 19 days, he has issued an Executive order stopped by the Federal

courts of the land from implementation and he has dismissed an Attorney General. No other new President, in 19 days, can point to that happening. It is an indication of the types of policies he is promoting. It is also an indication that in the future, he is likely to again test the separation of powers in this government.

In this context, the need for an independent Attorney General has never been greater. We need an Attorney General who will not just serve as the President’s lawyer or cheerleader but who will defend the constitutional rights of everyone, including protecting those rights from an overreaching President, if necessary. As a member of the Judiciary Committee, I have carefully considered this nomination, and I am not persuaded that Senator SESSIONS will serve that level of independence.

Also, I have strong concerns that, if he is confirmed, he won’t adequately pursue the cause of justice on a range of important issues. In his nomination hearing, Senator SESSIONS said on issue after issue that he would simply follow the law, enforce the law, but that doesn’t come close to capturing the real role of the Attorney General. The Attorney General, as chief prosecutor in America, doesn’t just “follow the law”; that person uses his discretion to determine how the law is enforced and whom it is enforced against. Ignoring that is to ignore one of the key elements of service as Attorney General.

As Acting Attorney General Sally Yates reminded us, the Attorney General has a critical role at times in even standing up to the President. The American Bar Association standards say that the duty of the prosecutor is to seek justice, not merely to convict. I don’t have confidence, based on the answers he has given me, that Senator SESSIONS would follow that standard.

Here is one example. At the hearing, I introduced Senator SESSIONS to Alton Mills of Chicago, who in his youth was a street-level courier for drug dealers. He was sentenced to life without parole and prison at age 24—life without parole at age 24 under the Federal three strikes and you are out law. He was sentenced on a nonviolent drug offense—no guns, no violence. He sold drugs a third time and got a life sentence.

Even the judge imposing the sentence did not agree with it, but he said the law said what he had to follow and his hands were tied. Alton Mills needed to pay for his mistakes, but he did not need to spend the rest of his life in prison. In December 2015, President Obama commuted Alton’s sentence, after he had served 22 years in prison.

Under the Obama administration, Justice Department prosecutors were directed to search out low-level offenders like Alton Mills and use the discretion of the Department of Justice and make sure that they were given a second chance. Senator SESSIONS has said that he strongly opposes these guidelines.

When it came to clemency, Senator SESSIONS fiercely criticized President Obama, saying he commuted sentences in “an unprecedented reckless manner.” Senator SESSIONS also said: “So-called low-level non-violent offenders simply do not exist in the Federal system.”

When it came to changing the law that led to Alton Mills sentence, Senator SESSIONS led the opposition. I appreciate the work we did together on the Fair Sentencing Act of 2010. But every time I have returned to Senator SESSIONS and asked him to work with me for the thousands still stuck in Federal prison for nonviolent drug offenses under the old sentencing disparities which we have now rejected, he refused, time and again. He has opposed every bipartisan effort, including a bill that I put together with Senator GRASSLEY, Senator CORNYN, and others to allow individuals to petition on an individual basis for sentence reductions.

So to sum it up, Senator SESSIONS has staunchly opposed using prosecutorial discretion, clemency, or legislation to address the plight of thousands of people like Alton Mills. What can we expect of Attorney General JEFF SESSIONS in the next 4 years when it comes to criminal justice and criminal sentencing reform? I am afraid we can’t expect a caring person to take a look at the simple injustice in our system.

I have listened, time and again, as many other colleagues have, to the statements made by Senator SESSIONS on the issue of immigration. I have said before on this floor—and I will say it again—that I am the proud son of an immigrant. For generations, America has been renewed and enriched through immigration. Since World War II, we have set an example to the world when it comes to providing a safe haven for refugees.

We have four Hispanic Senators in this Chamber. Three of them are Cuban Americans. What can we say about the Cuban refugees who came to the United States by the hundreds of thousands to flee the oppression of Castro? They were not subjected to extreme vetting. In most cases, we said: If you can find freedom in this country you are welcome. They have made America a better nation for it.

Since World War II, that has been America’s standard. Now it is being challenged. It is hard to understand how the Trump administration could consider spending so much on a Mexican wall that Texas Republican Congressman WILL HURD, whose district covers 800 miles of the southwest border, described as “the most expensive and least effective way to secure the border.”

I have come to this floor and voted for more money for walls and obstacles and technology on that border than I ever imagined necessary, in the hopes that we could finally put to rest this notion that we could always do more. I wonder what image it creates of this

country, as we continue to talk about walls and banning travel.

President Trump signed an Executive order on January 27 banning immigration from seven Muslim-majority countries, and banning refugees from those countries into the United States. As I go through the list of the people who were affected by this, overwhelmingly they are women and children, victims of war, terrorism, and persecution. Many of them have been waiting literally for years to come to the United States. Since World War II, we have accepted so many refugees from Eastern Europe, from Vietnam, from Cuba, as I mentioned earlier, and from Yugoslavia. Over 100,000 Soviet Jews make their home in the United States because we accepted them as refugees.

Now President Trump has issued this Executive order that is being challenged in court, and we will know within a matter of days whether it will be stayed or continued, contested or if it will stand as law. Acting Attorney General Sally Yates said that she could not stand to defend that order. She felt it was illegal and unconstitutional.

The question, obviously, is what would the new Attorney General, if it is JEFF SESSIONS do, when faced with that same challenge? My fear is that he would not stand in independent judgment of the actions of the President. That to me is unfortunate and falls short of what we expect from the Attorney General.

We need someone like Edward Levi, the longtime president of the University of Chicago, who served as a truly nonpartisan Attorney General under President Ford. He restored honor and integrity to the Justice Department after Watergate. Where would Senator SESSIONS stand once confirmed? Would he defend the President's Executive orders? Would he stand up to the President if he disagreed with him? I have strong concerns.

Mr. President, one of the most important issues when it comes to the Attorney General is the oversight of the Civil Rights Division, which is, in fact, the crown jewel of the Justice Department, as far as I am concerned. It is responsible for protecting the civil rights of all Americans.

Senator CORY BOOKER and Congressmen JOHN LEWIS and CEDRIC RICHMOND gave powerful testimony at Senator SESSIONS' hearing. They discussed their concerns about the Justice Department under his leadership and whether it would protect the civil and voting rights of all Americans. I took their words to heart. I want to talk specifically about their concerns about the Voting Rights Act.

One month from now, we will recognize the 52nd anniversary of what came to be known as Bloody Sunday—March 7, 1965. JOHN LEWIS and Rev. Hosea Williams led 600 brave civil rights activists in a march over the Edmund Pettus Bridge in Selma, AL. The marchers were brutally beaten as State troopers turned them back and chased them

down. JOHN LEWIS was beaten unconscious and nearly killed.

A few months after Bloody Sunday, President Lyndon Johnson signed the Voting Rights Act into law, guaranteeing that the right to vote would not be restricted through clever schemes like poll taxes and literacy tests devised to keep African Americans from voting.

In 2006, Congress voted to reauthorize that same act after holding 21 hearings, hearing testimony from more than 90 witnesses, and receiving 15,000 pages of evidence.

Congressman LEWIS said in an op-ed about the ongoing need for that act:

Congress came to a near-unanimous conclusion: While some change has occurred, the places with a legacy of long-standing, entrenched and state-sponsored voting discrimination still have the most persistent, flagrant, contemporary records of discrimination in this country. While the 16 jurisdictions affected by Section 5 represent only 25 percent of the nation's population, they still represent more than 80 percent of the lawsuits proving cases of voting discrimination.

While Senator SESSIONS ultimately voted to reauthorize the Voting Rights Act, his comments about the law have been very troubling.

In contrast to Congressman LEWIS's statement about the need for a strong Voting Rights Act, Senator SESSIONS repeatedly criticized the law's section 5 preclearance provision, which required certain jurisdictions—including, but not limited to, Alabama—to “preclear” any changes to their voting laws with the Department of Justice. At his nomination hearing last month, Senator SESSIONS reiterated his view that section 5 of the law, in his words, was “intrusive.”

He also celebrated the Supreme Court's decision in *Shelby County v. Holder* when a divided Court—5 to 4—gutted the Voting Rights Act and struck down the preclearance provision. That decision left the Department of Justice with fewer tools to protect Americans' right to vote. Nonetheless, on the day of that awful decision, Senator SESSIONS stated: “[The decision was] good news, I think, for the South, in that [there was] not sufficient evidence to justify treating them disproportionately.” Senator SESSIONS was wrong to dismiss the vital role that preclearance has played in protecting voters from discriminatory laws.

When Senator SESSIONS came to my office for a personal meeting before this hearing began, I sat down with him and talked about the Voting Rights Act. I gave to him a book written by Carol Anderson. She is a political science professor at Emory University in the State of Georgia. The book is entitled “White Rage.” Carol Anderson systematically goes through the history of race in America after the Civil War, and she points out in each section how Congress would, on one hand, give rights to African Americans and then turn around and take them away. The most recent example relates

to the Voting Rights Act itself and all the efforts of the 1960s to guarantee that minorities had the right to vote in America. She follows it with the undeniable record of efforts toward voter suppression when it comes to minorities in the United States.

I pointed this out to Senator SESSIONS because he has been in denial over this reality. I told him about hearings that we held in Ohio, in Florida, taking election officials, putting them under oath—officials from both political parties—and asking them point blank: Before you established the need for these voting restrictions in your State, what was the incidence of widespread voter fraud that led you to believe it was necessary? And the answer repeatedly was, there was none. No incidents of widespread voter fraud to speak of. No incidents of anything substantial when it came to prosecution. Clearly the motive behind these voter suppression laws are just that—to suppress voters from their opportunity to vote.

What can we expect of Attorney General SESSIONS on this issue? I am afraid, based on his statements, his record, his voting, we can expect the worst.

Example: A three-judge Federal appeals court struck down a North Carolina law that required voter ID and limited early voting. The court found that the law was crafted and passed with “racially discriminatory intent,” in violation of the Constitution and section 2 of the Voting Rights Act. In the decision, this Federal court noted this regarding the North Carolina statute:

Before enacting [the] law, the legislature requested data on the use, by race, of a number of voting practices. Upon receipt of the race data, the General Assembly enacted legislation that restricted voting and registration in five different ways, all of which disproportionately affected African Americans.

We are still facing this challenge in America. I wish it were not the case. I had hoped at this point in my life that I would be pointing to our problems with race as something from the past, but it is a current challenge we face, and it is a challenge the Attorney General must face squarely. I do not believe that Attorney General JEFF SESSIONS will do that, and that is why I can't support him for that position.

Of course there is also Senator SESSIONS' decision as U.S. attorney to bring the 1985 Perry County case when he was in Alabama. He prosecuted three African-American civil rights activists for voter fraud. All three were acquitted. That case prompted former Massachusetts Governor Deval Patrick, who was an attorney for the defendants, to send a letter to members of our committee saying, “To use prosecutorial discretion to attempt to criminalize voter assistance is wrong and should be disqualifying for any aspirant to the Nation's highest law enforcement post.”

Senator SESSIONS' statements and his records are particularly concerning in

light of President Trump's recent repeated, baseless claims about voter fraud in the 2016 Presidential election. Make no mistake—President Trump's false claim that there were millions of fraudulent votes cast in the last election is an excuse for further voter suppression efforts.

It is imperative that the Department of Justice be led by someone who values the vital role the Department plays in protecting the right to vote. Given Senator SESSIONS' dismissive comments about the Voting Rights Act and his history of supporting burdensome voting laws, I am not confident he is prepared to do that.

Senator SESSIONS' record on religious freedom also raises significant questions. The free exercise of religion is enshrined in the First Amendment of the Constitution. However, Senator SESSIONS has only been outspoken in his defense of religious freedom for some faiths. For example, he denounced a 1997 court order that limited prayer in Alabama public schools, calling it "one more example of the effort by the courts to eliminate the natural expression of religious belief from public life."

A year later, he introduced a Senate resolution "affirming the right to display the Ten Commandments in public places, including government offices and courthouses." He said "[w]e've got to end the hostility toward the display of the Ten Commandments in public places."

But he has been much more ambivalent about Islam. He has referred to Islam as "a toxic ideology" and said of American Muslims "our nation has an unprecedented assimilation problem." When President Trump first proposed his ban on Muslim immigrants during the 2016 campaign, Senator SESSIONS said, "I think it's appropriate to begin to discuss this, and he has forced that discussion."

I am also concerned about Senator SESSIONS' support of laws and cases that permit individuals and companies to discriminate against other Americans on the basis of religious beliefs. For example, in 2015, the Supreme Court held that marriage equality is the law of the land in the landmark *Obergefell v. Hodges* decision. SESSIONS referred to the decision as an:

effort to secularize, by force and intimidation, a society that would not exist but for the faith which inspired people to sail across unknown waters and trek across unknown frontiers.

After disparaging the decision, Senator SESSIONS went on to cosponsor the First Amendment Defense Act, which would permit widespread discrimination against LGBTQ individuals on the basis of religious beliefs.

Senator SESSIONS also praised the Supreme Court's troubling 5-4 decision in *Burwell v. Hobby Lobby*, which held that the Religious Freedom Restoration Act permits closely held, for-profit corporations to deny contraceptive coverage to employees due to religious objections.

If confirmed to be the next Attorney General, Senator SESSIONS will be responsible for protecting the rights of all Americans, regardless of their faith or beliefs. That is why I am deeply concerned about Senator SESSIONS' record, which suggests that he may prioritize the freedom of certain faiths over others, and permit religious freedom to be used as a guise for discrimination.

The Attorney General also has great power to determine how the Department of Justice's resources will be prioritized. I am alarmed that Senator SESSIONS will not commit to support funding for important programs like COPS and Byrne-JAG. And I am deeply disappointed that he will not commit to increase Justice Department resources for Chicago to address the city's surge in gun violence.

I asked Senator SESSIONS about this when we met in person before his hearing and again as part of my written hearing questions. It is well known that there's been an epidemic of gun violence facing the City of Chicago. There were more than 760 homicides in Chicago last year, a 58 percent increase over the previous year. More than 4,300 people were shot last year in the city. It is a crisis.

At our meeting, I handed Senator SESSIONS a copy of Mayor Emanuel's plan to improve public safety. The plan calls for hiring nearly a thousand more Chicago police; more training and equipment, like body-worn cameras and gunshot detection technology; more mentoring programs for youth; and reforms to rebuild trust and cooperation between police and the community.

All of these are areas where the Justice Department can, and must, help. The Justice Department's COPS program helps local police departments put more cops on the beat. The Byrne-JAG program helps them buy equipment. The Office of Juvenile Justice and Delinquency Prevention provides mentoring and violence prevention funds. And the Civil Rights Division was invited in by me, the mayor, and the state Attorney General to review the Chicago Police Department's practices. On January 13, they reached an agreement in principle with the City to pursue much-needed reforms and to seek to enforce the reforms through a consent decree.

I asked Senator SESSIONS about his support for these efforts, especially in light of President Trump's tweets where he has urged Mayor Emanuel to ask for Federal help—even though the Mayor has already asked for aid—and threatened to "send in the Feds" to Chicago. But Senator SESSIONS has steadfastly refused to make any commitment of Justice Department resources to help reduce Chicago's violence. He refused to commit to increase Justice Department funding for Chicago. He wouldn't even commit not to cut funding. He refused to commit to honor the agreement in Principle that the Justice Department signed with

the city to reform the Chicago Police Department.

And he refused to commit not to request budget cuts to the COPS and Byrne-JAG programs and the Office of Juvenile Justice and Delinquency Prevention.

This is unfathomable to me. Now is not the time for the Justice Department to turn its back on the City of Chicago and its people. It is hard to understand how the Trump administration could think about spending \$15 billion on an inexpensive and ineffective wall and not commit to spend another penny to address gun violence in Chicago. If the administration took just 1 percent of what they want for a border wall and used it to help Chicago implement the mayor's public safety plan with more police, training, and youth job programs, we could save a lot of lives. But instead Senator SESSIONS and the Trump administration are threatening to cut Federal funds for Chicago. Their priorities are profoundly misplaced.

Senator SESSIONS did say he would increase Federal gun prosecutions. That may be helpful, but it is not enough to reduce gun violence. The Chicago Sun-Times looked at Federal gun prosecutions over the past 5 years and found that cities like Detroit and Baltimore had significantly more than Chicago, but their per-capita homicide rates are still higher than Chicago's. So that is not enough.

Senator SESSIONS also seems to think that immigrants are at the root of most of our Nation's crime problems. That is why he pushes to withhold critical Federal funding to so-called sanctuary cities. But many studies have shown that immigrants are less likely to commit serious crimes than native-born individuals. And there is no evidence whatsoever that undocumented immigrants are responsible for any significant proportion of the murders in Chicago. If sanctuary cities are the problem, why did a sanctuary city like New York City experience record low crime in 2016? Senator SESSIONS' priorities when it comes to these issues does not give me confidence.

I am also troubled by the casual approach that Senator SESSIONS has adopted when it comes to Russian interference in our Presidential election.

Election Day 2016 is a day that will live in cyber infamy. A foreign adversary intentionally manipulated America's Presidential election. Amid warnings of Russian manipulation going back to early October, President Donald Trump not only resisted these findings, he has praised Russian President Vladimir Putin and dismissed the true nature of Putin and his threat. As early as July of last year, then-candidate Trump urged a foreign adversary of the United States to conduct espionage against Hillary Clinton. He said, "I will tell you this, Russia: If you're listening, I hope you're able to find the 30,000 emails that are missing . . . I think you will probably be rewarded mightily by our press." And

President Trump, who has impulsively attacked just about anyone who criticizes him, has not criticized the one person who is guilty of sponsoring this cyber attack: Vladimir Putin.

This is bigger than one election or one person. This is about our national security, and we should take it seriously.

For those who have been following Putin's actions over the last several years, this attack should come as no surprise. Russia has conducted cyber warfare against Ukraine, the Netherlands, Georgia, Lithuania, Estonia, and a host of other nations. Russia now appears focused on disrupting the upcoming German elections over Putin's dislike of Chancellor Merkel. And it could happen again here.

We need to know that the next U.S. Attorney General will take this matter seriously as well and will be independent of the White House. This means allowing career Justice Department prosecutors and the FBI to follow the facts and the law.

I am concerned about Senator SESSIONS when it comes to this assignment. I asked Senator SESSIONS questions about this. In his written responses, he admitted that he has not even read the January 6 intelligence community assessment on Russian involvement in the U.S. election—neither the classified nor the unclassified version. As recently as last week, Senator SESSIONS admitted he still has not read this report.

The unclassified version incidentally is just a few pages if you don't count the annexes. I read it in less than 15 minutes.

Senator SESSIONS, seeking to be the top law enforcement official in the land, should have found time to read this report. His failure to do so is inexplicable. This does not give me confidence that Senator SESSIONS is giving this matter the attention it deserves.

I also asked Senator SESSIONS if he would commit not to impede or terminate ongoing Justice Department or FBI investigations into Russian involvement in the 2016 election. He would not make any commitment about allowing investigations to continue if confirmed.

And I asked Senator SESSIONS if he would recuse himself from any FBI or DOJ investigation into Russian efforts to influence the election. He said he was not aware of a basis to recuse himself.

Well, Department of Justice regulations call for recusals from investigations due to personal or political relationships. And it is clear that Senator SESSIONS has a close relationship with President Trump, including on Russia issues. Senator SESSIONS was a prominent supporter of the President's campaign.

On March 3, 2016, then-candidate Trump announced that SESSIONS would serve as chairman of Mr. Trump's National Security Advisory Committee and that he would "provide strategic

counsel to Mr. Trump on foreign policy and homeland security."

In a July 31, 2016 interview with CNN, Senator SESSIONS stated the following:

What I want to tell you is that Hillary Clinton left her email system totally vulnerable to a Russian penetration. It's probably clear that they have what was on that system. I have people come up to me all the time and say, why don't you—if you want to find out where those 30,000 emails are, why don't you ask the Russians? They're the ones that have them . . . The big issue is, can we, should we be able to create a new and positive relationship with Russia. I think it's . . . it makes no sense that we're at the hostility level we are.

On August 15, 2016, USA Today published an article entitled "Sen. Jeff Sessions backs Donald Trump on Russia Policy" detailing how SESSIONS changed his hawkish position on Russia to align with then-candidate Trump's statements. It said:

"Sen. Jeff Sessions, R-Ala., has long supported increased military spending and tough talk about the threat Russia poses to the U.S. and its allies in Europe. Since becoming an adviser to Republican presidential nominee Donald Trump, however, those principles appear to have undergone some revisions. Trump has upended traditional conservative caution toward Russia by exchanging niceties with President Vladimir Putin and expressing hope for warmer relations. And Sessions, a frequent surrogate for the Trump campaign in public appearances, is nodding in agreement."

On October 7, 2016, Politico published a story entitled "Lobbyist advised Trump campaign while promoting Russian pipeline: Richard Burt helped shape the candidate's first foreign-policy speech while lobbying on behalf of a Moscow-controlled gas company." The Politico story noted that the lobbyist in question "attended two dinners this summer hosted by Alabama Sen. JEFF SESSIONS, who had been named chairman of Trump's national security committee" and that the lobbyist "was invited to discuss issues of national security and foreign policy, and wrote white papers for Sessions on the same subjects . . ."

In an October 30 interview with DefenseNews, Senator SESSIONS said, "The United States and Russia should be able to be far more harmonious than we are today."

Clearly, an investigation into the reported Russia-Trump allegations has the potential to significantly impact the interests of Senator SESSIONS' soon-to-be-boss, if he's confirmed, and his close political ally.

Again, Senator SESSIONS' answers to my questions do not give me confidence. In the end, the American people deserve the truth about Russian involvement in our election. The stakes too high to ignore.

There are other aspects of Senator SESSIONS' record that give me serious concerns about what his priorities would be if confirmed as Attorney General, including his vote against reauthorizing the Violence Against Women Act; his votes against the Detainee Treatment Act and the McCain-Fein-

stein Army Field Manual Amendment; his past statement that the use of prison chain gangs was "perfectly proper"; his opposition to laws such as the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act; his questioning of the 14th Amendment's guarantee of birthright citizenship; and his refusal to commit to recuse himself from involvement in any case, investigation or Office of Legal Counsel decision involving the receipt of emoluments by President Trump. All of these factors have weighed on me as I have considered this nomination.

Mr. President, let me conclude.

We need a nonpartisan Attorney General with the independence, judgment, and backbone to stand up to a President when his actions are illegal or unjust. Senator SESSIONS is an able politician. He has been an able representative of his State of Alabama. But he is not the right person to serve as Donald Trump's Attorney General.

The Justice Department's motto "qui pro domina iustitia sequitur" refers to an Attorney General "who prosecutes on behalf of justice." Based on his record and his responses to questions over the past few weeks, I am not confident Senator SESSIONS would be such an Attorney General. I cannot support his nomination, and I will vote against him.

Mr. President, I yield the floor.

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. LEAHY. 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. LEAHY. Mr. President, this week we have to decide whether Senator SESSIONS, somebody whom many of us have known and worked with for many years—I certainly have during all of the time he has been in the Senate—is the right person to lead the Department of Justice. I thought long and hard on it. I decided he is not. I would like to share a few reasons why.

In fact, the Trump administration itself underscored what is at stake with this nomination. When the administration accused Acting Attorney General Sally Yates of having "betrayed the Department of Justice," it exposed a view of the Justice Department that is disturbing and dangerous. The claim that Ms. Yates "betrayed" the Department by refusing to defend the President's illegal and shameful Executive order—you have to believe that in the Attorney General's office, your job is to defend the President at all costs. That is wrong. I think Senator SESSIONS knows that.

There is a reason the Justice Department is not led by a Secretary of Justice: the Attorney General is the people's attorney, not the President's attorney. The Trump administration has already shown us why this distinction

matters. Within its first two weeks, the current administration found itself rebuked in numerous Federal courts around the country. Its extreme agenda cast a shadow over all the President's nominees. This is an administration that was even criticized yesterday by a very conservative Republican, John Yoo, in a New York Times op-ed entitled, "Executive Power Run Amok." You know there is a problem when the same man who twisted the law in order to green-light torture thinks you have gone too far.

The President seems to have a penchant for going too far. During the campaign he promised—and he said this a number of times; it was covered in the press—he would implement a Muslim ban. He actually stood before the cameras and said that. As President, he then signed an Executive order that barred immigration from certain Muslim-majority countries but created an exception that gave preference to members of minority religions in those countries; that is, non-Muslims. He even spoke to a Christian press organization stating he would protect Christians. That is nothing more than a Muslim ban by another name.

My parents and grandparents fought religious biases in this country. I have always felt one greatness of this country is when we said there would be no religious bias and we would actually stand up for the First Amendment. The First Amendment says you can practice any religion you want or none if you want, and it gives you freedom of speech. Now if you have a country and a government that protects your right to practice any religion you want and protects your right of free speech, then that same government is protecting diversity, and if you have diversity, it is very easy to have democracy.

When a Federal judge in Washington State temporarily blocked this order, President Trump did not express respectful disagreement as every President I have ever known, Republican or Democrat, would. He took to Twitter—Twitter, like a teenage kid—to attack the judge's legitimacy, labeling him a "so-called judge." President Trump attempted to blame this judge who was nominated by a Republican President and confirmed by a Republican-led Senate for any future terrorist attack on this country. The President's words are beyond outrageous. It is almost as though he wants to precipitate a constitutional crisis.

That is why the question of who should be our next Attorney General is so critical. This is a President who must have an Attorney General who is willing to stand up and say no for going beyond the law. Sally Yates knew that. Two years ago, Senator SESSIONS asked Ms. Yates: "Do you think the Attorney General has a responsibility to say no to the President if he asks for something that's improper? A lot of people have defended the Lynch nomination, for example, by saying, well, he appoints somebody who's going to exe-

cute his views. What's wrong 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 answered that her duty was to the Constitution. Just two years later she proved that by telling the President that his travel ban was indefensible under the law. Perhaps she was remembering the commitment she made to Senator SESSIONS, and that is exactly what she did.

Many around Senator SESSIONS felt that she never should have stood up to President Trump. She should stand up to President Obama but not President Trump.

I have reviewed Senator SESSIONS' long record. I have reviewed his responses to many questions from members of the Senate Judiciary Committee. I am not convinced that he is capable of telling the President no.

Under oath, Senator SESSIONS denied that he was involved in creating the Muslim ban Executive order. Well, I will take him at his word, but Senator SESSIONS' views on this issue are well known to Members of the Senate Judiciary Committee. In 2015 I offered a simple resolution in the committee. It expressed the sense of the Senate that the United States must not bar individuals from entering into the United States based on their religion—a very simple resolution. Every Democrat, most of the Republicans—including the Republican chairman, Senator GRASSLEY—voted in support of my resolution. The committee recognized that imposing a religious test for those who seek to enter this country violates our most cherished values, but Senator SESSIONS broke away from the majority of his Republican colleagues, and he strongly opposed the resolution. I found that deeply concerning in 2015 when he was a Member of the committee. I find it even more disturbing now that he seeks to be our Nation's top law enforcement official. We need an Attorney General who will stand in the way of religious discrimination, not one who endorses it.

Today I am introducing a very similar resolution. It reaffirms that no one should be blocked from entering into the United States because of their nationality or their religion. I invite Senator SESSIONS—and I invite all Senators—to cosponsor this resolution. Senator SESSIONS is still taking an active role in the Senate, including voting on controversial Cabinet nominees for President Trump. If he cosponsored it, it would help to reassure Americans that he stands against religious discrimination and religious tests.

But my concerns about whether Senator SESSIONS would be willing to tell President Trump no extend well beyond religious tests. In fact, in his testimony before the Judiciary Committee, both Republicans and Democrats, he did not demonstrate to the Judiciary Committee that he would be willing to tell the President no on any issue, no matter how objectionable.

Take, for example, the President's many conflicts of interest. For months, there has been media coverage about President Trump's conflicts of interest and the constitutional concerns they present. Yet Senator SESSIONS repeatedly evaded my written questions on this topic by claiming that he has "not studied the issue."

I asked Senator SESSIONS whether President Trump should follow guidance from the Office of Government Ethics and divest from assets that might create a conflict of interest. Senator SESSIONS said that he has not studied the issue.

I asked Senator SESSIONS whether President Trump receiving payments from entities controlled by foreign governments raises any concerns under the Emoluments Clause of the Constitution, which forbids such payments absent Congressional consent. Senator SESSIONS said that he has not studied the issue.

I asked Senator SESSIONS whether President Trump's family members who are running the organization that he still owns should participate in policy discussions or meetings with foreign governments. Again Senator SESSIONS said that he has not studied the issue.

Senator SESSIONS has refused to acknowledge that there is a conflict of interest for a President to have a personal financial stake in the policies pursued by his administration. Actually, that is definition 101 of a conflict of interest. The President should not personally profit from their decisions. This answer was particularly troubling because I know that he knows the right answer. Senator SESSIONS told Senator FEINSTEIN at his hearing: "I own no individual stocks because I want to be sure that I don't have conflicts of interest." He added, "I want to adhere to high standards." Well, I appreciate that. But Senator SESSIONS—and I assume Attorney General Sessions—apparently refuses to hold the President to any standards at all.

In fact, his woeful blindness extends even to the Russian interference into our democracy. In response to questions in the Intelligence Committee's report on Russian interference—the intelligence community found without a doubt that we had Russian influence in our democracy—he said: "I have not reviewed the report, but I have no reason not to accept the intelligence community's conclusions as contained in the report."

Well, if he hasn't read the report on something as critical as this, I suspect he is one of very few Senators who hasn't. I asked him whether the activities described in the report are illegal: Are they a threat to our democratic process? For anyone other than President Trump, that is not a difficult question. Reading the report, the answer should be an obvious yes, but Senator SESSIONS refused to answer. If Senator SESSIONS is not willing even to acknowledge facts that make President

Trump uncomfortable, how can we believe that Attorney General Sessions will ever say no to President Trump?

Senator Sessions also refused to answer questions from all nine Democrats on the Judiciary Committee on how he would respond if President Trump pressured him to end any investigations into Russian interference in our elections.

There is absolutely nothing in Senator Sessions' testimony before the Judiciary Committee that gives me confidence that he would be willing to stand up to the President. He has demonstrated only blind allegiance. This is a President who first cited what is now called "alternative facts" to deny his small crowd size at the inauguration, but now he is citing "alternative facts" to excuse murders and assassinations by Putin's regime. That should alarm us all. It shouldn't matter what party you belong to; as Americans, that should alarm us.

Later tonight I will describe my concerns about Senator Sessions' record on civil rights issues. But I have one concern that is made much worse, given Senator Sessions' lack of independence from President Trump. I am particularly worried that, if confirmed, Senator Sessions will fail to protect Americans' constitutional right to vote. There is nothing more sacred in a democracy than the right to vote. Yet Senator Sessions called it "a good day for the South"—not for the country but for the South—when the Shelby County decision, which effectively gutted the Voting Rights Act, was handed down, something that virtually every Republican and Democrat in both the House and Senate voted for that President Bush signed into law.

The fact that Senator Sessions voted to reauthorize the Voting Rights Act in 2006 doesn't give me much comfort when immediately after that unanimous vote, he turned around and argued, notwithstanding his vote, that it was unconstitutional.

We cannot view his record on this issue in isolation because if he is nominated and confirmed to be President Trump's Attorney General—well, we know the President has his own views on voting in America. Several Republicans, like the Speaker of the House, Mr. RYAN, and our own colleague Senator GRAHAM, have rightly condemned President Trump's wild conspiracy theory that there millions of illegal votes cost him the popular vote, which he lost by nearly 3 million votes. I fear that continuing this dangerous falsehood can be used to justify further attacks on the hard-won right to vote for racial minorities, students, poor and elderly citizens.

What bothers me the most is that Senator Sessions again refused to acknowledge the fundamental and plainly visible fact that the President is flat out wrong that there were 3 million illegal votes cast. Senator Sessions responded to me that he doesn't know what data the President may have re-

lied on. Well, the rest of us know there isn't any such data, but Senator Sessions refuses to admit as much.

So his close ties to President Trump and the important role he played in forming President Trump's agenda raise important questions about his impartiality in matters involving the President. I asked him several times, What is the scenario in which he would recuse himself, given clear conflicts of interest? But he brushed those questions off. He claimed he was "merely . . . a supporter of the President's during the campaign." Well, that would be fine, but I think Senator Sessions is selling himself short.

He was widely reported to be a central figure in the Trump campaign. A key figure in the Trump campaign, Steve Bannon, called him the President's "clearinghouse for policy and philosophy."

This relationship appears to fly in the face of the Justice Department's recusal standards. The Department's standards mandate recusal when the attorney has "a close identification with an elected official . . . arising from service as a principal adviser thereto or a principal official thereof." I asked Senator Sessions the obvious question—whether that language would apply to his relationship with President Trump, but he refused to say one way or the other.

The Justice Department has to be independent because it is the chief law enforcement department in our government. But I worry about that independence in this administration. It is already clear that if you say no to this President, there goes your job. Now more than ever, we need an Attorney General who is willing to pay that cost for the good of the country—for the good of the country. Country outweighs any partisan interest of a particular officeholder or a particular President.

I am not convinced that that kind of independence describes Senator Sessions. He has not demonstrated the independence that he himself used to demand of nominees.

David Frum, a former speechwriter for President George W. Bush, recently wrote an article in the Atlantic addressing whether someone should accept an invitation to serve in the Trump administration, given the real risks that there may be tremendous "pressure to do the wrong thing." The "very first thing to consider," said the former Bush speechwriter, is, "How sure are you that you indeed would say no? And then humbly consider this second troubling question: If the Trump administration were as convinced as you are that you would do the right thing—would they have asked you in the first place?"

In the case of the nominee before us—the Trump administration's "clearinghouse for policy and philosophy," as Mr. Bannon called him—I fear the answer to these questions is clear. That is why I am going to be voting against this nominee.

It is ironic that as we consider the nomination of Senator Sessions to be the Attorney General, a position which he is going to be responsible for is defending the fundamental rights and liberties of the American people—all of us—whether you were supporters during the last campaign of President Trump or Secretary Hillary Clinton. But even though Senator Sessions is supposed to defend our fundamental rights, we see President Trump continuing to praise Russian President Vladimir Putin, who has repeatedly demonstrated his disdain for freedom of speech, of association, of due process, and of the rule of law.

In less than a week the President has attacked a Federal judge for performing his constitutional duty. He has called unfavorable polls "fake." He has continued to discredit as "dishonest" any media outlet that dares criticize him. His spokesperson, Sean Spicer, echoes these sentiments. They sound remarkably like what one would expect to hear from Vladimir Putin.

In fact, President Trump has done this while reiterating his support of torture and his admiration of Putin. Remember, Putin's critics continue to turn up dead. Putin has stolen tens of billions of dollars that were taken in bribes from oil and gas and other industries. President Trump seems unaware of this, or is unconcerned about it, even though everybody knows about it.

It is hard to avoid the conclusion that, after repeatedly lauding Putin's leadership, Trump is now attempting to emulate Putin's efforts to spread misinformation, chastise his critics, and intimidate those responsible for upholding the law. His assaults on anyone he perceives to be standing in his way, including a Federal judge nominated by President George W. Bush, is even worse than his routine expressions of contempt for political norms that seem to be coming straight out of Stephen Bannon's playbook. Not only has the President expressed little, if any, concern that every U.S. intelligence agency—every U.S. intelligence agency—believes that Russia sought to influence, and quite possibly did influence, the Presidential election, and that Putin himself was involved, but Senator Sessions, who campaigned for the President, refused to recuse himself from decisions related to Russia's cyber attacks.

Can anybody imagine what the Republican leadership would be saying if the table was turned? They would try to shut down the government to hold a new election.

Failing that, they would demand that an independent commission be established to investigate the Russian hacking, and they would insist that the nominee for Attorney General pledge to recuse himself.

Well, along with Senator DURBIN and others, I have called for such an independent commission outside of Congress, but the Republican leaders have

summarily rejected it. It is cynical politics at its worst that puts partisanship over the integrity of our elections.

President Trump and Senator SESSIONS both speak about the importance of law and order. President Trump and Vladimir Putin seem to agree about what those words mean. Senator SESSIONS has said nothing to suggest that he disagrees, even though the Congressional Republican leadership recognizes Putin as a dangerous thug who tramples on the rule of law.

Why does our President keep praising this man who assassinate his critics, who has killed people who have criticized him in the media, who has stolen so much money, and taken so many bribes? He has become one of the wealthiest people in the world, but he is not a person to praise. We have a lot of leaders in our own country—both Republicans and Democrats—whom we can praise, but not Vladimir Putin.

I think we have to be careful. We have to care about the integrity of our democracy, about due process, the rule of law, and about the constitutional checks and balances that distinguish this country from autocracies like Russia. We should expect the nominee for Attorney General to demonstrate that he will defend these principles, not to remain silent when they are attacked, even if the person attacking them is the President of the United States.

Mr. President, I see the distinguished senior Senator from Connecticut on the floor.

I yield the floor.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I am honored to follow my distinguished colleague from Vermont who has led the Judiciary Committee with such vision and courage over so many years, and whom I respect as a former prosecutor, as I am, as well as a litigator and a conscience of the Senate.

I am deeply concerned that our Nation is careening toward a constitutional crisis, a legal nightmare that will test the independence of the judiciary and require the utmost resolve and integrity from everyone involved in the justice system and from the Congress, because only the Congress may provide the kind of check on the ongoing assault against our court system.

President Trump repeatedly has tried to put himself above the law, and in just a few weeks has moved from scorning conflict-of-interest and disclosure principles to promulgating destructive, discriminatory Executive orders, and openly attacking the judiciary. His personal invectives and insults are unprecedented for the President of the United States against the judiciary. Without respect for the rule of law and the court system, democracy fails. No Cabinet member has more responsibility to ensure that the justice system is given this necessary respect and trust than the Attorney General of the United States. The sweeping authority

in this position impacts the lives and livelihoods of everyday Americans, implicating everything from our immigration system to law enforcement, to civil rights, national security, capital punishment, sentencing, and the U.S. Supreme Court.

This job is one I know well. Like some of my colleagues, I served as U.S. attorney in the Department of Justice as the chief Federal prosecutor for Connecticut, for several years, reporting to the U.S. Attorney General, and, then, for several years afterward, as a private litigator, and, then, for 20 years as attorney general of the State of Connecticut. I fought alongside, and sometimes against, the U.S. Attorney General and the armies of lawyers at his disposal. In fact, the Attorney General commands thousands of lawyers who embody his power to speak on behalf of the United States. His job is to protect the public from criminal offenders and to convict the guilty, but also to protect the innocent who may be wrongly accused and to assure that justice is done.

In fact, as Justice Jackson said about the role of the U.S. Attorney General, which he filled, he is to seek justice, not just win cases. I know how powerful this position can be and how crucial the Attorney General is not as the appointee of a politician but as a servant of justice.

In discharging this sacred obligation, the Attorney General must always remain independent, not just in reality but in appearance. His decisions must supersede partisan politics. In most cases, there is, in fact, no recourse from his decision without political interference, which would be improper. He is not just another government lawyer. He is not just another Cabinet position. He is the Nation's lawyer. He is the people's lawyer. He must be the Nation's legal conscience.

This job requires a singular level of intellect and integrity, and a non-partisan, but passionate devotion to the rule of law.

Over the past week, as our Nation's courts did their job and sorted through the implications of the President's hasty, ill-conceived, and illegal Executive orders, President Trump called into question the very integrity of our judicial system. Not only did he label U.S. District Court Judge Robart a "so-called judge," but he also suggested that the American people should blame him and our "court system" if something should happen as a result of the court's blocking his Executive order.

In this anticipatory blame, the bluster and bullying are inappropriate and un-Presidential, and I believe they threaten harm to our democracy as well as the judicial system.

The comments were deeply disturbing to all of us who believe in the integrity of the judicial system—including the American Bar Association, which said through Linda Klein, its president, that "personal attacks on judges are attacks on our Constitu-

tion," and "the independence of the judiciary is not up for negotiation . . . independence from party politics, independence from Congress, and independence from the president of the United States himself."

Ms. Klein called upon all lawyers to defend the rule of law in light of these attacks on the Constitution. I echo this call proudly today, the importance of which cannot be overstated. Nowhere is that job more significant than the Department of Justice and the Attorney General of the United States as head of that Department. The agency is tasked with seeking and achieving justice, not with carrying out the President's agenda as a priority.

That does not mean lawyers at the Department of Justice who are currently defending the orders in court are acting improperly or wrongly. What it means is, the country needs an independent justice system staffed by people who are ready to stand up and speak out to a President whose orders may contravene constitutional law.

We saw this principle in action last week. We saw what it really means to serve at the Department of Justice and represent not the President but the American people, the Constitution, and the rule of law. Former Acting Attorney General and Deputy Attorney General Sally Yates took a stand based on moral and legal principle, and I thank Ms. Yates for her courage and strength in that action. Holding herself to the highest traditions of the Department of Justice, Ms. Yates said that in her judgment these orders cannot be defended, that the rule of law and morality is more important than the politics of the moment and the impulsive edicts of a ruler who apparently fails to uphold the law. Her actions raised the question of whether the next Attorney General will have the same courage and strength.

Ms. Yates demonstrated genuine grit and grace in standing strong for the rule of law. Her actions are in the long, proud tradition of the Department. Not since Watergate has an Attorney General or Acting Attorney General been fired for acting in accordance with their conscience and the rule of law. Unfortunately, President Trump threatens to return us to that era. He has made his intentions clear: The Department of Justice will not be an independent authority acting on behalf of the American people. Instead, it will be just another enabler of the President's ongoing efforts to substitute his whims and wishes for legal and ethical responsibilities.

I believe the President's orders are misguided and illegal. The courts will rule in days. His orders are wrong, in no small part, because they threaten to take away one of the primary reasons why ours is the greatest country in the history of the world—the country that my father, a refugee from Nazi Germany, sought in 1935. He arrived here at 17 years old with not much more than the shirt on his back, speaking

little English, knowing just about no one. This country gave him the chance to succeed.

I think about how sad and ashamed he would be if he saw the actions taken by this President: orders to ban people from coming into this country because of their religion; prioritizing one religion against another and raising fears that do damage to our core constitutional principles.

Barring refugees like children who are harmed in other lands seeking to come to this country deprives us of the great talents, gifts, and energy that have helped to shape and build this country because we are truly stronger as a result of our diversity. We are a nation of immigrants. Our strength comes from the talents, energy, and vibrancy of these individuals who come to this country as children with their parents.

This order makes us less safe because it provides a recruiting tool to extremists like ISIS. We are at war with ISIS, and we must win that war. It frays trust between law enforcement and Muslim communities, but it also weakens us in a deeper moral sense. It is wrong. It is morally wrong. It is wrong for this great country, devoted and founded on the ideals welcoming people seeking that beacon of hope, opportunity, and protection.

The rule of law protects us from these moral harms, but the rule of law depends on people. Fortunately, even as we have seen the harms of these past few days play out in real time, we have also seen people who are willing to stand strong against them. People have gone to the streets in marches and rallies in the New Haven Green and in front of our State capitol in Connecticut, and all across our State, saying it is not only wrong, but they will rally against this wrong.

All of these points are simply to say that the position of Attorney General is so important because he must stand strong as well for the rule of law. He must be able to speak truth to power. He must have the courage and strength to say to the President of the United States: This order is unconstitutional, not just unwise and unwarranted but illegal.

I have, unfortunately, reached the conclusion that Senator SESSIONS cannot be counted on to play that role, to defend the rule of law, to be a champion of civil rights and civil liberties, not to just follow the law but to lead in this challenge that faces our country as never before because our rights and liberties are now threatened as never before. He must be a vigorous advocate, not a passive follower of the law.

Senator SESSIONS showed this point to me through his testimony at his hearing and his subsequent responses. While he must be ready to say no to the President, what we saw demonstrated so vividly is that Senator SESSIONS' record and testimony indicates he is unwilling or unready to perform his core tasks.

President Trump's vast business holdings present an unprecedented threat of conflict of interest. Yet the President has not only refused to divest himself, he has mocked the idea that he should. Should conflicts arise, the Attorney General must be willing to maintain impartiality, including appointing a special counsel or prosecutor if necessary. There are so many scenarios requiring this step. Yet when I asked Senator SESSIONS about enforcement of cases against illegal conflicts of interest involving the President and his family—such as violations of the emoluments clause or the STOCK Act—he equivocated. When I asked him about appointing a special counsel to investigate criminal wrongdoing at Deutsche Bank, owed more than \$300 million by President Donald Trump, he equivocated. When I asked him about the investigation of Russian hacking, he equivocated. His answers to questions I submitted to him in writing were no better. Those answers give me no confidence that he will be an independent, nonpolitical enforcer against conflicts of interest and official self-enrichment that the Nation needs. At a moment when the incoming administration faces ethical and legal controversies that are unprecedented in scope and scale, Senator SESSIONS has simply given us no confidence that he will appoint an independent counsel or demonstrate the independence that is necessary.

His record over many years and his recent testimony fail to demonstrate the core commitments and convictions necessary to be our next Attorney General. He has failed to show how he can be that legal conscience, that unmistakable, unshakable, ethical voice independent from the White House. He has failed to prove that he will be a champion of constitutional rights. Indeed, his career demonstrates an antipathy and hostility to the very rights and liberties that the Nation's chief law enforcement officer must always promote proactively, as well as defend.

Focus for a moment, shall we, on some of the rights that affect women and their privacy. Women comprise more than half the population, but unfortunately our society and our laws have too frequently prevented them from achieving the equality that every American should enjoy. Over the course of his career, Senator SESSIONS has opposed key legislation that protects and further enhances women's rights. As a Senator, that trend was worrying. As Attorney General of the United States, it must be disqualifying.

In 1973, the Supreme Court recognized a vital constitutional right of privacy for women. It is a right that is both basic and fundamental, now enshrined in five decades of precedent, that women have the freedom to choose what medical procedures they will undergo to make private health care decisions and personal reproductive rights decisions without interference from the government.

As we all know, declaring abortion illegal solves no problem. Laws against abortion do not stop them from happening, it simply stops them from happening in a safe, legal manner. Laws that restrict abortion force women to put their own lives at peril rather than enjoying full freedom. Yet Senator SESSIONS' congressional record and hearing show that he is inherently opposed to providing women with the ability to make those preeminently private health care decisions.

He has gone on record stating he believes *Roe v. Wade* was constitutionally unsound and wrongly decided. He voted against an amendment that expressed constitutional support for the underlying Supreme Court decision. Most troubling, he supported a constitutional amendment to ban abortion with only a few inadequate exceptions. It is no surprise that he has been supported by extremist groups like Operation Rescue. As Attorney General of the United States, Senator SESSIONS would be tasked with protecting the very women whose rights he has criticized.

Far too many women seeking to exercise their constitutional rights are already faced with violence and harassment outside of health clinics. I know only too well the kind of intimidation and fear-inspired actions that can take place because as attorney general of my State, I enforce the statute to protect those clinics.

Those women look to the Department of Justice to enforce the Federal law that prohibits interference with people seeking to access these clinics, and it keeps them safe. There is a very real concern about whether these women will receive the same protection under Senator SESSIONS' tenure. With limited resources across the Department of Justice, decisions must be made by the Attorney General in setting priorities for enforcement.

Senator SESSIONS' past positions and stances make clear that the protection of women's rights is far from a priority for him. He told me at the hearing that he would "enforce the law." But when important constitutional rights are under threat, American women need more than someone who will simply follow or enforce the law. They need a champion and so do all of our civil rights and civil liberties and voting rights and other key freedoms.

I am disturbed as well by Senator SESSIONS' vote against reauthorizing the Violence Against Women Act. He has stated that he does not oppose the principle or some of the provisions of the law, and I take him at his word, but the circumstances behind his vote are no less disturbing. We must recognize that our Nation's tribal communities face epidemics of both domestic and sexual violence. Studies show that almost three out of five Native American women have been assaulted and that one-third of all Native American women are raped during their lifetime.

The VAWA Reauthorization of 2013, the Violence Against Women Act, that

he voted against included significant new language that closed a glaring loophole in the jurisdictional requirements of this basic law. The bill guaranteed and granted tribal communities power over non-Indian defendants who commit domestic violence against Native Americans in Indian Country. Before the reauthorization act, tribal courts lacked jurisdiction to prosecute these horrific crimes and often the assaulter would escape prosecution entirely.

During his confirmation hearing, Senator SESSIONS told us that he had “a big concern” about that jurisdictional provision in the reauthorization act. He was concerned that the law would leave non-Native Americans open to prosecution under tribal law, despite safeguards in the bill that were clear and unequivocal. The large gaps that the original law left were apparently acceptable to him.

Additionally, the VAWA reauthorization included a nondiscrimination clause. This provision protects members of the LGBT community from discrimination in housing and employment, schools, and other areas of civil rights cases.

Senator SESSIONS also took this issue with the nondiscrimination provisions in the reauthorization act, including the protection for LGBT individuals. He took issue with those provisions.

I am concerned, also, by several other votes that Senator SESSIONS took in 2004. He voted against extending Federal unemployment benefits to people who leave their jobs as a result of being victims of domestic or sexual assault.

In 2009, he voted against an amendment which would have strengthened the rights of victims of wage discrimination, contributing to the roadblocks and hurdles that women encounter while facing issues of inequality.

As recently as March of 2015, Senator SESSIONS voted against the Paycheck Fairness Act, a vote he has taken multiple times before. These bills sought to strengthen women’s rights and opportunities in the workplace.

In 2017, our world is one where women still struggle to obtain the same pay levels as men in the workplace for the same work. This kind of discrimination is un-American and really an embarrassment to our Nation.

Senator SESSIONS’ voting record consistently shows his opposition to this kind of key legislation designed to protect women from oppression and discrimination and protect women’s autonomy and choice, and I cannot support an Attorney General with this record.

Speaking on the floor some time ago, I added other details as to the reasons why I have opposed Senator SESSIONS. I see colleagues on the floor right now so I will end here with this point. Over the past weeks, I have received an outpouring of outrage from throughout my State of Connecticut, more than

4,500 letters from Connecticut residents opposing this nomination because they recognize the need, the desperate imperative for a true champion of civil rights and liberties, constitutional freedoms in this office facing the threat that is more real and urgent than ever before in our history.

Just hours ago, I received a million signatures on a petition from civil rights groups. They are contained magically on a thumb drive that is so easy to display, even if the signatures are not readily visible, but these million brave and steadfast individuals and the organizations that represent them. The Leadership Conference on Civil Rights and Liberties, other groups that have proudly and actively worked on this cause are to be thanked, as are the advocates throughout the country who have galvanized public opinion, raised awareness, and shown what democracy looks like.

This is what democracy looks like. This is what America looks like. This is what Connecticut looks like—people rallying and rising up against an unconstitutional immigration ban, against a set of nominees that fail to reflect and serve America against an Attorney General nominee, in particular, who cannot be relied upon to actively and aggressively, vigorously, and vigilantly protect our constitutional rights and liberties. We need a champion of those rights and liberties.

I regretfully oppose JEFF SESSIONS as our next Attorney General because we cannot count on him to do so, and I urge my colleagues to join in this opposition.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I ask unanimous consent that following my 5 minutes, the distinguished senior Senator from New Hampshire, Mrs. SHAHEEN, be recognized for 5 minutes; and following Mrs. SHAHEEN, the distinguished whip of the Republican Party, Mr. CORNYN, be recognized.

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

BIENNIAL BUDGET PROCESS

Mr. ISAKSON. Mr. President, I come to the floor with a labor of love before the U.S. Senate. We are talking about confirmations of people for Secretary positions on the Cabinet of the new President. We are talking about all kinds of things. We are in a budget period of time. We are talking about this year having two budgets—one we are going to use early and one we are going to use late.

The truth is, since 1980, we haven’t passed all 12 appropriations bills in the year but twice. In other words, in the last 37 years, we have only twice done our job that we ought to do every year. So 2 years out of 37 we did it; 35 years we did not do it.

I am joining with the distinguished Senator from New Hampshire, a great Governor of that State and now a great Member of the U.S. Senate, to pro-

pound for the third Congress in a row an idea that is so simple and so great that it works and it works for all the American people. It is called a biennial budget process. What it does is it embraces a discipline for how you budget to bring about the right solutions in terms of what you do budget.

What the biennial budget process does is it says this. We would be far better off if we had more oversight of spending, more authorization projects, and more discipline in the way we spend money we are already spending before we start appropriating more.

Therefore, in every even-numbered year, we ought to do oversight of our spending, we ought to do accountability in our spending processes, we ought to do accountability in our spending process, and we ought to do no appropriations.

In our odd-numbered years, the non-election years, is when you appropriate. Every other year you are spending, and then every other year you are doing accountability. What that causes is the cream to rise to the top. All of a sudden in 1 year, instead of departments coming to say we don’t have time to oversight, we have to authorize more, they come to you and say: Here is how we spent our money, here are the savings we have found, and here is how we want to move forward in a more efficient way.

It is a little bit like my kitchen table and my family. All the way through my 49 years of marriage, my wife and I and our kids have sat around the kitchen table, decided what our family priorities are, from our vacations to our jobs, and then we budget our money for that year so we can pay our bills, enjoy the time we had together, and end up not being broke at the end of the year.

What happens when you don’t do that and you are a government is you end up owing \$19 trillion and don’t know how to pay for it. We cannot continue to spend at the escalated rate that we are spending without more accountability on the process so I think the biennial process is the right way to go.

There is some documentation for that. The distinguished Senator from New Hampshire was a Governor of her State who had a biennial budget, but 19 of the 50 States have biennial budgets already. They work, and they work fine. They give them the luxury of doing what we don’t do in Washington, they give them the luxury of having the time to study their appropriations, find savings in existing taxation before they start raising anybody’s taxes or appropriating anymore.

It is a simple, disciplined way to go about the business of spending the people’s money in the same way they make their determination.

I ran a pretty large company for 19 years and was in business for 35 years before I came to Congress. I know that running a business is hard, but it is not hard because it is complex; it is hard because it is tough. Prioritizing your appropriations is tough business.

Somebody has to do it, and the people who are elected to the Congress of the United States are elected to do that job.

I am proud to join Senator SHAHEEN on the floor today and urge all Members to vote for a biennial budget process in the Congress of the United States. I remind everyone in the room that we had this vote a few years ago as a test vote on an all-night vote-arama on the budget, and we got 72 votes, if I remember correctly, in favor of the biennial budget. We have had past Budget Committee chairmen vote in favor of the biennial budget.

We have had people from the majority and the minority vote for it. The fact is, it is a good idea whose time has come. I am pleased to join Senator SHAHEEN from New Hampshire and plead to the Members of the U.S. Senate to do what we ask the American people to do. Let's prioritize the way we spend our money, find savings where we can, and run a more efficient, more honest government, and a more transparent government for all.

Mr. President, I yield to the distinguished Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am really pleased to be able to join my colleague Senator ISAKSON from Georgia as we have introduced our bipartisan legislation, the Biennial Budgeting and Appropriations Act. I think this is a welcomed piece of bipartisan legislation at this point in the year.

I want to start by thanking the Senator from Georgia for his very good work on this legislation. He has been leading this effort since he first came to the Senate in 2005, and I have been fortunate enough to partner with him on the legislation in the past two Congresses.

I think that by working together, we could pass this commonsense, bipartisan legislation that could change the way we do business in Washington for the better. As Senator ISAKSON said, there is no question that our budget process is broken.

Since 1980, we have only finished two budgets on time. In that timeframe, Congress has resorted to nearly 170 short-term funding bills or continuing resolutions. We also experienced a costly and dangerous government shutdown in October of 2013 that cost our economy \$24 billion.

It hurt small businesses. It hurt the people across this country.

That is no way to govern. I understand, as Senator ISAKSON said, that biennial budgeting will not fix everything, but it is a reform that will encourage us to work across the aisle to become better stewards of taxpayer dollars. I can attest to this personally because, as Governor of New Hampshire, I saw how you make a biennial budget work.

In each biennium, I worked with a Republican legislature, and we put together a balanced budget in the first

year of the legislative session. In the second year, we had the opportunity to do oversight. That is exactly what this bill would allow us to do here in Washington. It is a reform that has worked in New Hampshire, and it has worked in 18 other States. So as Senator ISAKSON said, 19 States in all have biennial budgeting, and it really gives us a better opportunity to review the budget to see what is working, what is effective, and what is not.

One example that I think shows how we can do this better is looking at several reports that have been issued by the Government Accountability Office. They have found areas of waste, fraud, and duplicative programs. And they have identified ways to reform things, like our farm program, to cut down inefficiencies in defense, and to reduce fraud in health programs. But today, Congress hasn't really taken the time and effort to go through those recommendations. Under biennial budgeting, we would be able to look at those kinds of recommendations and implement savings in the second year of the budget process.

Biennial budgeting also reduces the number of opportunities for manufactured crises, like a government shutdown. As Senator ISAKSON said, we have gotten real momentum in the last couple of years. We had a great vote in 2013 in the Senate, where we had an overwhelming bipartisan group endorse the concept. We saw a vote in the House Budget Committee, where legislation on a biennial budget passed with a bipartisan vote. It not only passed the House but had over half of the House Members as cosponsors. And we saw a favorable hearing in the Senate Budget Committee on the legislation, so I think momentum is growing for this idea. It is a real way for us to take action to reform the budget process and make it work better.

The bill that we are introducing has 13 bipartisan cosponsors. We are going to keep working to get more bipartisan cosponsors, and I hope that all of our colleagues will join us in this effort.

I look forward to continuing to work with Senator ISAKSON and with Senators ENZI and SANDERS on the Budget Committee to get this important reform through the Senate.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. RUBIO). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KING. 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. KING. Mr. President, I yield the remainder of my post closure debate time to Senator FEINSTEIN from California.

The PRESIDING OFFICER. The Senator has that right.

Mr. KING. Mr. 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.

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

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

Mrs. SHAHEEN. Mr. President, I came to the floor this afternoon to address the nominee for Attorney General of the United States, Mr. SESSIONS. The U.S. Constitution provides that the Senate will advise and consent on all nominees put forward by the President. This fundamental check on Executive power continues to give confidence to the public that the individuals charged with the immense responsibilities and authorities of our Federal Government are of the highest ethical and professional character, are highly qualified, and are committed to exercising those powers in a manner that is consistent with our founding principles.

Any person seeking to serve in such high positions of public trust ought to be able to explain his or her record of personal and professional conduct, not only to close colleagues and friends but also to the public they seek to serve.

I have great respect for Senator JEFF SESSIONS for his commitment to public service, but I don't believe that he is the right choice to serve as our Nation's chief law enforcement officer. Time and again in the course of his career, his actions have demonstrated disinterest or even hostility to many of the civil rights that we rely on the Attorney General to protect and defend, from voting rights to civil rights, to equality for women, minorities, the LGBTQ community, and people with disabilities.

Senator SESSIONS' record in the Senate provides little evidence that his views have evolved since the last time the Senate evaluated his fitness to serve in high Federal office, when President Reagan nominated him to serve as a Federal judge in 1986. Three decades ago, the Senate voted against his confirmation to serve as Federal judge. Today, I believe the Senate should not confirm him to serve as U.S. Attorney General.

At this time in our history, with the growing concern about this administration's commitment to basic democratic principles, such as equality before the law, separation of powers, freedom of the press, and protection of minority views, I cannot support a nominee who has failed to demonstrate appreciation for these ideals, regardless of our personal relationship. We need an Attorney General who will fight for justice and equal protection for all Americans, regardless of race, gender, religion, ethnicity, or sexual orientation.

One of my principal objections to this nominee is his record of making it harder for certain groups of people to vote. In 2013, in *Shelby County v. Holder*, the Supreme Court struck down section 5 of the Voting Rights Act, also

known as the preclearance provision. And while the overwhelming majority of civil rights organizations considered this ruling, which invalidated a landmark achievement of the civil rights movement—a devastating defeat—Senator SESSIONS was quoted as saying that it was a “good thing for the South.” He has been quoted as saying that he views the Voting Rights Act as an intrusive piece of legislation. We often refer to the shorthand name for this case, calling it simply *Shelby County*. But I believe the full title is instructive: *Shelby County v. Holder*. Holder, of course, was Attorney General Eric Holder. And in this case, the Supreme Court ruled against the Department of Justice and against the views of this Congress, which voted in 2006 to extend section 5 for another 25 years.

It also demonstrated the awesome responsibility and discretion of the Attorney General. Eric Holder was fighting to protect minorities in States with a history of racial discrimination from future voter suppression efforts. In contrast, as U.S. Attorney General, JEFF SESSIONS prosecuted several members of the Southern Christian Leadership Conference, the great civil rights organization formerly led by Dr. Martin Luther King, Jr. He indicted these people for allegedly attempting to fraudulently register people in minority communities to vote. All of those counts were dismissed in that case. However, the chilling effect of this type of use of government authority on our civil society should not be underestimated. This illustrated the awesome power of the prosecutor in our judicial system. That power is exponentially greater in the Office of the U.S. Attorney General.

As I said, Senator SESSIONS is also an outspoken advocate for voter ID laws, including at the Federal level. In State after State, including my home State of New Hampshire, unnecessarily stringent voter ID laws have been passed by Republicans with the clear intent to deny access to the ballot box on the part of minorities, the young, and the poor. Striking down the laws passed by Republicans in North Carolina, a unanimous Federal court ruled that they “target African Americans with almost surgical precision”—that is a direct quote—and “impose cures for problems that did not exist.”

Invalidating similar laws in Wisconsin, U.S. District Court Judge James Peterson wrote: “The Wisconsin experience demonstrates that a preoccupation with mostly phantom election fraud leads to real incidents of disenfranchisement, which undermine rather than enhance confidence in the elections, particularly in minority communities.”

President Trump has falsely claimed on numerous occasions that 3 to 5 million undocumented immigrants voted in the election in November. We have even heard that claim in New Hampshire, where our deputy secretary of

State, a Republican, has said those claims are not accurate.

Throughout our history, these arguments, not grounded in fact and data, have been used as a pretext for advancing new voter ID laws, including at the national level. Yet, as Attorney General, Senator SESSIONS would enthusiastically support this agenda. I believe that to be disqualifying for any nominee to serve as Attorney General.

When I was Governor of New Hampshire, I had the honor of being able to appoint the attorney general in our State. My qualification was that the attorney general should be the people's attorney. I think that is no less true of the Attorney General of the United States.

I am also deeply concerned by the nominee's record on issues associated with women's health and autonomy. For example, as Senator BLUMENTHAL said so eloquently earlier this afternoon: Senator SESSIONS voted against the 2013 reauthorization of the Violence Against Women Act. This law has been reauthorized on a bipartisan basis each time it has been brought up since 1994.

The 2013 reauthorization expanded the scope of domestic violence programs, yet Senator SESSIONS was one of only 22 who voted no. This is of particular concern when we see the framework for what is suggested will be the Trump administration's budget, which would eliminate the Office on Violence Against Women at a time when one in five women is a victim of rape, either completed or attempted.

Senator SESSIONS has also been a fierce opponent of a woman's right to choose. He voted against a resolution supporting the *Roe v. Wade* decision, which affirmed the constitutional right of women to control our own reproductive choices. He has cosponsored legislation to prohibit Federal funding for health insurance plans that include coverage of abortion. He even opposed the Lilly Ledbetter Fair Pay Act, which removed barriers to women who bring charges of discriminatory wage practices.

Senator SESSIONS voted against it in 2008 and again in 2009, when it became law over his opposition. Senator SESSIONS has consistently argued for “color blind” enforcement of our Nation's civil rights laws. He contends that racism in the United States has been effectively addressed, and, therefore, diversity programs unfairly discriminate against White Americans.

For the same reason, he has voted against legislation to protect the rights and safety of the LGBT community. In 2009, he vehemently opposed the Matthew Shepard Hate Crimes Act, which protects LGBT Americans from hate crimes. In debate on that proposed law, Senator SESSIONS said:

Today I am not sure women or people with different sexual orientations face that kind of discrimination. I just don't see it.

Well, Senator SESSIONS, if you talked to the members of the gay and lesbian

community, as I have, if you would talk to women across this country who have faced discrimination in employment practices, who have faced discrimination before the Affordable Care Act, in terms of our health insurance, who have faced discrimination in terms of getting justice in cases of violence against women, you would understand that we need to make sure that the laws protect women and minorities.

In 2013, Senator SESSIONS voted against a measure to prohibit discrimination in the workplace based on sexual orientation or gender identity. He also voted in favor of a constitutional amendment to ban gay marriage.

Mrs. MCCASKILL. Mr. President, will the Senator yield for 1 sentence?

Mrs. SHAHEEN. Mr. President, I will yield to the honorable Senator from Missouri.

Mrs. MCCASKILL. Thank you so much. I yield the remainder of my postcloture debate time to Senator FEINSTEIN.

I thank Senator SHAHEEN. I apologize for interrupting.

The PRESIDING OFFICER. The Senator has that right.

The Senator from New Hampshire.

Mrs. SHAHEEN. So in 2013, as I was saying, Senator SESSIONS voted against a measure to prohibit discrimination in the workplace based on sexual orientation or gender identity. And similarly, he voted in favor of a constitutional amendment to ban gay marriage. Finally, Senator SESSIONS' views on immigration are just outside the mainstream. Most Americans want fair, humane treatment for would-be immigrants to the United States, as well as for undocumented immigrants who are already here.

Senator SESSIONS has amply demonstrated that he does not agree with this view. Since he came to the Senate, he has been a leading opponent of bipartisan immigration reform efforts. In 2007 and again in 2013, he was instrumental in defeating immigration reform proposals that had widespread support in Congress and the country.

More recently, he has been a key adviser to Candidate Trump and now President Trump on immigration policies, encouraging extreme positions such as a ban on Muslim immigration and harsh treatment of DREAMers, those undocumented immigrants who arrived in the United States as young children.

I have also had the opportunity to work with Senator SESSIONS in trying to renew and extend the special immigrant visa program for those Afghans and Iraqis who helped our men and women in the military as we were fighting conflicts in Iraq and Afghanistan. We have heard from multiple members of our military who served that these interpreters and these people from Iraq and Afghanistan who worked with them to make sure that they could help keep them safe have saved lives and have made a difference in that military conflict because of the

help they provided to our fighting men and women.

Yet Senator SESSIONS, as we were trying to extend that program, was unwilling to allow us to make sure that we could bring them to the United States, with all of the vetting that goes on to make sure that the people who come here are actually people who helped us. He opposed extending that program to allow all of those folks to come here.

I believe we need an Attorney General who will not only insist on equal enforcement of the laws but who has a passion for pursuing justice and fairness for all Americans, as well as for those who want to visit or who want to immigrate to the United States. In my view, Senator SESSIONS has failed to demonstrate that commitment.

Indeed, I worry that as Attorney General, Senator SESSIONS would affirm and encourage Trump's most troubling tendencies, especially with regard to minorities, to women, to immigrants, and to the LGBTQ community. I believe Senator SESSIONS is the wrong person for the critically important post of U.S. Attorney General. I intend to vote against his confirmation.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I yield the remainder of my postcloture debate time to Senator SCHUMER. I want to thank Senator THUNE for his courtesy.

The PRESIDING OFFICER. The Senator has that right.

The Senator from South Dakota.

Mr. THUNE. Mr. President, we continue to just sort of—at a glacial pace—work our way through the nominations. We have in front of us the nomination for Attorney General of Senator JEFF SESSIONS, a colleague of ours. I am very excited to be able to support his nomination to be the next Attorney General of the United States.

But unfortunately it is taking an extraordinarily long time for us to plow through this because Democrats continue to use procedural roadblocks to keep the administration from being able to get their team in place. I say that, having concluded today, based on the research that we have been able to assemble, that this is the slowest pace for Cabinet approval since George Washington.

Now, that sounds a little melodramatic, but I think it is accurate. In fact, if you go back to the Eisenhower administration and roll forward to today, every President, going back to Eisenhower, has had their Cabinet completely or mostly in place by today. In fact, going back to the 1880s and up through the 1930s, the entire Cabinet for those administrations was approved on day one—day one of the Presidency.

Here we are, as we again continue to run into dilatory tactics by the Democrats here in the Senate. There have been now, I think, seven of the Cabinet-level nominees of President Trump who have been confirmed. At this point

in President Obama's first term in office, there were 21 confirmed. So this idea that somehow some purpose is achieved or some goal accomplished by dragging this process on, I think, does a great disservice to the American people who, when they voted last fall, voted with an expectation that when they put a new President in office, that President would be able to assemble his team and get them about the important work of governing this country.

So it is regrettable that we are where we are. It is unprecedented and historic, the levels to which the Democrats here in this Chamber have taken their attempts to slow this process down. I hope that will change. I hope we can get back on track here, get this team put in place, and then let's get on with the important work we have to do.

There is a lot of stuff that needs to be done to make this country stronger, more competitive, safer for Americans today, to get the economy growing at a faster rate, to create better-paying jobs, and increase wages. There is just a lot of stuff that this body needs to be working on. Right now, what we are doing is simply human resources business. We are trying to confirm people to positions, but it could go so much smoother, so much easier, so much more quickly, and so much more efficiently if we would just get a little cooperation from the Democrats in the Senate. I hope that will happen because this is unprecedented, as I said, in the level of degree to which the Democrats are stooping.

NOMINATION OF NEIL GORSUCH

Last week, President Trump announced his nomination for the Supreme Court. He made an outstanding choice. Judge Neil Gorsuch has a distinguished resume. He graduated with honors from Harvard Law School and went on to receive a doctorate in legal philosophy from Oxford University, where he was a Marshall scholar.

He clerked for two Supreme Court Justices, Byron White and Anthony Kennedy. He worked in both private practice and at the Justice Department before being nominated to the Tenth Circuit Court of Appeals where he served with distinction for 10 years. He is widely regarded as a brilliant and thoughtful jurist and a gifted writer whose opinions are known for their clarity.

Above all—above all—he is known for his impartiality, for his commitment to following the law wherever it leads, whether he likes the results or not. A judge who likes every outcome he reaches is very likely a bad judge. Judge Gorsuch has said more than once. Why? Because a judge who likes every outcome he reaches is likely making decisions based on something other than the law. That is a problem.

The job of a judge is to interpret the law, not to write it; to call balls and strikes, not to design the rules of the game. Everyone's rights are put in jeopardy when judges step outside their

appointed role and start changing the meaning of the law to suit their personal opinions.

Judge Gorsuch's nomination has been greeted with praise by liberals as well as conservatives. I think one of the biggest reasons for that is that both groups know that Judge Gorsuch can be relied on to judge impartially. Here is what Neal Katyal, an Acting Solicitor General for President Obama had to say about Judge Gorsuch:

I have seen him up close and in action, both in court and on the Federal Appellate Rules Committee (where both of us serve); he brings a sense of fairness and decency to the job and a temperament that suits the Nation's highest Court. I, for one, wish it were a Democrat choosing the next justice, but since that is not to be, one basic criterion should be paramount: Is the nominee someone who will stand up for the rule of law and say no to a President or Congress that strays beyond the Constitution and law?

I have no doubt that if confirmed, Judge Gorsuch would help to restore confidence in the rule of law.

His years on the bench reveal a commitment to judicial independence, a record that should give the American people confidence that he will not compromise principle to favor the President who appointed him.

Again, those are the words of Neal Katyal, formerly an Acting Solicitor General for President Obama.

When Judge Gorsuch was nominated to the Tenth Circuit Court of Appeals, his nomination sailed through the Senate. Both of his home State Senators—one a Republican and one a Democrat—supported his nomination, and he was confirmed by a unanimous vote.

Then-Senator Obama could have objected to the nomination. He didn't. Senator SCHUMER could have objected to the nomination. He didn't. Then-Senators Biden or Clinton or Kennedy could have objected to the nomination, but they didn't. Why? Presumably because they saw what almost everybody sees today; that Judge Gorsuch is exactly the kind of judge we want on the bench—supremely qualified, thoughtful, fair, and impartial.

Unfortunately, this time around, some Senate Democrats are being less public-spirited. They are upset that their party didn't win the Presidential election so they are threatening to filibuster an eminently qualified nominee, an eminently qualified nominee that a number of them had previously supported.

The Democratic leader recently said:

Now more than ever, we need a Supreme Court Justice who is independent, eschews ideology, who will preserve our democracy, protect fundamental rights, and will stand up to a President who has already shown a willingness to bend the Constitution.

That, of course, is precisely the kind of judge that Judge Gorsuch is, as pretty much everyone who knows him—both liberal and conservative—can attest, but leaving that aside, if the Democratic leader really has these concerns about Judge Gorsuch, why did he allow him to receive a unanimous confirmation to the Tenth Circuit?

Surely, if he had these concerns, it was his obligation to speak up.

No one likes to lose an election, but that is what happens in a democracy, and throwing a temper tantrum and refusing to play ball after you lose is not the most enlightened response. Democrats are not really concerned that Judge Gorsuch is a raving rightwing ideologue. When liberal after liberal at-tests to his fairness and impartiality, it is pretty hard to pretend that he is anything but an excellent pick for the Supreme Court. Democrats just don't want to confirm him because they are mad that President Trump is the one who nominated him.

Well, it is time for them to get over that. It is one thing to oppose the President when he does something they believe truly endangers our country; it is another thing entirely for them to oppose this outstandingly well-qualified nominee because they are still upset about the election.

Republicans lost the Presidential elections in 2008 and 2012, but we allowed up-or-down votes when President Obama nominated Justices Elena Kagan and Sonia Sotomayor. Had this election gone the other way, we were prepared to consider a Hillary Clinton nominee.

It is time for Democrats to stop threatening obstruction and to get down to the business of considering Judge Gorsuch's nomination.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I just wanted to take a minute. I know we have several people waiting to speak, but I wanted to respond to my colleague from South Dakota because I think for Senator THUNE to come to the floor and castigate Democrats for holding up Judge Gorsuch, who has just been nominated, and for suggesting we are going to filibuster, the fact is, throughout most of last year, we saw the Republican majority in this body hold up the nominee Merrick Garland, President Obama's nominee.

For the first time in history, this body refused to hold a hearing on a nominee for the Supreme Court, refused to give an up-or-down vote, and to suggest that we should not get a fair hearing on the nominee to the Supreme Court—Judge Gorsuch—I think is just not someone who is going to be good for the American people.

Unlike the Republican majority, I haven't heard any Democrats saying: We don't think that Judge Gorsuch should get a hearing or that he should get an up-or-down vote. Everybody I have talked to agrees he should get a hearing and an up-or-down vote.

As for the time that it is taking us to review the nominees of this administration, the fact is, the Trump administration was delayed in putting forward nominees. They were much later than the previous two Presidents. We are still waiting for many of those nominees to provide the background

information that is required for those positions to have the background checks done, to have the questions that have been put forward to them in hearings answered. So I think we should all work together to move these nominees. That is what I have done on the Small Business Committee as the ranking member, and we have worked very well because that nominee provided all the required information. She had the FBI background check done, and we were able to hold a hearing on her. Well, that is what we expect from every nominee.

So I am disappointed to hear my colleague come down and say that we are not going to give Judge Gorsuch a fair hearing. I think we are going to do that, but we are going to do it in a way that provides information to the American people so we all know where this judge stands and what he thinks about the role on the Supreme Court.

I think rather than name-calling, it would be more effective for us to work together to get this done.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I will just point out to the Senator from New Hampshire—perhaps she knows it, perhaps she doesn't, but her leader has suggested a 60-vote threshold for this nominee.

I am delighted to hear her say that they are going to provide a hearing for consideration. I hope that she, like all of our colleagues, will provide this judge an opportunity to be heard, to respond to questions because I think they will find, as most of us who have looked at his record, that this is an exceptionally well-qualified judge. He is a very bright legal mind and somebody who I think understands what the role of a judge is in our constitutional democracy.

With respect to the nominees we are considering, we are here right now, and the Senator from New Hampshire and some of her colleagues were here overnight last night stalling, if you will, to allow for votes on nominees that have been put forward by this administration.

I don't think you can dispute the record. At this time 8 years ago, President Obama had 21 of his nominees in place. This President has seven. What I mentioned earlier, you have to go back to the time of Dwight Eisenhower, roll back to today, and every President from that point forward has had, on this day, all or most of their nominees in place and confirmed by the Senate. So there is no question. There is no question what is going on here.

I am not calling anybody names. I am just pointing out what I see every single day; that is, foot-dragging and delays and obstruction trying to prevent a President—whom they, understandably, didn't like getting elected—from being able to get his team in place.

All I am simply saying is I think the American people expect more of us, I

think they expect better of us, and I think we have to answer the call to duty to allow that team to be put in place so this President and his team can go about the important business of governing this country.

But you cannot dispute the facts with respect to the number of nominees who have been confirmed to date with this President and Presidents going back in history, and I said earlier, you have to go back to George Washington. I think that is accurate. I think you have to go back a long way in the annals of history to find any time where you see what is happening today happen in the Senate with any President historically of either party.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I want to take a few minutes to talk about a couple of my friends. I want to say a few words and praise President Trump's nomination of Judge Neil Gorsuch to the Supreme Court of the United States.

I first met Judge Gorsuch several years ago when I met with several circuit court judges for a dinner. He was and has been impressive. Judge Gorsuch is an admirable choice to be America's next Supreme Court Justice. His many years of dedication to the law and service to America's judicial system clearly qualify him to serve on America's highest Court.

His work itself speaks highly of his understanding of the Constitution and the values that we, as Americans, hold dear. Some of the first signs Judge Gorsuch would be a great jurist happened just around the corner from here in Washington, DC, where he won a national debate championship in high school.

He attended college at Columbia University and received a scholarship to attend Harvard Law School. As a new lawyer, he was back here in Washington learning from some of the best jurists in America. He performed clerkships first to the U.S. Supreme Court of Appeals for the DC district court and later for Justice Byron White and Anthony Kennedy at the U.S. Supreme Court.

After working in private practice and at the Department of Justice, in 2006, President George W. Bush nominated Judge Gorsuch to serve as the U.S. Court of Appeals for the Tenth Circuit—that is my circuit. The Senate confirmed him by voice vote. Let me say that again. In 2006, this body was so confident about Neil Gorsuch, his character and his qualifications to serve as a Federal judge—yes, a circuit court judge—that he was confirmed without anyone even asking for a recorded vote. I consider that unanimous.

On the bench of the busy Tenth Circuit, Judge Gorsuch has proven he takes seriously his duty to uphold the Constitution. He is known for his legal opinions that stridently defend our

most fundamental constitutional rights and for writing those opinions in a way that is engaging and easy to understand.

He knows that his work as a judge is about serving this institution, not his personal preferences. As he said recently at the White House, shortly after his nomination was announced by President Trump, "A judge who likes every outcome he reaches is very likely a bad judge stretching for results he prefers rather than those the law demands."

I love that quote.

As a uniquely exceptional scholar and respected jurist, not to mention a fellow westerner and avid outdoorsman who shares my love of fly fishing, he is the kind of man I trust to serve America on the highest Court of the land.

I have met Judge Gorsuch, and he has a lot of support from folks in Wyoming, in the Wyoming legal community, and from both parties. I got calls from people of both parties saying he is the one we want to put up. I know and I trust those people, and I know and trust Judge Gorsuch, and I value those people's opinions. I believe he has a good understanding of the legal issues that matter to people in my home State.

I would be remiss if I didn't state my disappointment in all the unproductive distraction about this pick by activists bent on politicizing the judicial nomination process. If their rhetoric and antics in the last days and weeks have told us anything, it is that no matter who President Trump nominated to fill the spot on the Supreme Court, they would have objected—no matter how learned, how objective, or how many hundreds of hours a nominee had already spent on the bench.

In November, millions of people went to the polls and rejected this kind of tired partisan bickering when they voted for a change in Washington. Those same voters went to the polls knowing that there was a vacancy on the Supreme Court and that whoever became the next President would choose the nominee.

Mr. President, among our most important duties, as Members of this body, is carefully vetting all nominees who come before us. Never is that responsibility so stark and so substantial as when our Nation faces a vacancy on the Supreme Court.

I believe Judge Neil Gorsuch is up to the solemn and mighty task of serving as the next Associate Justice of the Supreme Court. I look forward to a timely and fair confirmation process focused on Judge Gorsuch's qualifications.

Now I want to talk a little bit about my other friend. I rise in support of President Trump's nominee to serve as the next Attorney General of the United States. That is my good friend and colleague Senator JEFF SESSIONS of Alabama.

Senator SESSIONS is an admirable and appropriate choice to be America's next Attorney General. His many years

of legal practice, his service as a U.S. attorney, and as Alabama's attorney general, and 20 years of legislative service in the U.S. Senate have prepared him well to lead America's Department of Justice. His work itself speaks highly of his understanding of the Constitution, of his respect for the law, and of his reverence for the values that we as Americans hold dear. JEFF SESSIONS is qualified to be the next U.S. Attorney General because he spent decades studying and practicing the law.

He grew up in a small town in Alabama and worked his way through college before studying law at the University of Alabama. Senator SESSIONS began his law practice at a small firm, where he worked on cases involving probate matters, domestic relations, criminal defense, real estate, wills, and civil litigation—what a combination.

He then worked as an assistant U.S. attorney in the Southern District of Alabama from 1975 to 1977. In that position, he handled a variety of cases at the trial level, including those related to wrongful death, gun violations, forgeries, bank robberies, drugs, and enforcing criminal penalties for pollution.

I am not an attorney myself, but I understand those are exactly the kinds of cases that teach foundational legal skills to a young attorney—managing a docket that may include dozens of cases at any one time; working long hours to track down key evidence and witnesses; developing relationships with investigators and closely advising them to ensure relevant and admissible evidence is gathered lawfully; giving up nights and weekends to prepare witnesses, motions, and arguments for trial to get a case across the finish line; and conferring with victims to assure they are afforded the rights guaranteed to them by law.

That kind of hard work and legal training paid off in 1981, when Senator SESSIONS was nominated by President Ronald Reagan to serve as the U.S. Attorney for the Southern District of Alabama. For the next 12 years JEFF SESSIONS represented Federal agencies in legal controversies, prosecuted criminal cases, collected debts owed to the government, and defended the civil rights of U.S. citizens. He did this while also serving his country in the U.S. Army Reserve from 1973 to 1986. He worked as a transportation officer and later as a military attorney, where the Army no doubt benefited greatly from his years of civilian legal training and practice.

In 1995, Senator SESSIONS was elected attorney general for the State of Alabama, and he served for 2 years as the State's chief legal officer. Two years later he was elected to the U.S. Senate.

I was first elected to the Senate in that same year, and JEFF SESSIONS has been my friend ever since. But I personally know the man, not just the Senator, and I believe him to be a caring person who wants justice for people

and has compassion for people, no matter their backgrounds.

During his 20 years in the Senate, JEFF SESSIONS has worked on many tough legislative issues that further qualify him to serve as Attorney General. As a member of the Senate Judiciary Committee, he has fought for the confirmation of judges committed to following the law. Consistent with his experience as a prosecutor, he has led successful legislative efforts to improve law and order, many times working with his colleagues across the aisle. He worked with another of my good friends, the late Senator Ted Kennedy, on legislation to reduce sexual assaults in prisons. He worked with Senator DURBIN to pass legislation in 2010 to bring fairness to Federal drug sentencing and provide tougher penalties to repeat drug traffickers.

But his efforts haven't been limited to the Judiciary Committee. As a member of the Senate Armed Services Committee, he has been a strong advocate for America's military and for those who serve in it. In 2006, he worked with Senator Lieberman to pass a law increasing death benefits for family members of fallen combat personnel and to increase Servicemembers Group Life Insurance benefits.

He has worked to restrain the growth of Federal spending and rebalance Federal funding for HIV/AIDS treatment through the Ryan White CARE Act. Those are just a few of his many legislative accomplishments as a U.S. Senator.

JEFF SESSIONS is a well-educated attorney, an accomplished prosecutor, and a skilled legislator. But I also believe his character, work ethic, and temperament make him well-suited to serve as the chief law enforcement officer of the Federal Government.

As I mentioned, he has been my friend and colleague for over 20 years. So I am proud to personally attest to this. He is a man who is guided by his principles. He is very active in his family's church back in Mobile and in the entire Methodist community of Alabama. He and his wife Mary have raised three wonderful children who have given them ten grandchildren.

I believe Senator SESSIONS has the experience, character, and drive to be a fantastic Attorney General. If confirmed, he is committed to strengthening partnerships between Federal and local law enforcement officers to fight crime, and, specifically, to take out drug cartels and criminal gangs. He has vowed to prosecute criminals who use guns in committing crimes. And he will prosecute individuals who repeatedly violate America's immigration laws.

In November millions of voters went to the polls and voted for change. I believe the priorities Senator SESSIONS will pursue if confirmed as Attorney General are shared by those voters. I would note the many organizations and individuals who have endorsed his nomination, including the Fraternal Order

of Police, the National Sheriffs' Association, and 25 State attorneys general. These are people at the frontlines of law enforcement, and I think they know what it takes to make a great Attorney General.

Among our most important duties as Members of this body is to carefully vet all nominees that come before us. We have before us an opportunity to support the nomination of a man of high moral character, whose training, education, and professional experience make him extremely well-qualified to serve our country. I urge my colleagues to join me in supporting Senator JEFF SESSIONS to serve as our next U.S. Attorney General.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. DUCKWORTH. Mr. President, I yield the remainder of my debate time to Senator SCHUMER.

The PRESIDING OFFICER. The Senator has that right.

The Senator from California.

Mrs. FEINSTEIN. Mr. President, I yield one hour of the time under my control to Senator BOOKER.

The PRESIDING OFFICER. The Senator has that right.

Mrs. FEINSTEIN. And I yield 30 minutes of my time to Senator LEAHY.

The PRESIDING OFFICER. The Senator has that right.

Mrs. FEINSTEIN. And I yield 10 minutes of my time to Senator KLOBUCHAR.

The PRESIDING OFFICER. The Senator has that right.

Mrs. FEINSTEIN. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. I yield one hour under my control to Senator MURPHY.

The PRESIDING OFFICER. The Senator has that right.

The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I rise today to join my colleagues and make remarks on Senator SESSIONS' nomination to serve as Attorney General. I will be coming back later this evening to focus on voting rights and some of the other issues at hand—freedom of the press, antitrust. I am actually the ranking member on that subcommittee, and while Senator SESSIONS has assured me that if confirmed, he will keep the independence of that part of the Justice Department away from outside influence from the White House, I am very focused on that because I think we have seen a wave of mergers, and I want to address that more in depth later.

I worked successfully with Senator SESSIONS on a number of UC's over the years such as adoption and human trafficking. We have worked together well, and if he is confirmed, I am sure we will find some areas of common agreement. I am not supporting him, however, and I have told him this in person and I have talked about it at the Judiciary Committee because of my concerns relating to some of his views on

some of the core functions of the Justice Department, and that is enforcing voting rights, the handling of immigration issues, the freedom of the press, and the Violence Against Women Act.

Now, he has assured me that he will keep the Office on Violence Against Women funded—which I appreciate—in the Justice Department, but I was very concerned that he had actually voted against the Violence Against Women Act Reauthorization recently. It was something that the majority of Republican Senators voted for and every single woman Senator, Democrat or Republican, voted in favor of.

As a prosecutor and a U.S. Senator, one of my main criminal justice priorities has been enforcing and reauthorizing VAWA or the Violence Against Women Act. It is a bill that took roots in my State, thanks to the efforts on the initial bill of former Senator Paul Wellstone and his wife Sheila. Both of them tragically died in a plane crash, and we miss them very much. But Paul and Sheila's legacy lives on in the work of the Violence Against Women Act.

It has a long history, as the President knows, of bipartisan support. Since it was first passed in 1994, we have made great strides in raising awareness that these are serious crimes, not shameful secrets. Since the enactment of the Violence Against Women Act, annual domestic violence rates have fallen by 50 percent, but the statistics make clear that domestic violence, stalking, and sexual assault are still a major problem in America. According to data from the Centers for Disease Control and Prevention, for every minute, 20 people in the United States are victims of physical violence by an intimate partner. That is about 10 million people every year.

Millions more individuals are the victims of stalking crimes each year, with approximately 15 percent of women at some point during their lifetime experiencing stalking, during which they feel very fearful or believe that they or someone close to them could be harmed or killed.

I would like to note briefly that I am pleased that the Senate recently passed the resolution that Senator PERDUE and I introduced on stalking to raise awareness. I have been confronted by these issues of domestic violence and stalking since before I became a Senator. In fact, that is when I was Hennepin County attorney. That is the largest prosecutor's office in our State. I managed an office of about 400 people. With that big office handling everything from representing our State's biggest public hospital to violent murder cases, the poster that you saw when you walked into our office and down the hallway so that everyone could see it was a picture of a woman who was beaten up. She had a Band-Aid over her nose, and she was holding a little baby boy. The words read: Beat your wife, and it is your son that goes to jail. Why? That poster reminds everyone

that domestic violence and sexual assault just don't hurt the immediate victims. They hurt children, families, and entire communities. We know that kids who see violence happen are twice as likely to commit it themselves and to continue the cycle. That is why I worked with Senator LEAHY along with Senator CRAPO to make sure that the Violence Against Women Act was reauthorized.

What does this legislation do? The legislation ensures that law enforcement has the tools to prosecute domestic and sexual violence and ensures that victims have the support they need to get back on their feet. But we also made some important updates on the law, including addressing the problem of above average levels of domestic violence in tribal areas, by allowing tribal courts to prosecute and to handle cases with people who are tribal members and in very specific cases when violence is committed on the reservation.

Providing a uniform nondiscrimination provision was also included to ensure services are available to everyone who needs them, including victims in same-sex relationships. The new bill included stronger housing protections for victims and increased accountability for grant recipients. It also strengthened and updated anti-stalking laws to better address the new technologies that predators are using to harass their victims. This was a bipartisan provision that I authored with Republican former Senator Kay Bailey Hutchison of Texas.

As I said, all 20 women Senators supported this critical legislation, and it passed with bipartisan support on a vote of 78 to 22, with support from a majority of Senators in Senator SESSIONS' own party, not to mention men and women across the country.

The reason Senator SESSIONS had for not voting for the bill was that it was the tribal provisions that he didn't like because of the dual jurisdiction. That just doesn't hold up for me, given what I have seen in my State.

Now, what does this really mean to people? Let me end this portion of my remarks with two stories. The first is about a case that our office handled, and a prosecutor in our office who was very well thought of handled it in our office, involving two immigrants. This was a case where this man was from Russia, and he beat up his wife repeatedly over the years. They had a little daughter. One day he killed his wife, and then he went to Home Depot and he bought a saw. And then he basically dismembered her and put her in a garbage bag and brought her to another State and dumped her in a river. He left the head in his trunk, and he brought it back to the Twin Cities. He eventually confessed to his crime.

The family gathered—and they were a very small family. The mom and dad came from Russia, and then there was the little girl who had been left behind with really no parent to take care of

her anymore. I went to meet with the family before the funeral with our prosecutor and our victim witness advocate. I heard the story then that at the airport—the little girl had never met her deceased mother's twin sister. They were identical twins. And as they got off the airplane and her grandparents and that aunt got off the airplane, the little girl ran up to that aunt and grabbed her and said "Mommy, Mommy" because she thought that it was her mother and that her mother was still alive.

Those are the victims of domestic violence. It is not just the immediate victim; it is everyone around them.

Or, the case in Lake City, MN, of Officer Shawn Schneider, an incredibly brave police officer who was called one day to a domestic violence case. It was a man who was clearly affected by mental illness, who was threatening his 17-year-old girlfriend, and the cop went up to the door, and there he was. He had his bullet proof vest on, but the man shot the police officer in the head, and he died. I attended that funeral.

When I was there, I saw their young family, the two young little boys and this little girl. I heard the story about the last time they were in their church for the nativity play, and the dad was sitting there—the police officer—in the pew, watching his family and his children perform. The next time they were in the church was when that little girl with the blue dress covered in stars was walking down the aisle for her dad's funeral.

That is domestic violence. It does concern me that we did not get support from the nominee. I do appreciate that he said he would continue to fund the Office on Violence Against Women, and I believe that that is very important to the functioning of the Justice Department.

Since its inception in 1995, the Office on Violence Against Women has provided financial and technical assistance to communities nationwide—very important to the Department of Justice.

The last thing I want to mention—and I will come back again to some of these other priorities that I think are important, if Senator SESSIONS is confirmed, to continue to be a focus in the Justice Department, as well as other concerns that I have—is the funding of the COPS program. Republican Senator MURKOWSKI and I are leading that effort. We have always had, especially in the House of Representatives, bipartisan support for the COPS program.

During Senator SESSIONS' hearing, I made a special note to discuss that issue with Chuck Canterbury, who is the president of the Fraternal Order of Police, and we had a good discussion about that. He stated that he shared my view that this is a very important program, particularly with the sharp decrease in staffing levels we have seen for law enforcement around the country in recent years, including training funding—something that is really important.

The Community Oriented Policing Services, or the COPS program, was established many years ago. It helped to place more than 129,000 police officers on the beat in more than 13,000 State, local, and tribal law enforcement agencies. In fiscal year 2015, the COPS office was able to award grants to just 209 of the over 1,000 law enforcement agencies that applied. It translated into about 915 officers, which is still a lot, but, in fact, there were requests for over 3,000 officers.

I think we can all agree, and hope the administration agrees, that this is a very important program. I will continue to work with Senator SESSIONS, if he is confirmed, to make sure we have the support from the administration for this program, which, again, is one of the top priorities of the Fraternal Order of Police and other police organizations across the country.

I look forward to discussing other issues when I return, but for now, I yield the floor. Thank you.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I rise in opposition to the nomination of Senator JEFF SESSIONS to be the next Attorney General of the United States and to head the U.S. Department of Justice.

I have had the privilege to serve with Senator SESSIONS in the U.S. Senate for nearly a decade. I have served on several committees with him, including the years that I was on the Judiciary Committee. I no longer serve on that committee, but I served there with Senator SESSIONS.

I was listening to Senator KLOBUCHAR's explanations of her concerns. Senator SESSIONS is a person whom we work with, but it is his views and his record that give me great concern.

Just looking back at the first 2 weeks of the Trump administration, I think a growing number of Americans understand the importance of the Constitution, the rule of law, the system of checks and balances, the separation of powers, and the critical importance of the position of the Attorney General of the United States.

Over the years, the Justice Department has grown into one of the largest Cabinet departments, with over 100,000 employees, which touches just about every aspect of life in America today. It is known as the world's largest law office and the chief enforcer of Federal laws.

Just think about the work every day to keep America safe undertaken by the Federal Bureau of Investigation, the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Bureau of Prisons, the U.S. Marshals Service, and the U.S. Attorneys in every State and territory. Think about the work of the National Security Division that tackles some of the toughest terrorism and intelligence challenges we face every day. All of that comes under the Department of Justice. All of that comes under the Attorney General.

Think about the work of the Civil Rights Division to protect all Americans, regardless of their background, to ensure that every American—every American—enjoys full constitutional rights and privileges. Think about the work of the Environmental and Natural Resources Division, the Antitrust Division, and the Tax Division, and so many other offices within the Department of Justice. It is the direction of all of those agencies that come under the Attorney General of the United States. These hard-working employees of the Justice Department keep America safe every day while protecting American lives, and some of them put their lives on the line to do so. We need an Attorney General that will strengthen, not weaken, the Justice Department and will help carry out its important missions.

The Justice Department is charged with "[enforcing] the law and [defending] the interests of the United States according to the law," "[ensuring the] public safety against threats foreign and domestic," as well as "[ensuring] fair and impartial administration of justice for all Americans." That is their mission. That is their responsibility.

The Attorney General is not the President's lawyer; he or she is the people's lawyer. After carefully examining Senator SESSIONS' record—including his Senate service, confirmation hearing, and advocacy on the campaign trail for Mr. Trump—I am not convinced that he would be independent and impartial to the President and Federal agencies. I am not convinced he would enforce the law fairly and protect the civil liberties and civil rights of all Americans.

Let me discuss some of my concerns with Senator SESSIONS' nomination. In this debate, I do want to mention my resolution calling on President Trump to divest his interest and sever his relationship to the Trump organization. My resolution was first introduced last year. It is intended to uphold the value and strictures of one of the most sacred documents: the Constitution, the instrument that the President took an oath to preserve, protect, and defend. It makes clear that Congress will consider all transactions by foreign governments and their agents with the Trump organization as potential violations of the emoluments clause of the Constitution.

The Attorney General is likewise sworn to uphold the U.S. Constitution and provide legal advice to President Trump and the various Cabinet departments. He must exercise independent judgment. I am concerned as to whether Senator SESSIONS would, in fact, advise the President, as he should, that by holding on to Trump enterprises—by not divesting or setting up a blind trust—he is putting himself at risk of violating the Constitution of the United States.

It is not what the President wants to hear; it is what he must hear. We need

an independent Attorney General in order to make that recommendation to the President of the United States.

Senator SESSIONS has strongly supported restrictive voter ID laws that have had the effect of disenfranchising many otherwise eligible voters and are frankly modern-day poll taxes. He has called the Voting Rights Act intrusive as it seeks to protect minority voters. He praised the Supreme Court's ruling in *Shelby County v. Holder*, which gutted a key part of the Voting Rights Act, saying that it was "a good day for the South" when the decision was handed down.

Our next Attorney General should be working on how to expand the franchise, not restrict it. Now President Trump has said he will direct Vice President PENCE to lead a task force or commission to examine so-called voter fraud in the 2016 Presidential election.

We need an independent Attorney General.

Why is President Trump taking this action? Because Hillary Clinton won the popular vote by nearly 3 million votes, and that gets under his skin. He feels slighted. He feels his legitimacy is brought into question. It doesn't matter that he won the electoral vote. So the President will direct the Vice President, and presumably his next Attorney General, to investigate these bogus claims of voter fraud. Instead, the new Attorney General should examine voter suppression and disenfranchisement in the elections. I fear this new study on widespread "voter fraud" is simply a pretext to impose more onerous restrictions on the right to vote—to try to keep a certain segment of Americans—making it more difficult for them to vote because they may be more likely to vote for someone other than Mr. Trump. That is not what the Attorney General should be doing.

Based on his record, Senator SESSIONS would work with the Trump administration to further restrict the right to vote and roll back the clock on this cherished civil right, which is protected by our Constitution.

On the issue of immigration, Senator SESSIONS has a long record where he has fought against bipartisan, comprehensive immigration reform in the Senate. He led the efforts in 2007 and in 2013 to defeat bipartisan legislation in the Senate. He used the untruthful "amnesty" tag to describe the tough-but-fair pathway to citizenship in this legislation, which passed by a 68-to-32 vote in 2013. He has opposed relief for the DREAMers and has opposed the Delayed Action for Childhood Arrivals—DACA—program. He supported anti-immigration State laws in Arizona and elsewhere that the Supreme Court has struck down as unconstitutional.

During the Presidential campaign, Mr. Trump issued a press release "calling for a total and complete shutdown of Muslims entering the United States." Several days later, Senator LEAHY offered a resolution in the Judiciary Committee that stated, "It is the

sense of the Senate that the United States must not bar individuals from entering the United States based on their religion, as such action would be contrary to the fundamental principles of which this nation was founded." The vote was 16 to 4 in favor of the Leahy resolution. Senator SESSIONS voted no and spoke against the resolution for nearly half an hour and concluded by stating that the Leahy resolution "goes beyond being unwise. It is reckless. It is absolute and without qualification. It could have pernicious impacts for decades, even centuries to come. It may be even a step from the concept of the nation-state to the idea of 'global citizenship.'"

Barring a religious test of people coming into our Nation would create that type of a Nation? That is who we are as a Nation. Those are our core values. We embrace diversity.

Senator SESSIONS' views are far outside the mainstream and would unsettle many years of law and precedent that protect individual religious beliefs. I am gravely concerned about how an Attorney General SESSIONS would advise President Trump on the lawfulness of a Muslim ban. He recently issued his Executive order, which a district court has put on hold and is now being challenged in the Ninth Circuit. I cosponsored legislation to rescind President Trump's discriminatory Executive order barring immigrants from Muslim-majority countries and suspending the U.S. refugee program.

I am also concerned as to how Attorney General SESSIONS would advise the President on matters of immigration. Former Acting Attorney General Sally Yates was fired and her conduct was called shameful by President Trump, simply because she was upholding the Constitution, giving her advice. The President has criticized the "so-called judge" who temporarily stayed his travel ban with an "outrageous" decision, and said that the judge would be blamed if a terrorist attack occurred in the United States. The Attorney General has to be able to stand up to even the President with these reckless words and actions. We need an independent Attorney General who will uphold the Constitution and recognize that he is not the President's attorney, he is the people's attorney. I am not convinced that Attorney General Sessions would be that type of person.

Senator SESSIONS led the opposition to the nomination of my fellow Marylander Tom Perez to be the Assistant Attorney General for the Civil Rights Division at the Department of Justice when President Obama nominated him in 2009. At the time, Senator SESSIONS said:

I am also concerned Mr. Perez will not be committed to fully enforcing our Nation's immigration laws, some I have worked hard on. We need to create a lawful system of immigration. . . . He previously served as the President of the Board of CASA of Maryland, an immigrant advocacy organization that has taken some extreme views and been

criticized by a number of people in the media. CASA of Maryland issued a pamphlet instructing immigrants confronted by the police to remain silent. CASA also promotes day labor sites. This is where people, often without lawful status, come and seek work . . . and [they] oppose restrictions on illegal immigrants receiving drivers' licenses. He was President of the Board.

That was Senator SESSIONS' quote. Senator SESSIONS also commented on Mr. Perez directly:

I am concerned where Mr. Perez will be in this [running the Department of Justice Civil Rights Division]. He has been pretty active politically. When he ran for the Montgomery, MD, county council he responded to a question asking, 'What would you like the voters to know about you?' Mr. Perez said: 'I am a progressive Democrat and always was and always will be.' This is a free country and that is all right. I am just saying, in all fairness, that statement makes me a little nervous.

Again, quoting from Senator SESSIONS. The Senate did right by my friend and colleague Tom Perez. He was confirmed by the Senate to the Civil Rights Division of the Department of Justice by a 72-to-22 vote. Now, I understand people may have a reason to vote one way or the other, but the reasons stated by Senator SESSIONS in regard to Mr. Perez caused me great, great concern. Senator SESSIONS again opposed Mr. Perez when he was later nominated to be Secretary of Labor. In both of these cases, Senator SESSIONS' views were far outside the mainstream on Mr. Perez.

As the senior Senator from Maryland, I know CASA of Maryland. I have been there. I have seen the people they service. They do extraordinary work to help the immigrant community. They are not a fringe advocacy group. While Mr. Perez is a progressive, he is a dedicated public servant, having been elected by the people of Maryland to the Montgomery County Council and appointed by President Obama to run the Civil Rights Division at the Justice Department and later the Labor Department. Mr. Perez worked to expand the right to vote, protect the rights of all Americans, and ensure American workers had a decent wage and employers treated their employees with fairness and respect.

I fear Attorney General SESSIONS would turn back the clock on so many civil and worker rights that we hold dear as Americans.

Senator SESSIONS opposed the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act. Senator SESSIONS supported a constitutional amendment to ban same-sex marriages, opposed the repeal of don't ask, don't tell in the military, and harshly criticized the Supreme Court's recent decision legalizing same-sex marriages across the country. He harshly criticized the Court for redefining a "sacred and ancient institution," and called the ruling "part of a continuing effort to secularize, by force and intimidation" the Nation. Once again, I fear an Attorney General SESSIONS would turn back the clock on LGBT rights to a

time when individuals would no longer have the legal right to marry the person they love.

Senator SESSIONS voted against the Lilly Ledbetter Fair Pay Act, the Paycheck Fairness Act, title X funding for contraception, breast screening, and health services for low-income women, and reauthorization of the Violence Against Women Act. He voted to defund Planned Parenthood. I am concerned whether Senator SESSIONS would enforce equal rights and protection for women as our next Attorney General.

Senator SESSIONS has consistently fought against criminal justice reform in the Senate and led the effort to defeat the recent bipartisan proposals that would modestly reduce sentencing disparities and ease ex-offenders' reentry into society.

Senator SESSIONS opposed my Ramos and Liu blue alert act due to fiscal concerns, even though the legislation cost was scored at nominal or less than \$1 million for implementation by CBO. Law enforcement agencies strongly supported my legislation, which was signed into law by President Obama in 2015. Blue Alert helps our law enforcement officers, those who are threatened or endangered or where there has been an incident. It gives law enforcement the opportunity to apprehend the suspect in a timely way. It scored nominal or less than \$1 million, and was used by Senator SESSIONS to block this important tool to help our law enforcement officers.

Senator SESSIONS has generally condemned the Department of Justice's use of its power to investigate law enforcement agencies accused of misconduct and a "pattern and practice" of violating civil rights, calling consent decrees that mandate reform following these investigations "an end run around the democratic process." That causes me concern because that is an important part of what we are doing in my hometown of Baltimore.

We had a major problem in the Freddie Gray episode. We requested a pattern and practice investigation. We are now working with the consent decree. The people of Baltimore and the people of Maryland are anxious to get this matter moving forward and are anxious to see this consent order bring a successful conclusion to that recommendation and investigation.

Senator SESSIONS led the opposition to Senator Mikulski and my recommendation of Paula Xinis to be a U.S. district judge for the District of Maryland in the Judiciary Committee and on the floor. The Alliance for Justice provided an account of Paula Xinis' confirmation hearing, which I will quote from at length here.

"Turning to the nominee of the District Court of Maryland, Paula Xinis, Senator SESSIONS unleashed a line of accusatory questions suggesting that Xinis' career as a public defender and civil rights lawyer showed an 'agenda' that she would invariably 'bring to the

bench.' The questions were absurd and unfounded, but they could not be dismissed as such. Instead, Mrs. Xinis had to patiently explain that protecting the rights of America's most vulnerable and disenfranchised had not left her tainted with disqualifying bias."

"Senator SESSIONS felt compelled to verify that someone with Mrs. Xinis' professional background—which also includes time as a complaint examiner in the DC Office of Police Complaints—would not be biased against police officers. After asking her whether 'police have a responsibility to try to maintain an orderly and safe environment for the people who live in a city' and whether a judge 'should show empathy for the difficulties that police officers face as well as' for those who allege that police have violated their civil rights, Senator SESSIONS closed with this:"

"Can you assure the police officers in Baltimore and all over Maryland that might be brought before your court that they'll get a fair day in court, and that your history would not impact your decision-making? And I raise that particularly because I see your firm [Billy Murphy] is representing Mr. Freddie Gray in that case that's gathered so much attention in Maryland, and there's a lot of law enforcement officers throughout the state and they want to know that they don't have someone who has an agenda to bring to the bench—can you assure them that you won't bring that to the bench?"

"The implication is clear: If you defend people against criminal prosecutions, and especially if you represent people in civil rights cases against police, there is a presumption of bias that you must rebut before the Judiciary Committee. One wonders whether Senator SESSIONS has asked a prosecutor if she would bring to her judicial role an 'agenda' against indigent criminal defendants or if a corporate defense lawyer would be biased against employees who allege unlawful discrimination or unpaid wages. I doubt very much he would ask that same question in that circumstance."

"The depth of this double standard is underscored by Senator SESSIONS' invoking Freddie Gray in particular. Freddie Gray, of course, was fatally injured in Baltimore police custody after being arrested without cause. His death led to grand jury indictments for six officers on homicide and assault charges, and the Department of Justice opened a civil rights investigation. Under these circumstances, representing Mr. Gray's family hardly seems like an act of radical subversion that would call into question one's ability to be fair, but in Senator SESSIONS' view, any challenge to police authority can be done only in pursuit of some extralegal 'agenda.'"

Senator SESSIONS led the floor opposition to Paula Xinis. I am pleased to report she was confirmed by the U.S. Senate, and she is now one of our distinguished members of the District

Court of Maryland, where she serves with great distinction.

Senator SESSIONS was one of only nine Senators to vote against the Detainee Treatment Act, which contained the McCain-Feinstein amendment that prohibits "cruel, inhumane, and degrading" punishment for individuals in American custody. He has left the door open to reinstating waterboarding as needed. He has opposed shutting down Guantanamo Bay.

These issues are critically important because we got word of a draft Executive order that would bring back these types of torture centers—which are not only a stain on America's reputation, they are counterproductive and against our values and our law. We expect the Attorney General of the United States to speak out against such reprehensible types of proposals.

Thomas Jefferson wrote: "The most sacred of the duties of government [is] to do equal and impartial justice to all of its citizens." This sacred duty remains the guiding principle for the women and men of the U.S. Department of Justice, according to the Justice Web site. I would urge all of us to keep that in mind.

I regret I do not have confidence that Senator SESSIONS will carry out this task so I must oppose his nomination.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. DAINES). The Senator from Massachusetts.

Ms. WARREN. Mr. President, I rise to express my strong opposition to the nomination of Senator JEFF SESSIONS to serve as Attorney General of the United States.

I ask: Where are the Senators who will say no to the nomination of Senator JEFF SESSIONS as Attorney General of the United States? I hope there are at least enough Senators here who understand that America is careening over a constitutional cliff and that all of us, regardless of political party, need an Attorney General who can be relied on to enforce the laws fairly and fight back against lawless overreach by an out-of-control President.

On January 27, the world turned upside down for tens of thousands of people directly affected by President Trump's Executive order turning America's back on refugees around the world and immigrants from seven Muslim-majority countries.

Last week, I recalled many of their stories. I spoke about students and professors, about mothers and children, about friends and neighbors, real people who were turned away, detained, or deported based solely on their religion or the simple fact that they were fleeing war. We all breathed a sigh of relief when a court temporarily halted that order, but we know the fight continues to permanently overturn this unlawful, unconstitutional, and deeply immoral Executive order.

That isn't all that happened last week. Last week, the Acting Attorney General of the United States refused to

defend President Trump's unlawful and unconstitutional Executive order so President Trump fired her. That is right, the President of the United States fired the Nation's top law enforcement officer for refusing to defend an unlawful, unconstitutional, and deeply immoral order.

Last week, after days of slow-walking or ignoring judicial decisions, President Trump went on the attack. He raged against the judge who temporarily halted his order, calling him a so-called judge and questioning his authority to act. That is right. The President of the United States attacked the legal authority of an individual district court judge, lawfully appointed by George W. Bush and confirmed unanimously by the Senate, to pass judgment on Trump's Executive orders.

These are dangerous times. At times like this, it is more important than ever that the Attorney General of the United States has the guts, the independence, and the good moral judgment to stand up to the President when he seeks to violate the Constitution and ignore the law.

At his confirmation hearing last month, Senator SESSIONS claimed to be that person. I have to say, I wish it were true. I really do. I wish the President's campaign had been different. I wish his actions now were different. I wish we could give his nominees the benefit of the doubt, but I will not ignore the real world, as unpleasant as it is, and neither can anyone in this Senate.

In the real world, Senator SESSIONS obviously isn't going to stand up to the President's campaign of bigotry. How could he? In the real world, Senator SESSIONS is one of the principal architects of that campaign.

Senator SESSIONS made a special name for himself for being a particularly vitriolic opponent of common-sense immigration policies. He railed against legal immigrants. He attacked cities and States that focus on keeping their communities safe instead of serving as a national deportation force. He called Islam a toxic ideology and a threat to our Nation. Despite the plain language of the Constitution, Senator SESSIONS doesn't think that children born in the United States should automatically become citizens. He wants to round up and deport DREAMers, who were brought to the United States as kids. Does that all sound familiar? Well, it should because Senator SESSIONS was an early and energetic supporter of then-candidate Donald Trump, and the Senator played a key role in shaping what has become the most extreme, most divisive, and most dangerous immigration policies of any President in decades.

Senator SESSIONS' radical views are not limited to immigration. On issue after issue, Senator SESSIONS has displayed open hostility to the rights of all Americans.

He has made derogatory and racist comments that should have no place in our justice system.

As a Federal prosecutor, he got involved in a voting rights case against those who were trying to help American citizens who were lawfully registered to vote. Yes, that is right—he brought a case against civil rights workers who helped African-American voters submit absentee ballots.

While serving as Alabama's attorney general, he reportedly made numerous racist comments, including saying he thought the KKK was OK until he learned that they smoked weed.

He called a White attorney representing Black clients in a civil rights case a disgrace to his race.

He claimed that the NAACP and the ACLU were un-American.

In a speech in 2006, he said: "Fundamentally, almost no one coming from the Dominican Republic to the United States is coming here because they have a provable skill that would benefit us and that would indicate their likely success in our society." According to SESSIONS, Dominicans come to the United States by engaging in fraud.

Senator SESSIONS is also extraordinarily hostile to any effort to root out discrimination based on gender or sexual orientation. According to Senator SESSIONS, marriage equality is a threat to the American culture.

Roe v. Wade is constitutionally unsound.

Employers should be able to fire you because they don't like whom you love.

He voted against equal pay for equal work.

He even voted against the Violence Against Women Act.

It doesn't stop there. On crime, Senator SESSIONS' solution is to lock up people for even minor, low-level offenses; throw away the key. He has advocated for expanding prisons for youth, aggressively prosecuting marijuana offenses, and eliminating parole or reduced prison time for good behavior.

During the 2016 Presidential campaign, he heaped praise on then-candidate Donald Trump for having once taken out a racially tinged full-page newspaper ad advocating for the death penalty for the Central Park Five, the Black and Latino teenagers who were falsely accused and convicted of raping a young woman in New York's Central Park.

Senator SESSIONS is not a plain-old conservative Republican. No. Senator SESSIONS occupies a place way out at the radical fringe of his party, regularly taking positions that are far more extreme than his other Republican colleagues. For example, when Republicans and Democrats came together to pass a commonsense, bipartisan immigration bill, Senator SESSIONS worked overtime to make sure the bill did not make it through the House. When Republicans and Democrats came together to propose legislation to reform our broken Federal criminal sentencing laws, Senator SESSIONS was part of the handful of Sen-

ators who ensured that the bill would not get a vote here in the Senate.

Senator SESSIONS has been a public figure for decades. None of this—none of this is secret, and much of it is completely indefensible, but President Trump wants this man. So the same Republican Senators who once fought Senator SESSIONS tooth and nail have now launched a massive PR campaign to try to repair his public image.

That case against the civil rights workers helping Blacks in Alabama to vote? Hey, you go it all wrong. He was just trying to help out other African Americans who were concerned about voting irregularities.

His vote against the Violence Against Women Act? His position on LGBTQ rights? His opposition to a woman's right to choose? Hey, don't worry about it. He says he will vigorously enforce the law once he becomes Attorney General. Give me a break.

The law enforcement power of the United States of America is an awesome thing. In the right hands, in steady and impartial hands, it can be used to defend all of us, to defend our laws, to defend our Constitution. In the wrong hands, it can be used to bully and intimidate the defenseless, to destroy lives, to undermine American democracy itself.

Senator SESSIONS is not misunderstood. Senator SESSIONS has never been misunderstood. For decades, it has been absolutely clear where he stands. Now the time is here for every Senator to make absolutely clear where they stand as well.

Let's be clear. Winning a seat in the U.S. Senate does not exempt a Cabinet nominee from the close scrutiny that all nominees to lead our government deserve. It does not change the Senate's constitutional responsibility to examine a nominee to make certain that nominee will faithfully and fairly enforce the laws of the United States of America. It does not relieve the Senate of its duty to reject nominees whose records demonstrate that they will not stand up for American values and constitutional principles.

When it comes to the Senate confirming someone to be Attorney General—the highest law enforcement officer in this country—we are all personally responsible for that choice. To put Senator SESSIONS in charge of the Department of Justice is an insult to African Americans. To put Senator SESSIONS in charge of the Department of Justice is a direct threat to immigrants. To put Senator SESSIONS in charge of the Department of Justice is a deliberate affront to every LGBTQ person. To put Senator SESSIONS in charge of the Department of Justice is an affront to women.

I ask again, where are the Senators who will say no to Senator SESSIONS as Attorney General of the United States? Thirty years ago, a Republican-controlled Senate took the extraordinary step of rejecting Senator SESSIONS' nomination to serve as a Federal judge.

They had the courage to stand up for the principles that transcend party affiliation—fairness, equality, justice for all. Their rejection sent a message that that kind of dangerous, toxic hatred has no place in our courts. I urge them again today to exert that moral leadership and to send a message that this kind of dangerous, toxic hatred has no place in our Justice Department. I urge them to set aside politics and do what they know is right.

I wish to read two statements that really stood out to me as I was reviewing Senator SESSIONS' record on civil rights. One is the powerful speech that the late Senator from Massachusetts, Ted Kennedy, gave in 1986, and the other is a very moving letter from Coretta Scott King, a letter she wrote to the Judiciary Committee that same year.

I want to start with what Senator KENNEDY said. He said:

The confirmation of nominees for lifetime appointments to the Federal judiciary is one of the most important responsibilities of the Senate mandated by the U.S. Constitution, and the examination by the Senate of a nominee's fitness to serve as a Federal judge is the last opportunity to determine whether the candidate possesses the education, experience, skills, integrity, and, most importantly, the commitment to equal justice under law, which are essential attributes of a Federal judge.

Once confirmed, a Federal judge literally has life and death authority over citizens that appear before him, with limited review of his decisions. Our Federal judiciary is the guardian of the rights and liberties guaranteed to all of us by the U.S. Constitution, and the decisions of fellow judges are constantly shaping and reshaping those rights and liberties.

This committee has a duty to our citizens to carefully examine the qualifications of nominees for the Federal bench and to give our approval only to those who have demonstrated a personal commitment to the principle of equality for all Americans and a sensitivity to the long history of inequality which we are still struggling to overcome.

Mr. SESSIONS, as a U.S. attorney for the Southern District of Alabama, comes to this committee with a record which regrettably includes presiding over the now-infamous so-called Perry County voting fraud prosecutions. In the Perry County case, the government indicted three well-known and highly respected Black civil rights activists on charges of voter fraud and assisting elderly Black voters to vote by absentee ballot. But for the efforts of the defendants 20 years ago, these Black citizens would not have been allowed to vote. All three of the defendants were acquitted on all charges in the indictments, and some of the elderly Blacks have responded to their experiences during the prosecution, vowing never to vote again. Mr. SESSIONS' role in that case alone should bar him from serving on the Federal bench.

There is more—much more. We just received a sworn statement from a Justice Department attorney I know—which will be the subject of a good deal of questioning during the course of this hearing—who has worked on civil

rights cases with Mr. SESSIONS over the period Sessions was U.S. attorney. Mr. Huber has stated to the committee investigators that Mr. SESSIONS on more than one occasion has characterized the NAACP and the ACLU as un-American, Communist-inspired organizations. Mr. Huber reports that Mr. SESSIONS said that these organizations did more harm than good when they were trying to force civil rights down the throats of people who were trying to put problems behind them. Mr. Huber also stated that Mr. SESSIONS suggested that a prominent White civil rights lawyer who litigated voting rights cases was a disgrace to his race for doing it. Mr. SESSIONS is a throwback to a shameful era which I know both Black and White Americans thought was in our past.

It is inconceivable to me that a person of this attitude is qualified to be a U.S. attorney, let alone a U.S. Federal judge.

"He is, I believe, a disgrace to the Justice Department, and he should withdraw his nomination and resign his position." Those were the words of Senator Ted Kennedy, and I will stand with Senator KENNEDY, and, like he did, I will cast my vote against the nomination of Senator SESSIONS.

Coretta Scott King also wrote to the Judiciary Committee about the Sessions nomination in 1986. This is what she wrote:

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. My longstanding commitment, which I shared with my husband, Martin, to protect and enhance the rights of Black Americans, rights which include equal 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 box. Mr. SESSIONS has used 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 that he lacks 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 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 Negro struggle has responded with the enthusiasm of Selma and her neighboring town of Marion. Where Birmingham depended largely upon students and unemployed adults [to participate in non-violent protest of the denial of the franchise], Selma has involved fully 10 per cent of the Negro population in active demonstrations, and at least half the Negro population of Marion was arrested on one day."

Mrs. King continues:

Martin was referring of course to a group that included the defendants recently prosecuted for assisting elderly and illiterate blacks to exercise that franchise. In fact, Martin anticipated from the depth of their commitment twenty years ago, that a united political organization would remain in Perry 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, continued "to direct the drive for votes and other rights." In the years since the Voting Rights Act was passed, Black Americans in Marion, Selma and elsewhere, have made important strides in their struggle to participate actively in the electoral process. The number of Blacks registered to vote in key Southern states has doubled since 1965. This would not have been possible without the Voting Rights Act.

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. It has been a long, up-hill struggle to keep alive the vital legislation that protects the most fundamental right to vote. A person who has exhibited so much hostility to the enforcement of those laws—

The PRESIDING OFFICER. The Senator is reminded that it is a violation of rule XIX of the Standing Rules of the Senate to impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

Ms. WARREN. Mr. President, I don't think I quite understand. I am reading a letter from Coretta Scott King to the Judiciary Committee from 1986 that was admitted into the RECORD. I am simply reading what she wrote about what the nomination of JEFF SESSIONS to be a Federal court judge meant and what it would mean in history for her.

The PRESIDING OFFICER. This is a reminder—not necessarily what you just shared—however, you stated that a sitting Senator is a disgrace to the Department of Justice.

Ms. WARREN. I think that may have been Senator KENNEDY who said that in the record, although I would be glad to repeat it in my own words.

The PRESIDING OFFICER. The rule applies to imputing conduct or motive, through any form or voice, to a sitting Senator; form or voice includes quotes, articles, or other materials.

Ms. WARREN. So quoting Senator KENNEDY, calling then-Nominee Sessions a disgrace, is a violation of Senate rules? It was certainly not in 1986.

The PRESIDING OFFICER. In the opinion of the Chair, it is, and the Senator is warned.

Ms. WARREN. So let me understand. Can I ask a question, in the opinion of the Chair? I want to understand what this rule means.

The PRESIDING OFFICER. The Senator will state her inquiry.

Ms. WARREN. Is it the contention of the Chair, under the rules of the Senate, I am not allowed to accurately describe public views of Senator SESSIONS, public positions of Senator SESSIONS, quote public statements of Senator SESSIONS?

The PRESIDING OFFICER. The Chair has not made a ruling with respect to the Senator's comments. The Senator is following process and tradition by reminding the Senator from Massachusetts of the rule and to which it applies.

Ms. WARREN. I am asking what this rule means in this context. So can I continue with Coretta Scott King's letter?

The PRESIDING OFFICER. The Senator may continue.

Ms. WARREN. Thank you. I will pick up, then, with Mrs. King's letter to the Judiciary Committee when the Judiciary Committee was considering, not then-Senator SESSIONS, Nominee Sessions for a position on the Federal bench.

She makes the point:

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. It has 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 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.

The irony of 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 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 bore witness. As my husband wrote 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 forced an inhuman march upon hundreds of 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 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. Of all the groups who have been disenfranchised in our nation's history, none has struggled longer or suffered more in the attempt to win the vote than Black citizens. 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 used in attempts to block the Black vote. The range of techniques developed with the purpose of repressing black voting rights run the gambit from the straightforward application of brutality against black citizens who tried to vote to such legalized frauds as "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 this most precious franchise. The investigations into the absentee voting process were conducted only in the Black Belt counties, where blacks had finally achieved political power in the local government. Whites had 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 to trial and convict three leaders of the Perry County Civic League, including Albert Turner despite evidence clearly demonstrating their innocence of any wrongdoing. Furthermore, in initiating the case, Mr. Sessions ignored allegations of similar behavior by whites, choosing instead to chill the exercise of the franchise by blacks by his misguided investigation. In fact, 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 had taught others to do the same. The only sin they committed was being too successful in gaining votes.

The scope and character 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 "correct" testimony. Many elderly blacks were visited multiple times by the FBI, who then hauled them over 180 miles by bus to a grand jury in Mobile when they could have more easily have testified at a grand jury twenty miles away in Selma. These voters, and others, have announced they are now never 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 regarding this fundamental right. When the circumstances and facts surrounding the indictments of Al Turner, his wife, Evelyn, and Spencer Hogue are analyzed, it becomes clear that the motivation was political, and the result frightening—the wide-scale chill of the exercise of the ballot for blacks, who suffered so much to receive that right in the first place. Therefore, it is my strongly-held view that the appointment of Jefferson Sessions to the federal bench would irreparably damage the work of my 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 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 no longer need to be concerned about the discrimination at the polls. Blacks, Hispanics, Native Americans, and Asian Americans are grossly underrepresented at every level of government in America. If we are going to make our timeless dream of justice through democracy 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 of the Constitution is honored.

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 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 different views.

I do not believe Jefferson Sessions possesses the requisite judgment, competence, and sensitivity to the rights guaranteed by the federal civil rights laws to qualify for appointment to the federal district court. Based on his 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 envisioned over twenty years ago. I therefore urge the Senate Judiciary Committee to deny his confirmation.

I thank you for allowing me to share my views.

Mrs. King's views and words ring true today. The integrity of our Justice Department depends on an Attorney General who will fight for the rights of all people. An honest evaluation of JEFF SESSIONS' record shows that he is not that person.

My concerns regarding JEFF SESSIONS go far beyond his disappointing record on civil rights. Take immigration, for example. The Daily Beast published an article a few weeks ago entitled, "Donald Trump's Refugee Ban Has Attorney General Nominee Jeff Sessions' Fingerprints All Over It." Here is what the article says:

To longtime Jeff Sessions observers, the chaos that unfolded in American airports on Saturday morning wasn't a surprise. At all. Rather, the refugee ban was the predictable culmination of years of advocacy from two of President Donald Trump's most trusted advisors: White House Senior Advisor Stephen Miller, and attorney general designate Jeff Sessions. For years, Sessions and Miller—who was the Alabama Senator's communications director before leaving to join the Trump campaign—pushed research and talking points designed to make Americans afraid of refugees.

Press releases, email forwards, speeches on the Senate floor—Miller and Sessions used it all to make the case against Obama's refugee program was a huge terror threat. The executive order Trump signed late in the day on Friday is just the logical conclusion of their work.

I started getting press releases that Miller sent on behalf of Jeff Sessions in March 2013, shortly after I moved to D.C. to cover Congress. The emails went to my Gmail, and kept coming over the years—hundreds and hundreds of them. By the time he left Sessions' office to join the Trump campaign, Miller's press releases were legendary among Hill reporters: There were just so many of them at all hours of the day, and they never stopped. Some were lengthy diatribes; some were detailed, homemade charts; some were one-liners; one was just a link to Facebook's stock page on Google Finance with the subject line, "Does this mean that Facebook has enough money now to hire Americans?"

"I wanted to put together a little book of the best emails I ever sent," Miller told Politico last June. "I spent hours and hours of research on those."

Some of that research had serious methodological problems, according to Alex Nowrasteh, an immigration expert at the libertarian Cato Institute.

"Miller's work vastly overstates the threat of foreign terrorists to the homeland," Nowrasteh said.

He pointed to Miller's efforts to chronicle cases of refugees implicated in terrorist activity. It is true that some refugees in the U.S. have been indicted for terrorism-related crimes, Nowrasteh said. But instances of refugees actually planning terror attacks on American soil, he added, were vanishingly rare.

"Almost all the refugees that I was able to specifically identify in his set were trying to support a foreign terrorist organization, mostly Al Shabab in Somalia, by giving them money or something like that," Nowrasteh said. "I don't know about you, but I think there's a big difference between sending a militia in your home country funds and trying to blow up a mall in Cincinnati."

The collective effect of Miller and Sessions' messaging was to enthusiastically push a narrative that now dominates the Trump administration: that refugees and other immigrants steal Americans' jobs, suck up too much welfare money, incubate terrorists in their communities and, overall, are a big problem.

The conclusion was always the same: The government should let in far fewer refugees, and it should think twice about welcoming Muslims.

And now, that's exactly what Trump is doing.

For instance, in one "Dear Colleague" letter that Sessions co-authored with conservative Republican Rep. David Brat—a letter Miller blasted out to his press list—the would-be Attorney General ripped into the refugee program.

"There can be no higher duty as lawmakers than to keep our constituents and their families safe," Brat and Sessions wrote. "Yet our reckless refugee programs, lax green card and visa policies, utter failure to enforce rampant visa overstays, along with our wide open southern border, put the U.S. at grave and needless risk."

"Grave and needless risk"—it is a view that clearly informs Trump's decision to temporarily ban refugees.

And a Miller press release, blasted out on November 25, 2015, included this ominous title: "U.S. Issued 680,000 Green Cards to Migrants from Muslim Nations Over the Last 5 Years."

Sessions then forwarded that email to his email list on Jan. 12, 2016, the day of Obama's final State of the Union address, and added this note: "Some numerical context for any discussions of refugee policy that may arise tonight. As further context, the top-sending country for migrants are Iraq and Pakistan, according to Pew, 'Nearly all Muslims in Afghanistan (99%) and most in Iraq (91%) and Pakistan (84%) support Sharia law as official law.'"

The implication was clear as a bell: Muslim immigrants are flooding into the U.S., and they are bringing Sharia with them. Someone who agreed with Miller's assessment would do what Trump just did.

Just about any time a refugee living in the U.S. was charged, implicated, or otherwise connected to terrorism, Miller emailed his list about it.

Another Sessions press release, sent jointly with Sen. Richard Shelby, also included ominous intonations about refugees and Muslims.

"Congress must cancel the President's blank refugee check and put Congress back in charge of the program," Sessions and Shelby said. "We cannot allow the President

to unilaterally decide how many refugees he wishes to admit, nor continue to force taxpayers to pick up the tab for tens of billions of unpaid-for welfare and entitlement costs."

"The omnibus"—

Still quoting the letter from Senators SHELBY and SESSIONS—

would put the U.S. on a path to approve admission for hundreds of thousands of migrants from a broad range of countries with jihadist movements over the next 12 months, on top of all the other autopilot annual immigration—absent language to reduce the numbers," the release continued.

That same statement also suggested that refugees were robbing elderly Americans of their benefits.

"Refugees are entitled to access all major welfare programs, and they can also draw benefits directly from the Medicare and Social Security Disability and retirement trust funds—taking those funds straight from the pockets of American retirees who paid into these troubled funds all their lives," Sessions and Shelby said.

Now that Trump is president, those numbers are getting reduced—and fast.

Another foreboding subject line from Miller showed up in reporters' inboxes on Nov. 20, 2015: "ICYMI: Each 5 years, U.S. issuing more new green cards to migrants from Muslim nations the population of Washington, D.C."

Sessions also took to the Senate floor to argue that Muslim immigrants are uniquely dangerous. On Nov. 19, 2015, the Alabamian said the following about Muslims:

"It is an unpleasant but unavoidable fact that bringing in a large unassimilated flow of migrants from the Muslim world creates the conditions possible for radicalization and extremism to take hold."

In the speech, Sessions argued that the U.S. should set up safe zones in Syria where refugees could settle—instead of allowing any of them into the United States. Miller emailed reporters as Sessions spoke to highlight his argument. Now it's Trump's position.

At Breitbart, Julia Hahn covered Sessions' speech, in an article headlined "Afghanistan Migration Surging into America: 99% Support Sharia Law." News broke earlier this week that Hahn got a job in the White House as an assistant to Trump and senior advisor Stephen Bannon.

And on and on and on, for hundreds of emails, without even a whisper of flip-flopping.

Trump's crack-down on Muslims and refugees should not surprise anyone. He is just taking his advisors' advice.

Trump's Executive order sparked protests and resistance all across the Nation. People across the country and around the world are standing up to say that it contradicts our core values and that it violates the law.

Massachusetts is on the frontlines of challenging this illegal and downright offensive Executive order. Last week, Massachusetts Attorney General Maura Healey joined a Federal lawsuit to challenge that Executive order. This is what she said. I am quoting Attorney General Healey:

Harm to our institutions, our citizens, and our businesses is harm to the Commonwealth of Massachusetts. . . . The President's Executive order is a threat to our Constitution. Rather than protecting our national security, it stigmatizes those who would lawfully immigrate to our State. With this policy, our global universities, hospitals, businesses, and startups and far too many students and

residents have been put at risk. On behalf of the Commonwealth, my office is challenging the immigration ban to hold this administration accountable for its un-American, discriminatory, and reckless decision-making.

In 2013, Senator SESSIONS voted against reauthorizing the Violence Against Women Act, a bill that expanded protections and services provided to victims of sexual assault and domestic violence.

There is a piece from the Bedford Minuteman that really tells the story of how sexual violence impacts Massachusetts. This is what it said: "They are mothers, daughters, sisters, fathers, sons, and brothers."

The PRESIDING OFFICER. The Majority leader.

Mr. McCONNELL. Mr. President, the Senator has impugned the motives and conduct of our colleague from Alabama, as warned by the Chair.

Senator WARREN said Senator SESSIONS "has used the awesome power of his office to chill the free exercise of the vote by Black citizens."

I call the Senator to order under the provisions of rule XIX.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Mr. President, I am surprised that the words of Coretta Scott King are not suitable for debate in the United States Senate.

I ask leave of the Senate to continue my remarks.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator will take her seat.

APPEALING THE RULING OF THE CHAIR

QUORUM CALL

Ms. WARREN. Mr. President, I appeal the ruling of the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 3 Ex.]

Daines	Kennedy	Warren
Fischer	Klobuchar	
Hatch	McConnell	

The PRESIDING OFFICER. A quorum is not present.

The clerk will call the names of absent Senators.

The legislative clerk resumed the call of the roll and the following Senator entered the Chamber and answered to his name:

[Quorum No. 3 Ex.]

Cornyn

The PRESIDING OFFICER. A quorum is not present.

The majority leader.

Mr. McCONNELL. Mr. President, I move to instruct the Sergeant at Arms to request the attendance of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ), the Senator from Georgia (Mr. ISAKSON), and the Senator from Alabama (Mr. SESSIONS).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. CARPER), the Senator from Delaware (Mr. COONS), the Senator from California (Mrs. FEINSTEIN), the Senator from Connecticut (Mr. MURPHY), the Senator from Vermont (Mr. SANDERS), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

The PRESIDING OFFICER (Mr. ROUNDS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 3, as follows:

[Rollcall Vote No. 56 Ex.]

YEAS—88

Alexander	Franken	Murkowski
Baldwin	Gardner	Murray
Barrasso	Gillibrand	Nelson
Bennet	Graham	Paul
Blumenthal	Grassley	Perdue
Blunt	Harris	Peters
Booker	Hassan	Portman
Boozman	Hatch	Reed
Brown	Heinrich	Risch
Burr	Heitkamp	Roberts
Cantwell	Heller	Rounds
Capito	Hirono	Sasse
Cardin	Hoeven	Schatz
Casey	Inhofe	Schumer
Cassidy	Johnson	Scott
Cochran	Kaine	Shaheen
Collins	Kennedy	Shelby
Corker	King	Stabenow
Cornyn	Klobuchar	Sullivan
Cortez Masto	Lankford	Tester
Cotton	Leahy	Thune
Crapo	Lee	Tillis
Daines	Manchin	Udall
Donnelly	Markey	Van Hollen
Duckworth	McCain	Warren
Durbin	McCaskill	Whitehouse
Enzi	McConnell	Wyden
Ernst	Menendez	
Fischer	Merkley	
Flake	Moran	

NAYS—3

Rubio	Toomey	Wicker
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NOT VOTING—9

Carper	Feinstein	Sanders
Coons	Isakson	Sessions
Cruz	Murphy	Warner

The motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

APPEALING THE RULING OF THE CHAIR

The question before the Senate is, Shall the decision of the Chair to hold the Senator from Massachusetts in violation of rule XIX stand as the judgment of the Senate.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ), the Senator

from Georgia (Mr. ISAKSON), and the Senator from Alabama (Mr. SESSIONS).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. CARPER), the Senator from Delaware (Mr. COONS), the Senator from California (Mrs. FEINSTEIN), the Senator from Vermont (Mr. SANDERS), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 43, as follows:

[Rollcall Vote No. 57 Ex.]

YEAS—49

Alexander	Flake	Perdue
Barrasso	Gardner	Portman
Blunt	Graham	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rounds
Capito	Heller	Rubio
Cassidy	Hoeven	Sasse
Cochran	Inhofe	Scott
Collins	Johnson	Shelby
Corker	Kennedy	Sullivan
Cornyn	Lankford	Thune
Cotton	Lee	Tillis
Crapo	McCain	Toomey
Daines	McConnell	Wicker
Enzi	Moran	Young
Ernst	Murkowski	
Fischer	Paul	

NAYS—43

Baldwin	Hassan	Nelson
Bennet	Heinrich	Peters
Blumenthal	Heitkamp	Reed
Booker	Hirono	Schatz
Brown	Kaine	Schumer
Cantwell	King	Shaheen
Cardin	Klobuchar	Stabenow
Casey	Leahy	Tester
Cortez Masto	Manchin	Udall
Donnelly	Markey	Van Hollen
Duckworth	McCaskill	Warren
Durbin	Menendez	Whitehouse
Franken	Merkley	Wyden
Gillibrand	Murphy	
Harris	Murray	

NOT VOTING—8

Carper	Feinstein	Sessions
Coons	Isakson	Warner
Cruz	Sanders	

The PRESIDING OFFICER. The decision of the Chair stands as the judgment of the Senate.

The Democratic leader.

Mr. SCHUMER. Mr. President, I yield 1 minute to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine.

Mr. KING. Mr. President, Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. KING. In the opinion of the Chair, would one Senator calling another Senator a liar during debate on the floor of the Senate be a violation of rule XIX?

The PRESIDING OFFICER. In the opinion of the Chair, it would.

Mr. KING. Thank you, Mr. President.

I yield back.

The PRESIDING OFFICER. The Senate majority leader.

Mr. MCCONNELL. Here is what transpired. Senator WARREN was giving a lengthy speech. She had appeared to violate the rule. She was warned. She was given an explanation. Nevertheless, she persisted.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Ms. HARRIS. Mr. President, the suggestion that reciting the words of the great Coretta Scott King would invoke rule XIX and force Senator WARREN to sit down and be silent is outrageous.

MOTION TO PROCEED IN ORDER

Mr. President, I move that the Senator from Massachusetts be permitted to proceed in order.

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

Mr. MCCONNELL. 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 legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ) and the Senator from Alabama (Mr. SESSIONS).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. CARPER), the Senator from Delaware (Mr. COONS), the Senator from California (Mrs. FEINSTEIN), the Senator from Vermont (Mr. SANDERS), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 50, as follows:

[Rollcall Vote No. 58 Ex.]

YEAS—43

Baldwin	Hassan	Nelson
Bennet	Heinrich	Peters
Blumenthal	Heitkamp	Reed
Booker	Hirono	Schatz
Brown	Kaine	Schumer
Cantwell	King	Shaheen
Cardin	Klobuchar	Stabenow
Casey	Leahy	Tester
Cortez Masto	Manchin	Udall
Donnelly	Markey	Van Hollen
Duckworth	McCaskill	Warren
Durbin	Menendez	Whitehouse
Franken	Merkley	Wyden
Gillibrand	Murphy	
Harris	Murray	

NAYS—50

Alexander	Flake	Paul
Barrasso	Gardner	Perdue
Blunt	Graham	Portman
Boozman	Grassley	Risch
Burr	Hatch	Roberts
Capito	Heller	Rounds
Cassidy	Hoeven	Rubio
Cochran	Inhofe	Sasse
Collins	Isakson	Scott
Corker	Johnson	Shelby
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Crapo	Lee	Tillis
Daines	McCain	Toomey
Enzi	McConnell	Wicker
Ernst	Moran	Young
Fischer	Murkowski	

NOT VOTING—7

Carper	Feinstein	Warner
Coons	Sanders	
Cruz	Sessions	

The motion was rejected.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. Mr. President, if the average American heard someone read a letter from Coretta Scott King that

said what it said, they would not be offended. They would say that is someone's opinion; that is all.

It seems to me that we could use rule XIX almost every day on the floor of the Senate. This is selective enforcement, and another example of our colleagues on the other side of the aisle escalating the partisanship and further decreasing comity in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I have a question. I guess it is in the nature of a parliamentary question, and that is, whether it would be in order to ask unanimous consent that the letter from which Senator WARREN read be put into the RECORD as a confirmation that she was, in fact, accurately reading from the letter, that it be added as an exhibit in the CONGRESSIONAL RECORD.

The PRESIDING OFFICER. The text of the letter is in the RECORD of the Senate as the Senator was reading it in her testimony.

Mr. WHITEHOUSE. The text of the letter as she read it, but not the complete letter.

The PRESIDING OFFICER. The Senator may ask consent.

Mr. WHITEHOUSE. I ask unanimous consent that the complete letter from which Senator WARREN read be printed in the CONGRESSIONAL RECORD to confirm that she has in fact read from it.

The PRESIDING OFFICER. Is there objection?

Mr. RISCH. I object.

The PRESIDING OFFICER. Objection is heard.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, this is fascinating. I say to my colleagues, I have served here longer than any other Member of this body. I have been here 42 years. I have been here when the Democrats were in the majority and when the Republicans were in the majority, with Democratic Presidents and Republican Presidents. I have never, ever seen a time when a Member of the Senate asked to put into the RECORD a letter especially by a civil rights icon and somebody objected. It has always been done.

I have had letters that people have asked to be put in that were contrary to a position that I might take. Of course, I would not object. They are allowed to do it. I have seen letters when Members of both sides of the aisle have debated back and forth and the other side would put in letters that were contrary to their opponents' positions, and of course nobody objected.

Don't let the Senate turn into something it has never been before. I would hope that cooler heads would prevail, and we go back to the things that made the Senate great, that made the Senate the conscience of the Nation, as it should be.

I have never once objected to a Senator introducing a letter, even though

they took a position different than mine. I have never known of a Republican Senator to do that, and here we are talking about a letter from a civil rights icon.

Let's not go down this path. It is not good for the country. It is not good for the Senate, it is not good for democracy, and it sure as heck is not good for free speech.

I admire the Senator from Rhode Island. He is a man of great integrity, a man who was attorney general of his State and U.S. attorney in his State. His request was something that is normally accepted automatically. I would hope Senators would reconsider.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. RISCH. Mr. President, I am the one who entered the objection, and let me say to my good friend from Vermont that I agree with him 100 percent that we should get back to what made the Senate great.

We have rules around here, and the rules are very clear that you don't impugn another Senator. Now, you can't do that in your words and you can't do it with writings. You can't hold up a writing that impugns another Senator and say: Well, this is what somebody else said. I am not saying it, but that is OK.

It is not OK. It is a violation of the rules, and we should get back to what made this Senate great, and that is, to stay within the rules, stay within civility, and not impugning another Senator, whether it is through words or whether it is through writings.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Mr. President, I have a parliamentary inquiry as well.

The first question, Mr. President, is this: It is my understanding that the ruling of the Chair was based on the advice of the Parliamentarian. Is that accurate, Mr. President; on the advice of the Parliamentarian that the rule had been violated?

The PRESIDING OFFICER. No. The Chair sustained the ruling of the majority leader on his own.

Mr. RUBIO. OK. The second question I have, Mr. President: Does the rule say anything that impugns another Member of the Senate, directly or indirectly? Is that an accurate reading of the rule?

The PRESIDING OFFICER. The Senator is correct, and I will read the paragraph. This is rule XIX, section 2.

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.

Mr. RUBIO. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. A parliamentary inquiry.

The PRESIDING OFFICER. State your question.

Mr. MERKLEY. If a Member of the Senate is being considered for nomination, and we are exercising our advice and consent power, and if there is factual conduct in that individual's background that is presented on the floor that is uncomplimentary, would presenting the facts of that conduct in the process of debating an individual be considered in violation of rule XIX?

The PRESIDING OFFICER. The rule makes no distinction between those Senators who are nominees and those who are not. The rule does not permit truth to be a defense of the slight.

Mr. MERKLEY. Mr. President, just to make sure I understand that clearly, if we are considering a nominee who happens to be a Senator and we state factual elements of their background, for example, the conviction of a crime that is inappropriate conduct in the past, stating the factual record about an individual would be considered in violation of rule XIX?

The PRESIDING OFFICER. Each of these cases will be decided by the Presiding Officer in the context at that time.

Mr. MERKLEY. Just to clarify, if I could, therefore, the point is that something could be absolutely true, as, perhaps, a point that was made earlier—a statement can be true in a letter that is presented—but even if it is true and accurate for a person under consideration for a nomination, it would still be in violation. In other words, the fact that an individual is found in violation of rule XIX doesn't mean that the statement had to be false. It could have been a true statement?

The PRESIDING OFFICER. You are correct, Senator.

Mr. MERKLEY. Thank you.

The PRESIDING OFFICER. The assistant Republican leader.

Mr. CORNYN. Mr. President, I just want the RECORD to be abundantly clear. The language that resulted in the vote that we had invoking rule XIX was related to a quotation from Senator Ted Kennedy that called the nominee "a disgrace to the Justice Department, and he should withdraw his nomination and resign his position." That was the quote. Our colleagues want to try to make this all about Coretta Scott King and it is not. I think the complete context should be part of the RECORD.

Mr. MERKLEY. Parliamentary inquiry.

Mr. SCHUMER addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. Mr. President, it is my understanding—I was not there—that there was a warning over Senator Kennedy's letter, but the actual ruling was based on Coretta Scott King's letter; is that correct?

The PRESIDING OFFICER. Yes, that is correct.

Mr. SCHUMER. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, pursuing Senator MERKLEY's hypothetical, if it came before the Senate that a Member of the Senate who was a nominee seeking the advice and consent of the Senate to the position was, for example, in fact, a horse thief, and we found the fact that he was a horse thief to be relevant to whether or not he should be confirmed, say, to the Department of Interior, which has authority over lands, does the ruling of the Chair mean that it would not be in order for the Senate or for Senators to consider what in my hypothetical is the established fact that the Senator was a horse thief as we debate his nomination here on the floor?

The PRESIDING OFFICER. Once again, the answer is the same, that each of these decisions will be made at the time and in the context in which they occur, and the decision of the Chair is subject to a vote of the Senate and an appeal.

Mr. WHITEHOUSE. I guess, Mr. President, what I don't understand is that we have fairly significant responsibilities under the Constitution to provide advice and consent. It appears that the ruling of the Chair has just been that when a Member of this body is the subject of that advice and consent, then derogatory information about that person is not in order and is a violation of rule XIX on the Senate floor. And with that being the ruling, I don't know how we go about doing our duties. Are we supposed to simply blind ourselves to derogatory information, discuss it privately in the cloak rooms, not bring it out onto the floor of the U.S. Senate, this supposedly great debating society that actually has a constitutional responsibility to discuss both the advantages and the deficits of a particular nominee?

The PRESIDING OFFICER. In each case, it is the opinion of the President, subject to the final vote by the Senate to support or not to support the President's decision.

Mr. WHITEHOUSE. So the precedent going forward is that any Senator who discusses derogatory information that is a matter of public record, that may even include criminal behavior by a Senator who is a candidate for Executive appointment that requires advice and consent, is at risk of being sanctioned by this body by a simple partisan majority of this body under rule XIX if they raise those issues on the floor?

The PRESIDING OFFICER. It is not necessary for a point of order to be raised under rule XIX, but if the point of order is raised, an opinion will be made and it is subject to a vote of the Senate in the manner previously described.

Mr. WHITEHOUSE. I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Mr. President, I first have a parliamentary inquiry. These are the continuing rules of the Senate that have been in existence previous to

this time and have carried over into this session, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. RUBIO. The reason I ask that is the following—but I think we all feel very passionate about the issues before us. I have not been here as long as Senator LEAHY, whose service has been quite distinguished over a long period of time. I truly do understand the passions people bring to this body. I like to think that I, too, am passionate about the issues before us.

I think this is an important moment. It is late. Not many people are paying attention. I wish they would though because I think the question here is one of the reasons I ran for this body to begin with. Maybe it is because of my background; I am surrounded by people who have lost freedoms in places where they are not allowed to speak. One of the great traditions of our Nation is the ability to come forward and have debates.

But the Founders and the Framers and those who established this institution and guided us over two centuries understood that that debate was impossible if, in fact, the matter became of a personal nature. I don't believe that was necessarily the intention here, although perhaps that was the way it turned out. But I think it is important for us to understand why that matters so much.

I want people to think about our politics here in America because I am telling you guys, I don't know of a single Nation in the history of the world that has been able to solve its problems when half the people in the country absolutely hate the other half of the people in that country. This is the most important country in the world, and this body cannot function if people are offending one another, and that is why those rules are in place.

I was not here when Secretary Clinton was nominated as a Member of this body at the time, but I can tell you that I am just barely old enough to know that some very nasty things have been written and said about Senator Clinton. And I think the Senate should be very proud that during her nomination to be Secretary of State—despite the fact that I imagine many people were not excited about the fact that she would be Secretary of State—to my recollection, and perhaps I am incorrect, not a single one of those horrible things that have been written or said about her, some of which actually did accuse her of wrongdoing, was uttered on the floor of the Senate.

I happen to remember in 2004 when then-Senator Kerry ran for President. Some pretty strong things were written and said about him. I was here for that when he was nominated and confirmed to be Secretary of State. And I don't recall a single statement being read into the RECORD about the things that have been said about him.

Now, I want everybody to understand that at the end of the night, this is not

a partisan issue. It really is not. I can tell you this with full confidence that if one of my colleagues on this side of the aisle had done that, I would also like to think that I would have been one of those people objecting, and here is why.

Turn on the news and watch these parliaments around the world where people throw chairs at each other and throw punches, and ask yourself: How does that make you feel about those countries? It doesn't give you a lot of confidence about those countries. I am not arguing that we are anywhere near that tonight, but we are flirting with it. We are flirting with it in this body, and we are flirting with it in this country. We are becoming a society incapable of having debates anymore.

In this country, if you watch the big policy debates that are going on in America, no one ever stops to say: I think you are wrong. I understand your point of view. I get it. You have some valid points, but let me tell you why I think my view is better. I don't hear that anymore.

Here is what I hear almost automatically—and let me be fair—from both sides of these debates. Immediately, immediately, as soon as you offer an idea, the other side jumps and says that the reason you say that is because you don't care about poor people, because you only care about rich people, because you are this or you are that or you are the other. And I am just telling you guys, we are reaching a point in this Republic where we are not going to be able to solve the simplest of issues because everyone is putting themselves in the corner where everyone hates everybody.

Now I don't pretend to say that I am not myself from time to time in heated debates outside of this forum. I have been guilty of perhaps hyperbole, and for those—I am not proud of it.

But I have to tell you, I think what is at stake here tonight and as we debate moving forward is not simply some rule but the ability of the most important Nation on Earth to debate in a productive and respectful way the pressing issues before us. I just hope we understand that because I have tremendous respect for the other Chamber, and I understand that it was designed to be different. But one of the reasons I chose to run for the Senate and, quite frankly, to run for reelection is that I believed I served with 99 other men and women who deeply love their country, who have different points of view, who represent men and women who have different views from the men and women whom I may represent on a given issue and who are here to advocate for their points of view, never impugning their motives.

One of the things I take great pride in—and I tell this to people all the time—is that the one thing you learn about the Senate is, whether you agree with them or not, you understand why every single one of those other 99 people are here. They are intelligent people, they are smart people, they are

hard-working people. They believe in what they are saying, and they articulate it in a very passionate and effective way.

When I see my colleague stand up and say something I don't agree with, I try to tell myself: Look, I don't understand why they stand for that, but I know why they are doing it. It is because they represent people who believe that.

I am so grateful that God has allowed me to be born, to live, and to raise my family in a nation where people with such different points of view are able to debate those things in a way that doesn't lead to war, that doesn't lead to overthrows, that doesn't lead to violence. And you may take that for granted.

All around the world tonight, there are people who, if they stood up here and said the things that we say about the President or others in authority, they would go to jail. I am not saying that is where we are headed as a nation; I am just saying, don't ever take that for granted.

The linchpin of that is this institution. The linchpin of that debate is the ability of this institution through unlimited debate and the decorum necessary for that debate to be able to conduct itself in that manner.

I know that tonight was probably a made-for-TV moment for some people. This has nothing to do with censuring the words of some great heroes. I have extraordinary admiration for the men and women who led the civil rights effort in this country, and I am self-conscious or understanding enough to know that many of the things that have been possible for so many people in this country in the 21st century were made possible by the sacrifices and the work of those who came before us.

This has to do with a fundamental reality, and that is that this body cannot carry out its work if it is not able to conduct debates in a way that is respectful of one another, especially those of us who are in this Chamber together.

I also understand this: If the Senate ceases to work, if we reach a point where this institution—given everything else that is going on in politics today, where you are basically allowed to say just about anything, for I have seen over the last year and a half things said about people, about issues, about institutions in our republic that I never thought I would see ever. If we lose this body's ability to conduct debate in a dignified manner—and I mean this with no disrespect to anyone else. I don't believe anyone came on the floor here tonight saying: I am going to be disrespectful on purpose and turn this into a circus. But I am just telling you that if this body loses the ability to have those sorts of debates, then where in this country is that going to happen? In what other forum in this Nation is that going to be possible?

So I would just hope everybody would stop and think about that. I know I

have been here only for 6 years, so I don't have a deep reservoir of Senate history to rely on. But I know this: If this body isn't capable of having those debates, there will be no place in this country where those debates can occur. I think every single one of us, to our great shame, will live to regret it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. Mr. President, I don't want to prolong this much more. In light of what my friend from Florida said, I would just reread what I said earlier.

If average Americans heard someone read a letter from Coretta Scott King that said what it said, they would not be offended. They would say that is someone's opinion. That is all.

It seems to me we could use rule XIX almost every day on the floor of the Senate, as my colleague from Maine so pointedly and piquantly exhibited a few minutes ago.

This selective enforcement is another example of our colleagues on the other side of the aisle escalating the partisanship and further decreasing the comity of the Senate, which I treasure as well. This was unnecessary.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I take umbrage with what the minority leader said. I sat here and listened to the distinguished Senator from Massachusetts, who went on and on and on. Many of her remarks were criticizing a fellow colleague in the Senate. I don't know about the other side, but I find it offensive for either side to be criticizing, as was done here tonight, a sitting Member of the Senate.

I am absolutely astounded that the Democrats, my friends on the other side, have taken to the war tables a desire to defeat JEFF SESSIONS. I have been here a long time, and I have to say that I knew JEFF SESSIONS even before he came here, and I have known him since he has been here. And, yes, I differ with him on a number of issues, but I would never say things about him as have been said by my colleagues on the other side. I think that we all ought to take some stock in what we are doing here.

JEFF SESSIONS is a very fine person. Think of his wife. She is a really fine person. Jeff has been here 20 years. He has interchanged with almost all of us. Sometimes you agree with him, and sometimes you disagree with him, but he has always been a gentleman. He has always been kind and considerate of his colleagues. I can't name one time when he wasn't. Yet we are treating him like he is some terrible person who doesn't deserve to be chosen by the current President of the United States to be Attorney General of the United States.

I think we ought to be ashamed of ourselves—I really do—on both sides. And frankly, we have to get to where everything is not an issue here. I know

some of my friends on the other side and I have chatted, and they are not happy with the way this body is going with good reason.

Everything doesn't have to lead to a gun fight on the floor, but that is where we are going. And frankly, sometimes there is an awful lot of politics being played here on both sides.

Look, I happen to like the senior Senator from Massachusetts. I think she is an intelligent, lovely woman in many ways. But I have to tell you, I listened to her for quite a while, and she didn't have a good thing to say about a fellow Senator. Frankly, I don't think that is right. If we don't respect each other, we are going down a very steep path to oblivion.

I would hope that both sides would take stock of these debates. We can differ. We understand that the Democrats are not happy with the current President. We are happy with him. We can differ on that, and we can fight over various issues and so forth. But to attack a fellow Senator without reservation seems to me the wrong thing to do.

It may not have risen to the level of a violation of the rules, but I think it comes close, and I have sat here and listened to most of it and, frankly, I don't believe that the distinguished Senator from Massachusetts was right in any respect. I have been here a long time and I have seen some pretty rough talk, but never like we have had this first couple of months here. We have gone so far on both sides that we are almost dysfunctional.

I admit it was tough for the Democrats to lose the Presidential election. Most people thought that Hillary Clinton would win. I was not one of them. I thought there was a real chance because I knew a lot of people would not say for whom they were going to vote. I think, correctly, I interpreted that meant that they were going to vote for Donald Trump, and the reason they were is that they are tired of what is going on. They are tired of what is hurting this country. They are tired of the picayune little fights that we have around here.

I think we have to grow up. I suggest that all of us take stock of ourselves and see if we can treat each other with greater respect. I have to say, I resented—as much as I like the distinguished Senator from Massachusetts, I resent the constant diatribe against a fellow Senator. Even if everything she said was true, it wasn't the right thing to do. I don't think any of us should do that to them, either. We can differ, we can argue, we can fight over certain words and so forth, but I have been appalled at the way the Democrats have treated JEFF SESSIONS. I have found JEFF SESSIONS—having worked with him for 20 years and having disagreed with him on a number of things—to be a gentleman in every respect and to present his viewpoints in a reasonable and decent way.

I would hope that my colleagues on the other side would consider voting

for JEFF SESSIONS or at least treating him with respect.

I admit that I think some of this comes from the fact that they are very upset at Donald Trump, and it is easy to see why. He won a very tough, contested election against one of their principal people. That is hard to take, maybe. That doesn't justify what has been going on against JEFF SESSIONS.

We ought to be proud that JEFF has a chance to become the Attorney General of the United States, and he is going to be. That is the thing that really bothers me. Everybody on the other side knows that we have the votes to finally do this. Yet, they are treating it as though this is something that they have to try and win—which they are not going to win—and, in the process, treating a fellow Senator with disdain. It is wrong.

We should all take stock of ourselves. I am not accusing my colleagues of not being sincere, but they have been sincerely wrong. I am personally fed up with it. If we want to fight every day and just go after each other like people who just don't care about etiquette and courtesy, I guess we can do that, but I think it is the wrong thing to do.

I hope all of us will stop, take note of what has been going on, and on both sides start trying to work together. I know it was tough for my Democrat friends to lose the Presidential election. I know that was tough. And they didn't think they were going to, and, frankly, a lot of us didn't think they were going to. I did think that. But, then again, I was one of two Senators who supported Donald Trump, in my opinion, with very, very good reason. I am sure that doesn't convince any Democrats on the other side.

The fact is that we have to treat each other with respect or this place is going to devolve into nothing but a jungle, and that would truly be a very, very bad thing.

I am not perfect, so I don't mean to act like I am, but I have to say that all of us need to take stock. We need to start thinking about the people on the other side. We need to start thinking about how we might bring each other together in the best interests of our country and how we might literally elevate the Senate to the position that we all hope it will be.

I love all of my colleagues. There is not one person in this body that I don't care for a lot. I disagree quite a bit with some of my colleagues on the other side, and even some folks on our side, but that doesn't mean that I have to treat them with disrespect.

I yield the floor.

THE PRESIDING OFFICER (Mrs. ERNST). The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I first want to say a few words about the Senator from Massachusetts and her passion and what she has brought to this Chamber. While I know she has not been allowed to complete her remarks today, I know that will not silence her, and we look forward to hear-

ing from her tomorrow and many days in the future on so many topics.

I also wanted to say something about my friend from Utah. We have worked together on so many bills. I have seen firsthand that he means what he says about treating this Chamber with the dignity that we all deserve and that the American people deserve.

Also, I was especially impressed by the words from the Senator from Florida. When I see the majority leader and the Democratic leader over there talking in the corner now, I think that is a good sign, because I have never seen a time where the Senate is more important, as the Senator from Florida was mentioning.

This is a moment in time where the Senate will not just be a check and balance, but it is also a place for compromise. The one issue where I would differ slightly with my friend and colleague from Utah is that this isn't just about Democrats responding with surprise or anger to the election of a new President. There have been a lot of things said in the last few months, including calling judges "so-called judges" and some of the discussions and comparisons to foreign leaders, and things that we have heard from the White House in the last few weeks, including the order that was issued that some of our Republican colleagues expressed a lot of concern about and that the Senate wasn't involved in and that a lot of law enforcement people weren't involved in.

There have been reasons that people's passions are high, and there are reasons that are good ones because we care about this country. So I hope people will see that in perspective for why people are reacting the way they do.

As for the Senator from Alabama, as I would call him for the purpose of these remarks, I am someone who has worked well with him. We have done bills together on adoption, and we have worked together on trafficking, and I am proud of the work I have done with him. We have also gone to the State of the Union together every single year, and I value his friendship.

I came to the conclusion that I couldn't support him not for personal reasons, but because of some of the views he has expressed in the past and his record on the Violence Against Women Act, his views on immigration, and his views relating to voting rights.

I think many of our colleagues, especially those who serve on the Judiciary Committee, feel the same way—that this wasn't personal, but we simply had a deep disagreement with some of his views on certain issues.

Today I thought I would focus on the voting rights issue. I spoke earlier about the Violence Against Women Act, and I think that is a good place to start as we work together going forward. We have seen an attack on America's election system; we have had 17 intelligence agencies talking about the fact that a foreign country tried to influence our election. It is the core of

our democracy. I know the Senator from Florida himself has said that this time it happened to one candidate, one party, and the next time it could be another party, another candidate. So this idea of voting—this idea of the freedom to vote—is the core of our democracy.

One of the most important duties of the Justice Department—and that is the office for which the Attorney General would run—is safeguarding voters' access to the ballot box. This issue is important in my State. We had the highest voter turnout of any State in the country in this past election, and part of the reason we had such a good turnout is that we have good laws that allow for people to vote. It allows for same-day registration. We make it easy for people to vote; we don't make it hard. For me, that is one of the major duties of the Justice Department, and that is to enforce our voting rights.

I will never forget when I traveled to Alabama in the last few years with one of the leaders, Congressman JOHN LEWIS, who was one of the 13 original Freedom Riders. In 1964 he coordinated the efforts for the Mississippi Freedom Summit, recruiting college students from around the country to join the movement, to register African-American voters across the South. People from my State went, and people from every State in this Chamber went there for that March.

On March 7, 1965, Congressman LEWIS and 600 other peaceful protestors attempted to march from Selma to Birmingham to protest violence against civil rights workers. As they reached the crest of the Edmund Pettus Bridge, they saw a line of troopers blocking their way. At the end of the bridge, those peaceful marchers were attacked, just for calling for the right to vote. JOHN LEWIS's skull was fractured, and he still bears that scar to this day.

The weekend that I went back there, 48 years after that bloody Sunday, was the weekend that the police chief of Montgomery actually handed Congressman LEWIS a badge and publicly apologized for what happened to him that day, 48 years later. But as moving as that apology was, we still have a duty to make sure that those sacrifices were not in vain. We also need to make it easier for people to actually vote, and that is a promise still unmet in America over 50 years later, whether it is lines at voting booths or whether it is laws in place that make it harder to vote.

I just look at this differently, having come from a high voter turnout State, a State where we have same-day registration, and when we look at the other high voter States that have that same-day registration station—Iowa, the Presiding Officer's State is one of them; that is not really a Democratic State, yet they have a high voter turnout and people participate and feel a part of that process. New Hampshire, Vermont, these States are truly split, but what we want to see is that kind of participation.

A couple of months after I was in Selma, the Supreme Court handed down its decision in the case of *Shelby County v. Holder*. In this decision, the Justices found that a formula in section 4 of the Voting Rights Act was unconstitutional. This formula was used to decide which States and localities needed to have Federal approval for any changes made to their voting rights laws, endangering the progress made over the past 50 years.

According to a report by the Brennan Center for Justice, following the *Shelby County* decision, 14 States put new voting restrictions in place that impacted the 2016 Presidential election. Three other States also passed restrictive voting measures, but those laws were blocked by the courts. So the harm is very real and very serious, and we can't sit by and just let this happen.

Specifically, we need a Department of Justice that will vigorously enforce the remaining sections of the Voting Rights Act as well as the National Voter Registration Act and the Help America Vote Act. Currently, a majority of the States are not complying with the National Voter Registration Act, leaving voting rolls outdated and preventing eligible voters from casting their ballots. Without a Department of Justice that makes the enforcement of these laws a priority, the rights of voters will continue to be infringed.

Congress also needs to take action through legislation to make right what came out of that Supreme Court decision. Effectively throwing out the preclearance provision of the Voting Rights Act just doesn't make sense. As Justice Ginsberg put so well in her dissent, "Ending preclearance now is like throwing away your umbrella in a rainstorm because you are not getting wet."

Those marchers in Selma sacrificed too much for us not to fight back. That is why I cosponsored legislation last Congress that would amend the Voting Rights Act.

I am under no illusion that amending the Voting Rights Act in Congress will be easy. It won't be. We have seen some bipartisan support. In fact, Congressman SENSENBRENNER, from my neighboring State of Wisconsin, who sponsored the reauthorization in 2006, called for Congress to restore the Voting Rights Act. As he put it, "the Voting Rights Act is vital to America's commitment to never again permit racial prejudices in the electoral process."

Another issue I want to focus on this evening that I raised in Senator SESSIONS' hearing is the fundamental importance of freedom of the press. My dad was a newspaper reporter, and up until a few years ago, he was still writing a blog. So I am especially sensitive to, and concerned about, maintaining the press's role as a watchdog.

On a larger note, the role of journalists is critical to our Nation's democracy. That is why our Founders enshrined freedom of the press in the

First Amendment. When we look at what we are seeing in the last few years in our country, what concerns me is this assault on democracy. We have voting rights issues with people unable to vote, with lines, with restrictive voting laws passed as opposed to finding ways to allow more people to vote. We have outside money in politics. Recently, we have some of the things being said about judges, and now we have some assault on this notion of the freedom of the press.

Thomas Jefferson said that our first objective should be to leave open "all avenues to truth," and the most effective way of doing that is through "the freedom of press." This is still true today. Freedom of the press is the best avenue to truth. In fact, these values are more important now than ever, at a time when people are not exactly valuing the freedom of the press.

I believe there are two distinct roles journalists will hold that Congress must preserve and strengthen in the coming years. The first is providing the people with information about their government. Sometimes this is as simple as covering the passage of a new law in a public forum. This work doesn't just lead to a better, informed public. It can also lead to important actions.

Thanks to excellent reporting from across the country, Americans have been energized in the past. For instance, just a few weeks ago there was an attempt to gut the Office of Congressional Ethics over in the House. That came out, people were outraged, it was reported on, and they backed down.

The second role we must preserve is journalists' responsibility to be fact-checkers. They research, they provide context, and, when they need to, they correct. We need newspapers and media to stand up for what is true and what is factual. Unlike what was recently said—not in this Chamber—the press cannot simply keep its mouth shut. The American people deserve the truth, and we are all relying on journalists to keep digging for it. I take this personally and seriously.

In Senator SESSIONS' hearing I asked him whether he would follow the standards now in place at the Justice Department, which address when Federal prosecutors can subpoena journalists or their records and serve to protect reporters engaged in news-gathering activities. The previous two Attorneys General both pledged not to put reporters in jail if they were simply doing their job under the law.

The Senator from Alabama did not make that commitment. When I asked him about this in his hearing, he said he had not yet studied those rules. He also did not make a commitment when I later asked him to do that on the record.

The Senator from Alabama has also raised concerns in the past about protecting journalists from revealing their sources, including opposing the Free

Flow of Information Act when it was considered by the Judiciary Committee in 2007, 2009, and 2013. So at this time, when our freedom of the press has been under attack at the highest levels of government, I believe it is critically important that our Justice Department continues to function as an independent voice that will protect the ability of journalists to do their job.

Lastly, I want to take a moment to focus on the importance of the Antitrust Division at the Department of Justice. As ranking member of the Antitrust Subcommittee, I am concerned about the state of competition in the marketplace. I wish to take a few minutes on this issue.

I did ask Senator SESSIONS about this at his hearing, and he said he was committed to an independent division in the Justice Department and to continue that work without outside influence. I continue to believe that this issue will be important because of the massive amount of mergers we are seeing. The legal technicalities behind our antitrust laws will not be familiar to most Americans, but effective antitrust enforcement provides benefits we can all understand. When companies vigorously compete, they can offer consumers the lowest prices and the highest quality goods and services.

Senator SESSIONS has stated that he will support the independence of that division, and I want to make clear how critical this is. It is absolutely essential that our next Attorney General enforces our antitrust laws fairly and vigorously, and that this person protects the integrity of the Antitrust Division's prosecutorial function from inappropriate influence. This is because vigilant antitrust enforcement means more money in the pockets of American consumers. The Attorney General can do this by identifying and preventing competition problems before they occur, like stopping a merger that would allow a few dominant players to raise prices, or, when a merger is allowed to move forward, putting conditions in place to protect competition.

The next Attorney General will also be able to stop price-fixing cartels that hurt consumers by artificially inflating prices for goods such as auto parts, TVs, and tablet computers. Last year alone, the Justice Department obtained more than \$1 billion in criminal antitrust fines. Anticompetitive practices have serious impacts on consumers; for example, pay-for-delay settlements that keep cheaper generic drugs from coming onto the markets. Estimates suggest that eliminating those sweetheart deals would generate over \$2.9 billion in budget savings over 10 years and save American consumers billions on their prescription drug costs. That is why Senator GRASSLEY and I worked on bipartisan legislation to give the Federal Trade Commission greater ability to block those anticompetitive agreements. Our Preserve Access to Affordable Generics Act would increase consumers' access to cost-saving generic drugs.

The bottom line is this. Antitrust enforcement is needed now more than ever. We are experiencing a wave of concentration across industries. Just last year, then-Assistant Attorney General for Antitrust Division Bill Baer, a lifelong antitrust practitioner, said his agency was reviewing deals with such antitrust concerns that they should never have made it out of the corporate boardroom.

Not only will antitrust violations mean higher prices for Americans and less innovation, but the indirect effects are equally troubling. There is concern that undue concentration of economic power would exacerbate income inequality. There is also concern that concentration can hurt new businesses, stifling innovation. Why would you innovate if there is just one or two firms? Only effective antitrust enforcement by the Attorney General will prevent those harms, and effective enforcement can occur only if the Department of Justice makes enforcement decisions based on the merits of the individual case, rather than politics.

Traditionally, the White House has not interfered with antitrust enforcement decisions, but recent reports indicate that the President has discussed pending mergers with CEOs during ongoing antitrust reviews. Some companies have also publicly reported their conversations with and their commitments to the President. In both Senator SESSIONS' hearing and in a follow up letter, I raised this issue with him. The Senator from Alabama said: "It would be improper to consider any political, personal, or other non-legal basis in reaching an enforcement decision."

That is the correct answer. I plan to rigorously protect the Antitrust Division's prosecutorial integrity to make sure it is principled and is done right. Antitrust and competition policy are not Republican or Democratic issues. A merger in the ag industry could have an effect on farmers in Iowa, as the Presiding Officer knows. These are consumer issues, and these issues could not be more important to all Americans. We can all agree that robust competition is essential to our free-market economy and critical to ensuring that consumers pay the best prices for what they need.

I want to switch gears and conclude today by speaking about the President's Executive order regarding refugees, especially those from Muslim countries, which has caused so much chaos across our country over the past several weeks.

While I know Senator SESSIONS was not involved in writing the Executive order, it is very important that going forward, obviously, the Attorney General and the Department of Justice's Office of Legal Counsel have a responsibility to review Presidential Executive orders and assure they are legal and done right.

I sent a letter, with Senators DURBIN, WHITEHOUSE, FRANKEN, COONS, and

BLUMENTHAL, and we asked Senator SESSIONS what he would have done if the President's Executive order came across his desk. As a former prosecutor, I have long advocated for thorough vetting and supported strong national security measures.

I believe that the No. 1 priority should be making people safe. While working to strengthen biometrics and other security measures is a good goal, this is not the way our government should work—that an order should be put out there without properly vetting it and figuring out the effect it would have on a four-year-old girl who is in a refugee camp in Uganda. That happened.

In my State, there was a mom who had two children, a Somali mother in a refugee camp. She got permission to come over to our State and to our country as a refugee. But she was pregnant, and when she had that baby, that baby did not have permission to come with her. So she had a Sophie's choice: Does she leave the baby in the refugee camp with friends and go to America with her two other daughters, or do all of them stay in the refugee camp in Uganda? She made a decision that she would go with her two older girls, that that would be the safest thing for them.

For 4 years, she worked to get the child that was left behind in the refugee camp to America to be reunited with her sisters. The baby, who is now 4 years old, was to get on a plane on the Monday after the President's Executive order was issued. The 4-year-old could not get on that plane.

Senator FRANKEN and I got involved. We talked to General Kelly. He was more than generous with his time. They made an exception, and the 4-year-old is now in Minnesota. But it should not take a Senator's intervention—as many of my colleagues know that have worked on these cases—to get a 4-year-old who is supposed to be reunited with their family, something that our government had worked on for 4 years and Lutheran Social Services in Minnesota had worked on for 4 years.

If Senator SESSIONS is in fact confirmed as the next Attorney General, these are actual issues he is going to have to work on, and beyond that, we have the issue of how people in our country are afraid.

We have 100,000 Somalis in Minnesota. We have the biggest Somali population in the country. A man who works for me started with my office 10 years ago and has been our outreach to the Somali community. He was just elected to the school board.

We have Somalis elected to our city council. They are part of the fabric of life in our State. Congressman EMMER, who actually took the seat held by Michele Bachmann, is the cochair, along with Congressman ELLISON, of the Somali caucus in the House of Representatives. We have not seen this as a Democratic issue or a Republican issue in our State. We have welcomed these refugees.

We have the second biggest population of Hmong in the United States of America. We have the biggest Liberian population. We have one of the biggest populations of people from Burma. We have 17 Fortune 500 companies in our State. When these refugees come over, they are legal workers, and they are a major part of our economy. So it is no surprise that during the last year, when we heard the kind of rhetoric that we have heard, people have been concerned—not just the refugees themselves, not just their friends and family, but a lot of people in our State. The churches have gotten involved—all kinds and every denomination in our State—to stand up for our Muslim population. Why? Because they have all heard the story. One of my most memorable stories was from a family whom I heard about when I was visiting with some of our Muslim population in Minneapolis. This was a story of two adults who actually had been in our State during 9/11. And during 9/11, George Bush stood up and he said: This isn't about a religion. This is about evil people who did evil things, but it is not to indict a religion.

His U.S. attorney at the time, the Republican U.S. attorney, went around with me—the elected prosecutor for the biggest county in our State—and we met with the Muslim population and assured them they were safe and told them to report hate crimes. The family, these two adults, they were there then. Nothing bad happened to them. No one called them a name.

Fast-forward to this summer. They are at a restaurant with their two little children. They are just sitting there having dinner.

A guy walks by and says: You four go home. You go home to where you came from.

The little girl looked up at her mom, and she said: Mom, I don't want to go home and eat tonight. You said we could eat out tonight.

The words of an innocent child. She didn't even know what that man was talking about because she only knows one home. That home is our State, and that home is the United States of America.

If Senator SESSIONS is confirmed for this position, he is going to have an obligation to that little girl who was in that restaurant and to all of the people in our country because this is the Justice Department of the United States of America.

As a former prosecutor, I know a big part of that job is prosecuting cases and doing all we can to keep America safe from evildoers, but it is also about keeping our Constitution and our rights safe.

Madam President, I yield the floor.

THE PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, the Attorney General of the United States holds a vital and also somewhat unique position in the Federal Government. The Attorney General of the United States is tasked with

significant responsibilities that must be executed independently, sometimes even in defiance of the White House's wishes and interests.

The Attorney General of the United States is tasked with enforcing our laws fairly, justly, and evenhandedly, as well as with protecting the civil and constitutional rights of all Americans of all persuasions, of all backgrounds. The Attorney General of the United States does not work for the President so much as for the people and does not serve the administration so much as the law.

I have served in the U.S. Department of Justice. I have felt its esprit de corps, its pride. That pride is founded on a firm sense of the Department's willingness to stand on what is right, even against the wishes of the White House. One fine example of this was Attorney General Ashcroft challenging and refusing to accede to the wishes of the White House on the Bush administration's warrantless wiretapping of Americans. The Department of Justice is well aware of the importance of its independence.

A successful Attorney General must be stalwart in protecting the Department from political meddling by the administration or by Congress. We need only look back to Attorney General Gonzales's resignation to recall how badly things turn out when an Attorney General yields to political pressure.

An Attorney General also makes policy decisions about where and how to direct the Department's \$27 billion budget and when and how to advise Congress to recommend new laws and modify existing policies. These are policy choices an Attorney General makes. It is no answer to questions about those policy choices to say: I will follow the law. That doesn't apply in this arena of funding decisions and legislative recommendations that are policy choices not dictated by law. Those policy choices can have a profound effect on individuals, on communities, and on the fabric of our Nations.

Americans should be able to trust that their Attorney General will not only enforce the laws with integrity and impartiality but stand up for Americans of all stripes and fight on behalf of their rights. That is the prism through which I evaluate Senator SESSIONS' nomination.

I have known Senator SESSIONS for a decade and have enjoyed working with him on a number of pieces of legislation. However, the standard by which I evaluate an Attorney General nominee is whether Rhode Islanders will trust that in the tough clinches, he will always be independent and always fair.

I have reviewed Senator SESSIONS' career as an attorney and as a Senator, as well as his testimony before the Judiciary Committee. I have reflected on my own duties and experience as my State's attorney general and as the U.S. attorney in Rhode Island. I have also served as an attorney in our State attorney general's office.

By the way, the attorney general in Rhode Island has full prosecutive authority. Many States have a division in which the attorney general has a narrow ambit of authority and district attorneys do the bulk of the criminal prosecution—not so in Rhode Island.

I have also had the occasion to listen closely to very strong and honest, serious concerns from Rhode Islanders who have made it plain to me that they fear what Senator SESSIONS would do as head of the Justice Department. For every constituent of mine who has expressed support of his nomination, 15 have expressed opposition.

Senator SESSIONS has fought against fixing our immigration system, opposing as the leading opponent of bipartisan legislation which, had it passed, would have spared us much of the current debate over walls and immigration.

Senator SESSIONS fought against our bipartisan criminal justice and sentencing reform bill.

Senator SESSIONS opposed reauthorizing the Violence Against Women Act—a bill which is vitally important to the Rhode Island Department of Attorney General and to the anti-domestic violence groups around Rhode Island.

Senator SESSIONS' record on support of gay and lesbian Americans has alarmed many Rhode Islanders. Public statements and confirmation testimony by Senator SESSIONS suggest that he brings a religious preference to the Department and that what he calls secular attorneys would be, to him, suspect compared to Christian attorneys. That distinction between a secular attorney and a religious attorney is one that runs counter to very solid principles upon which my State was founded. Roger Williams brought to us freedom of conscience.

Senator SESSIONS has called Breitbart News a bright spot. I must disagree. Breitbart News is not, to me, a bright spot. Breitbart has published baseless and inflammatory articles with titles like "Birth Control Makes Women Unattractive and Crazy."

In fairness, I should disclose that Senator SESSIONS' nomination carries an additional burden with me as the nominee of this President and this White House. The need for an independent Attorney General has rarely, if ever, been greater.

On the campaign trail, the American people witnessed Donald Trump glorify sexual misconduct, mock a disabled reporter, and make disparaging remarks about immigrants and minorities. We all witnessed chants at Trump rallies of "lock her up." At his confirmation hearings, Senator SESSIONS excused these as "humorously done." In mass rallies that also featured people getting beaten and the press caged and vilified, this didn't seem very humorous to many Americans. I think Americans know that the good guys in the movie are not the ones in the mob; the good guy is the lawman who stands on the jailhouse porch and sends the mob

home. To me, that "lock her up" chant was un-American. I believe that across the country it made honest prosecutors' stomachs turn.

Not surprisingly, many Americans are fearful of what the Trump administration will mean for them, for their families, and for their country.

The problems with this President did not end with the campaign. President Trump and his family have brought more conflicts of interest to the White House than all other modern Presidents and families combined. The proposed Trump domestic Cabinet is an unprecedented swamp of conflicts of interest, failures of disclosure and divestment, and dark money secrets. We have not even been permitted, in the course of our nomination advice-and-consent process, to explore the full depth of that unprecedented swamp because the dark money operations of nominees have been kept from us. In one case, thousands of emails are still covered up. The Trump White House traffics in alternative facts, operates vindictively, and is a haven for special interest influence. None of this is good. All of this suggests that there will be more or less constant occasion for investigation and even prosecution of this administration.

Independence is at a premium. Nothing could have made this more clear than the first disagreement between the Trump White House and the Department of Justice, whose outcome was that the Acting Attorney General—a woman with 30 years' experience in the Department, a career prosecutor, former assistant U.S. attorney, former U.S. attorney, and someone recognized for her leadership throughout the Department—was summarily fired.

This is also not a good sign. In recent history, Attorneys General Gonzales, Meese, and Mitchell were politically close to their Presidents, and the Gonzales, Meese, and Mitchell tenures did not end well.

Attorney General Mitchell worked for President Nixon. They met when their New York law firms merged in the early 1970s, and they became law partners. John Mitchell was the campaign manager for Nixon's 1968 Presidential campaign. There were signs that things weren't quite right because when Nixon nominated Mitchell to be his Attorney General, he appealed directly to FBI Director Hoover not to conduct the usual background check. Mitchell ultimately resigned as Attorney General in order to run President Nixon's reelection campaign. So the political link between Mitchell and Nixon was very close, and sure enough, scandal ensued. Attorney General Mitchell turned out to be a central figure of the Watergate scandal. As the chairman of the reelection committee, the famous CREEP, Mitchell was responsible for appointing G. Gordon Liddy and approving the dirty tricks program while still Attorney General.

That dirty tricks program ultimately included breaking into national Democratic headquarters in the Watergate.

The upshot of this was that Mitchell was charged with conspiracy, obstruction of justice, and three counts of perjury. He was convicted on all counts, and he served 19 months in prison.

Attorney General Edwin Meese was also very close to President Reagan. Meese joined the 1980 Reagan Presidential campaign as Chief of Staff. He ran the day-to-day campaign operations and was the senior issues adviser. After the election, Edwin Meese was given the job of leading the Reagan transition, and once in office, Reagan appointed Meese as Counselor to the President. According to press accounts at the time, Meese was known as someone who “has known the President so long and so well, he has become almost an alter ego of Ronald Reagan.” That was the political background between Meese and President Reagan.

Again, it did not end well. Meese came under scrutiny for his role in the Iran-Contra scandal. The congressional committee that reported on the Iran-Contra scandal in November 1987 determined that Meese had failed to take appropriate steps to prevent members of the administration from destroying critical evidence. An independent counsel named Lawrence Walsh finished a report in 1993 that stated that Meese had made a false statement when he said Reagan had not known about the 1985 Iran-Contra deal. Iran-Contra was not the only controversy that plagued Attorney General Meese. A company called Wedtech Corporation was seeking Department of Defense contracts in the early 1980s. The company hired Meese's former law school classmate and his personal attorney, a lawyer named E. Robert Wallach, to lobby the Reagan administration on its behalf. Attorney General Meese helped Wedtech at Wallach's urging get a special hearing on a \$32 million Army engine contract, although the Army considered the company unqualified. Well, the contract was awarded to Wedtech, and then one of Meese's top deputies went to work for Wedtech.

The Federal criminal investigation that resulted led to the conviction of E. Robert Wallach, the former law school classmate and personal attorney of Meese, for whom he had set up the meetings with the government.

Independent counsel James McKay investigated the Wedtech contract, including investigating allegations of misconduct by Meese. While Meese was never convicted, he resigned following the issuance of the independent counsel's 800-page report.

Third is Attorney General Gonzales. Attorney General Gonzales was close to then-Governor Bush in Texas. He was his general counsel. When Governor Bush became President Bush, Gonzales came to Washington to serve as White House Counsel. He was appointed Attorney General in 2005. During his tenure at the Department of Justice, there were multiple investigations, many of which played out before the Senate Judiciary Committee, in-

volving the Warrantless Wiretapping Program, the U.S. attorney's scandal, and inquiries into the Department's management of the torture program legal opinions.

Ultimately, Members of both Houses of Congress called for Attorney General Gonzales's resignation—or demanded that he be fired by the President—and Attorney General Gonzales resigned.

There is a track record here of Attorneys General who are politically close to a President coming into harm's way and doing poorly in the Department. One particular office that is vulnerable to this kind of undue proximity, and failure of independence, is a body in the Department of Justice called the Office of Legal Counsel. Jack Goldsmith, a former head of the Office of Legal Counsel—and a Republican, by the way—testified before the Senate Judiciary Committee that “more than any other institution inside the executive branch, OLC is supposed to provide detached, apolitical legal advice.” And it has an honorable tradition of providing such advice to a remarkable degree, but under the Bush administration, the OLC departed from that tradition. It came up in a number of ways. The first was during our investigation into President Bush's Warrantless Wiretapping Program.

When Office of Legal Counsel memos supporting the program came to light, I plowed through a fat stack of those classified opinions that were held in secret over at the White House and pressed to have some of the statements declassified. Here are some of the statements that were declassified found in those OLC opinions:

An Executive order cannot limit a President. There is no constitutional requirement for a President to issue a new Executive order whenever he wishes to depart from the terms of a previous Executive order.

So this means a President could issue an Executive order, have it published in the Federal Register, put it forward as the policy of the administration—a direction to all the attorneys in the administration—and then secretly depart from it without ever changing what the public is told about the policy. A theory like this allows the Federal Register, where these Executive orders are assembled, to become a screen of falsehood, behind which illegal programs can operate in violation of the very Executive order that purports to control the executive branch. That was just one.

Another one I will quote: “The President exercising his constitutional authority under Article II, can determine whether an action is a lawful exercise of the President's authority under Article II.”

If that sounds a little bit like pulling yourself up by your own bootstraps, well, it sounds that way to me, too, and it runs contrary to a fairly basic constitutional principle announced in the famous case of *Marbury v. Madison*—which every law student knows—which says: “It is emphatically the province

and duty of the judiciary to say what the law is.”

A third example—and this is another quote from an OLC opinion: “The Department of Justice is bound by the President's legal [opinions.]”

Well, if that is true, what is the point of a President sending matters over to the Department of Justice for legal review? If the President did it, and it is therefore automatically legal, there would be no function to the Department of Justice accomplishing that legal review.

So in this area of warrantless wiretapping, the Office of Legal Counsel within the Department of Justice came up with what seemed to be quite remarkable theories in the privacy and secrecy of that office, in those classified opinions that are really hard to justify in the broad light of day. That is why independence matters so much. Obviously, the White House wanted those opinions to say what they said, but in the clear light of day, they don't hold up.

Let us move on from the warrantless wiretapping opinions of the Bush Department of Justice to the OLC opinions that the Bush administration used to authorize waterboarding of detainees. Again, I was one of the first Senators to review the OLC opinions, and when I read them, I will say I was quite surprised. I was surprised not just by what they said but by what they didn't say. One thing that was entirely omitted was the history of waterboarding. Waterboarding was used by the Spanish Inquisition, by the Khmer Rouge in Cambodia, by the French-suppressing revolts in Algeria, by the Japanese in World War II, and by military dictatorships in Latin America. The technique, as we know, ordinarily involves strapping a captive in a reclining position, heels overhead, putting a cloth over his face, and pouring water over the cloth to create the impression of drowning. Senator JOHN MCCAIN, held captive for more than 5 years by the North Vietnamese, said this of waterboarding:

It is not a complicated procedure. It is torture.

American prosecutors and American judges in military tribunals after World War II prosecuted Japanese soldiers for war crimes for torture on the evidence of their waterboarding American prisoners of war. None of that history appeared in the Office of Legal Counsel opinion.

The other major thing the Office of Legal Counsel overlooked was a case involving a Texas sheriff who was prosecuted as a criminal for waterboarding prisoners in 1984. Let's start with the fact that this was a case that was brought by the Department of Justice. It was the U.S. attorney for that district who prosecuted the sheriff. The Department of Justice won the case at trial.

The case went up on appeal to the U.S. Court of Appeals for the Fifth Circuit, the court one level below the U.S. Supreme Court. In its appellate decision, the U.S. Court of Appeals for the

Fifth Circuit described the technique as “water torture.”

All a legal researcher had to do was to type the words “water” and “torture” into the legal search engines Lexis or Westlaw, and this case would come up: *United States v. Lee*. You can find it at 744 F2d 1124.

Over and over in that published appellate opinion by the second highest level of court in the Federal judiciary, they described the technique as torture. Yet the Office of Legal Counsel never mentioned this case in their decision.

Ordinarily, what a proper lawyer is supposed to do, if they find adverse precedent—i.e., decisions that appear to come down a different way than the argument the lawyer is making—is they report the decision to the court, and then they try to distinguish it, they try to convince the judge they are before why that case was either wrongly decided or does not apply on the facts of their case. But the Office of Legal Counsel did not offer any effort to distinguish the Fifth Circuit decision; it simply pretended it did not exist or it never found it. It is hard to know which is worse.

At sentencing in the *Lee* case, the district judge admonished the former sheriff who had been found guilty of waterboarding: “The operation down there would embarrass the dictator of a country.”

Well, it is also pretty embarrassing when what is supposed to be the institution inside the executive branch that is supposed to provide detached, apolitical legal advice in an honorable tradition of providing such advice, to a remarkable degree, to quote Professor Goldsmith, misses a case so clearly on point.

That was not the only OLC error. In addition to the warrantless wiretapping statements, in addition to the Office of Legal Counsel opinions on waterboarding, they undertook a review of the Foreign Intelligence Surveillance Act.

In the Foreign Intelligence Surveillance Act is something called an exclusivity provision. It says this: The Foreign Intelligence Surveillance Act “shall be the exclusive means by which electronic surveillance and the interception of domestic wire, oral and electronic communications may be conducted.” Shall be the exclusive means. Seems pretty clear. But the Office of Legal Counsel said about that language—I quote them here: Unless Congress made a clear statement in the Foreign Intelligence Surveillance Act that it sought to restrict Presidential authority to conduct wireless searches in the national security area, which it has not, then the statute must be construed to avoid such a reading—which it has not.

Congress said that this shall be the exclusive means. If the OLC was not happy reading the language of the statute, they could go to a court where this language had already been construed.

The decision was called *United States v. Andonian*, and the judge in that case ruled that this language, the exclusivity clause—I am quoting the court’s decision—“reveals that Congress intended to sew up the perceived loopholes through which the President had been able to avoid the warrant requirement.”

The exclusivity clause makes it impossible for the President to opt out of the legislative scheme by retreating to his inherent executive sovereignty over foreign affairs. The exclusivity clause assures that the President cannot avoid Congress’s limitations by resorting to inherent powers.

In the face of that case law, the Office of Legal Counsel held that Congress had not said what it said and this was not exclusive language, even though a court had said so.

The reason I share those three stories is because it really matters in important issues when the Department of Justice has the capability and the courage to stand up to the President. It really matters when they get it wrong. It really matters when they say things that simply are not correct or legally sound in order to support a warrantless wiretapping program. It really matters when they don’t find the case on point to evaluate whether waterboarding is torture. It really matters when they go around a clear congressional statute which a judge has said closes the door to going around that statute by simply saying privately: Well, that door is not actually closed. It matters.

I have insufficient confidence that as Attorney General, Senator Sessions will be able to stand up to the kind of pressure we can expect this White House to bring. We know that this White House operates vindictively and likes to push people around.

We found out recently that Mr. Bannon went running over to see General Kelly to tell him to undo the green card waiver of the Muslim ban. Thankfully General Kelly refused and stuck by his duty. But this is the kind of White House we have, where they try to push people around to do the wrong thing.

They are so contemptuous of authority outside their own that they are willing to attack a Federal judge who disagrees with them, calling him a “so-called judge.” They are willing to fire an Acting Attorney General who disagrees with them, firing her summarily and accusing her of betrayal. The pressure this White House can be expected to bring on the Department of Justice to conform itself not to the law but to the political demands of the President is going to be intense.

Moreover, the conflicts of interest that crawl through this White House and that crawl over this swamp Cabinet offer every reasonable cause to believe that there will have to be investigations and prosecutions into this administration.

That combination of a target-rich environment in this administration for

investigation and prosecution with a vindictive White House that does not hesitate to try to bully officials into conformity calls for the highest degree of independence. I do not feel Senator Sessions makes that standard. He was too close to the President during the political race. He has not stood up against any of those excesses I have mentioned since then. It is with regret that I must say I will not be able to vote to confirm him.

One of the reasons I became a lawyer was because of “To Kill a Mocking Bird.” As a kid, I just loved Atticus Finch. He is great in the movie. He is even better in the book. Some of the things that Atticus Finch says about the law and about human nature are so brave and so profound that from the first time I read that book, boy, I would love to have been Atticus Finch. I would love to have had the chance to stand in the breach when everyone was against you and stick up for doing something that was right. Gosh, that felt so great.

Like the scene in many movies, the hero is not a part of the mob, not carrying a torch toward the jailhouse; the hero is the lonely lawman who sits on the porch and won’t let the mob in. That is what I think we are going to need in our next Attorney General.

I yield the floor.

The PRESIDING OFFICER (Mr. SULLIVAN). The Senator from Oregon.

Mr. MERKLEY. Mr. President, I will be speaking later tonight, perhaps about 2 o’clock, possibly on through 4 o’clock, but I wanted to take a few moments now and share some of the letter that was discussed earlier and share it in a fashion that is appropriate under our rules. I would like to thank very much my colleague from New Jersey for yielding a few minutes in order to do so.

I think it is important for us to understand the context of what this letter was all about. This letter was a statement of Coretta Scott King, and it was dated Thursday, March 13, 1966. She noted: “My longstanding commitment which I shared with my husband Martin”—of course that is Martin Luther King—“to protect and enhance the rights of black Americans, rights which include equal access to the Democratic process, tells me to testify today.” Then in her letter she goes on to essentially present an essay about the essential role of voting rights in our country, and so I will continue to read in that regard. She says:

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—

Now she is quoting Martin Luther King—

“Certainly no community in the history of the negro struggle has responded with the enthusiasm of Selma and her neighboring

town of Marion. Where Birmingham depended largely upon students and unemployed adults to participate in nonviolent protests of the denial of the franchise, Selma has involved fully 10 percent of the negro population in active demonstrations and at least half the negro population of Marion was arrested on 1 day."

That was the end of the quote from her husband. She continued writing:

Martin was referring, of course, to a group that included the defendants recently prosecuted for assisting elderly and illiterate blacks to exercise that franchise.

Each time she refers to franchise, she is referring to this fundamental right to vote under our Constitution.

And she continued:

In fact, Martin anticipated from the depth of their commitment 20 years ago, that a united political organization would remain in Perry 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, continued "to direct the drive for votes and other rights."

That is a quote from her husband. And then she continued. In this letter, she says:

In the years since the Voting Rights Act was passed, Black Americans in Marion, Selma, and elsewhere have made important strides in their struggle to participate actively in the electoral process. The number of Blacks registered to vote in key Southern states has doubled [she said] since 1965. This would not have been possible without the Voting Rights Act.

She continues in her essay. She says:

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. It has 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 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.

She continues in her letter to note:

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 bore witness. As my husband wrote 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 forced an inhuman march upon hundreds of 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 petitioning for their constitutional right to vote.

This is what Martin Luther King is referring to was the specific actions of sheriffs in the South who were representing the law. And then Coretta Scott King continued:

Free exercise of voting rights is so fundamental to American democracy that we cannot tolerate any form of infringement 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 win the vote than Black citizens. 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 used in attempts 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 brutality against black citizens who tried to vote, to such legalized frauds as "grandfather clause" exclusions and rigged literacy tests.

Now she proceeds to note that other techniques were used to intimidate Black voters and that included investigations into the absentee voting process, and this concerned her a great deal. And she notes that Whites have 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.

Then she proceeds to address that there were occasions where individuals with legal authority chose to initiate cases specifically against African Americans while ignoring allegations of similar behavior by Whites, "choosing instead to chill the exercise of the franchise by Blacks by his misguided investigation."

Let me continue later in the letter. She addresses her concern over the prosecution illegally withholding from the defense critical statements made by witnesses and that witnesses who did testify were pressured and intimidated into submitting the "correct" testimony. That is incorrect testimony.

Many elderly Blacks were visited multiple times by the FBI who then hauled them over 180 miles by bus to a grand jury in Mobile when they could have more easily testified at a grand jury twenty miles away in Selma. These voters, and others, have announced they are now never going to vote again.

She obviously is addressing issue after issue that affected the Black franchise, the franchise of African Americans, the ability to vote, and then she returns to her essay about how important this is.

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.

Coretta Scott King continues:

We still have a long way 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 underrepresented at every level of government in America. If we are going to make our timeless dream of justice through democracy 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 of the Constitution is honored.

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 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.

And she concludes her letter having examined a number of incidents in the historical record with this conclusion:

I do not believe Jefferson Sessions possesses the requisite judgment, competence, and sensitivity to the rights guaranteed by the federal civil rights laws to qualify for appointment to the federal district court.

And that is the context of her letter; that voting rights matter a tremendous amount. I applaud the efforts of my colleague from Massachusetts to make this point and share this essay with the body of the Senate earlier this evening.

Mr. WHITEHOUSE. Will the Senator yield for a question?

Mr. MERKLEY. I yield.

Mr. WHITEHOUSE. Mr. President, may I ask the Senator, through the Chair, if the letter from which he just read has a date?

Mr. MERKLEY. Well, the answer is that it does have a date, and that is Thursday, March 13, 1986.

Mr. WHITEHOUSE. 1986. And is the Senator aware of the occasion that brought this letter to the Senate?

Mr. MERKLEY. I am.

Mr. WHITEHOUSE. What was that occasion?

Mr. MERKLEY. That occasion was a hearing before the Senate Judiciary Committee regarding the potential appointment of the individual to the U.S. District Court for the Southern District of Alabama.

Mr. WHITEHOUSE. And this letter was made a matter of record in that hearing?

Mr. MERKLEY. I do not know if it was made a matter of record.

My impression initially was that she had read this letter at the hearing, but I am not sure if it was presented in person or as a document submitted to the committee.

Mr. WHITEHOUSE. But clearly the content of this letter has been a matter known to the Senate and, depending on what the facts may show, may actually have been a record of the Senate for more than 30 years.

Mr. MERKLEY. I believe that is probably correct.

Mr. WHITEHOUSE. So a Senator of the United States has been accused of violating a rule of the Senate for restating to the Senate a phrase that has been a matter of record in the Senate—if, indeed, that is the case—for 30 years.

I yield the floor.

MORNING BUSINESS

TRIBUTE TO ADMIRAL LLOYD R. "JOE" VASEY

• Mr. MCCAIN. Mr. President, last week, we celebrated the 100th birthday of an American for whom my family