

rights under the Fourteenth Amendment's equal protection clause. The district court dismissed the claim, saying that contribution restrictions were constitutional. But a three-judge Tenth Circuit panel (consisting of two Republicans and one Democrat) unanimously reversed the lower court, finding that the disparities in contribution limits were, indeed, a violation of the equal protection provision.

Gorsuch took the time to write a separate concurring opinion. What's encouraging about Gorsuch's opinion is that he accurately discusses complex campaign law, and this takes time and skill. Trust me, I've read plenty of lower court opinions in campaign finance cases where the lower court judges . . . can't follow the ins and outs of the exceptions to the exceptions in campaign finance law.

These details do not stump Gorsuch. He writes thoughtfully and incisively about how the Supreme Court has been unclear about exactly which level of scrutiny applies to equal protection objections to differential campaign contributions. In the end, he concludes that whether the standard is strict scrutiny or intermediate scrutiny, the Colorado law cannot justify allowing major party candidates to raise twice as much as minor party candidates.

Gorsuch also deserves credit for crafting his opinion narrowly and taking the time to note the limits of the case's holding. As he wrote, "[h]aving said this much, it is worth pausing to emphasize what isn't said in these pages. Nothing in what I've suggested or what the court holds intimates that Colorado must adopt a per-election-cycle rather than a per-election approach to the regulation of campaign contributions." This limiting language appears to display sensitivity to the fact that Colorado has great latitude to choose its own means of election administration and campaign finance. This shows judicial incrementalism and a laudable degree of modesty.

But there are a few words from Gorsuch's opinion which should give campaign finance reformers pause. For one, he wrote, "[n]o one before us disputes that the act of contributing to political campaigns implicates a 'basic constitutional freedom,' one lying 'at the foundation of a free society' and enjoying a significant relationship to the right to speak and associate, both expressly protected First Amendment activities."

In other words, Gorsuch is maintaining the link between political money and free speech. He added, "[t]he plaintiffs before us don't complain that Colorado's contribution limits violate their First Amendment rights because, say, the limits are too low for everyone."

This last quote is ambiguous. It is not clear whether there is an inadvertently missing word "they" before "say" which would mean he was attributing this statement to the plaintiffs in the case. But the way it is written sounds like Gorsuch himself is saying that contributions are too low for everyone. The limits at issue were \$400 for major party candidates and \$200 for minor party and write-in candidates. If this is his true belief, it would demonstrate hostility to one of the basic pillars of campaign finance reform since Watergate: modest contribution limits.

So the good news is Gorsuch can navigate his way through a tangle of precedent—a basic qualification for a jurist. The bad news is he may harbor antipathy to regulating money in politics. If Gorsuch is elevated to the Supreme Court, he can help conservatives move the goal post to script scrutiny so that Colorado's and other States' attempts to temper the role of money in politics will be far more difficult to justify in court.

So let me return to where I started yesterday evening. We are facing three very significant problems. The first problem is that for the first time in history, we are considering a nominee for a stolen Supreme Court seat. That alone should be reason for everyone who cares about this institution to turn down this nominee and to convey to the President that the only legitimate nominee for this open seat is Merrick Garland, because as a Senate we have a stake in the legitimacy of our work and that of the Court. To confirm anyone but Merrick Garland to this seat confirms the Senate as the thief who took the seat for the first time in U.S. history and transported it to another President in an effort to pack the Court.

Furthermore, if there is a person confirmed to this seat other than Merrick Garland, it will cast a shadow over every 5-to-4 decision that individual participates in, in the years to come. It destroys the public credibility of the position. It makes the Supreme Court simply into a political body to which clever campaign tactics have delivered a majority for one ideological vision over another. Let's not enter into that position of destroying the credibility of the Senate process and the integrity of the Court in one fell swoop.

Second of all, we should not be considering a nominee from a President who is under investigation for conspiring with Russia to change the outcome of an election. We don't know where those investigations will lead, but what we do know is that this places a big cloud over the legitimacy of him holding the office. Let's clear up that cloud. Let's answer the questions that were raised when, a week ago Monday, FBI Director Comey came to Capitol Hill to talk to the House and say: Yes, those investigations are underway.

We know what the diabolical practices of the Russians were. We know they created fake news. We know they had a team of roughly 1,000 people sending out contrived social media messages to comment on the events of the day, to make it look like American citizens were commenting and to make one candidate look very good and the other candidate look very bad.

Finally, this is an extreme nominee from the far right who does not believe in the fundamental vision of "we the people" and makes decision after decision through tortured, twisted, contrived arguments to find for the powerful over the people. That is unacceptable.

THE PRESIDING OFFICER (Mr. COTTON). Under the previous order, the time until 11 a.m. will be controlled by the majority.

RECOGNITION OF THE MAJORITY LEADER

The majority leader is recognized.

Mr. McCONNELL. Mr. President, Neil Gorsuch is eminently qualified to serve on the Supreme Court. He was confirmed by the Senate to his Federal judgeship with no Democratic opposition at all—none. He participated there

in more than 2,700 cases, writing in the majority 99 percent of the time and enjoying unanimous support 97 percent of the time.

He received the highest possible rating from a group the Democratic leader called the "gold standard" for evaluating judicial nominations—the American Bar Association. He has earned high praise from across the political spectrum, with Democrats and Republicans alike attesting to his qualifications, his fairness, and his impartiality. He also enjoys the support of a bipartisan majority of the Senate. Yet the Democratic leadership is now determined to block his confirmation with the first successful partisan filibuster of a Supreme Court nominee in American history. They proved that in yesterday's procedural vote.

Judge Neil Gorsuch is one of the most impressive nominees we have ever seen. If a widely appraised nominee like this can't get past a Democratic filibuster, then no nominee of a Republican President can. Democrats would filibuster Ruth Bader Ginsburg if President Trump nominated her. We all know why. The Democrats are bowing to hard-left special interests who can't get over the results of the election and thus are demanding complete Democratic opposition to everything—everything this President touches. As the Washington Post just reported, the Democratic leader "seemed ready to endorse every argument activists made."

It seems some Democrats made up their minds long ago to oppose whomever this President nominated. The Democratic leader himself indicated as much before Judge Gorsuch was even selected. He even mused on a liberal talk show about holding the seat open indefinitely. So it doesn't really matter whom this President nominates; a Democratic minority is determined to successfully launch an unprecedented partisan filibuster regardless. Perhaps that is why Democrats still have yet to put forward a cogent rationale to oppose him—not that that would be easy, you understand.

As a longtime Democratic board member of the left-leaning American Constitution Society put it, "The Senate should confirm [Judge Gorsuch] because there is no principled reason to vote no."

Well, if there is no principled reason to vote no on this nomination, then there is certainly no principled reason to prevent the Senate from taking a vote on it at all. But that is just what a partisan Democratic minority of the Senate is threatening to do—for the first time in the nearly 230-year history of the Senate.

Let me remind colleagues of something I said yesterday. When President Clinton nominated Justice Ginsburg, I voted to confirm her. When President Clinton nominated Justice Breyer, I voted to confirm him. When President Obama nominated Justice Sotomayor and Justice Kagan, I led my party in

working to ensure that they received an up-or-down vote—in other words, not a filibuster. I knew I would often disagree with their opinions on the Court, and I certainly wasn't wrong about that, but I thought it was the right thing to do.

I understand that our Democratic colleagues are currently under a great deal of pressure from special interests on the far left. I think everyone in elected office can empathize with this situation they are experiencing. Listening to these hard-left special interests may seem like the politically expedient thing for Democrats to do for their party today, but I would ask them to make their decision based on what they know is right for the country tomorrow.

There is still time for them to make the right choice. There is still time for them to support a nominee who even longtime Democrats have praised—or, at the very least, to not block him with the first successful partisan filibuster in American history.

So I hope Democrats reevaluate their position before the important vote we will take tomorrow. I hope they will consider what their actions would mean for future Supreme Court confirmations. I hope they will consider what their actions could mean for the future of this body more broadly, too, because, as we all know, the American people will be watching. History will record the decision Democrats make, and there is simply no principled reason to oppose this exceptional Supreme Court nominee.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, we are continuing to debate the nomination of Judge Gorsuch to serve as Associate Justice of the Supreme Court. My colleagues on both sides of the aisle have said that this is an important moment for the Senate. I couldn't agree more.

I think it is important to reflect on why we are here and how we got here. Before I turn to the Supreme Court and the current debate, let me take just a few minutes to talk about lower court nominees and provide a little bit of history and context, especially for the benefit of some of the Senators who weren't here over the last few years.

I am going to start way back in the spring of 2001. President George W. Bush had just been elected President. As we all know, it was a close election, and it was hard fought. The Senate was closely divided, with the Republicans in control. Given how close the Presidential election was, there were elements of the hard left who refused to accept the results of that election. Some blamed Ralph Nader, others blamed Governor Jeb Bush, and still others blamed the Supreme Court. Many on the hard left claimed that President George W. Bush wasn't a "legitimate" President. Liberal interest groups were egging on the Democratic leadership to fight the new President at every turn.

That still sounds very familiar for this year we are in.

At the same time, one major concern for the hard-left liberal interest groups was that President Bush, who they claimed wasn't legitimate, would be able to nominate conservative judges. Again, doesn't that sound familiar?

Senator CORNYN went over some of this same subject yesterday, but it deserves discussion now, and it serves as a reminder of where we have been before because sometimes the past predicts the future.

So in the spring of 2001, the hard-left interest groups went to the Senate Democratic leadership with a plan. According to the New York Times, "42 of the Senate's 50 Democrats attended a private retreat . . . where a principal topic was forging a unified party strategy to combat the White House on judicial nominees." Thinking about 2017, doesn't that sound a little familiar?

At that meeting—Cass Sunstein, Marcia Greenberger, and Laurence Tribe spoke at the retreat and pitched to the Democrats who were present their idea of how this crusade could proceed.

According to one attendee, "They said it was important for the Senate to change the ground rules, and there was no obligation to confirm someone just because they are scholarly and erudite."

Well, let's think about that for a moment. Why do you suppose they believed they needed to "change the ground rules" for confirming judges? It is because up to that point you didn't filibuster judges. You just didn't. You heard the majority leader speak to that point in his short remarks this morning about how things have changed after more than 200 years.

Well, as it happened, less than a month after the caucus retreat, Senator Jeffords from Vermont switched parties and began caucusing with the Democrats. That threw the majority to the Democrats for the next 18 months. Then they lost the election of 2002, and in the spring of 2003, Republicans were back in the majority.

Now back in the minority, Senate Democrats went ahead with the plans that were enunciated at that retreat to "change the ground rules." For the first time in the history of the Senate, they began to systematically filibuster circuit court nominees—not because they believed the nominees weren't qualified. The nominees were qualified. And it was not because they believed the nominees didn't have the necessary experience. The nominees did have the necessary experience. They filibustered those nominees because they believed they were conservative judges.

So with respect to appellate court nominees, Senate Democrats, at the behest of the far left, took the unprecedented step of using the filibuster in a very systematic way for the first time in Senate history. At the time, there was a lot of debate about changing the rules, dubbed the so-called nuclear op-

tion, so that nominees would be afforded an up-or-down vote, consistent with the Senate's history and practice.

Well, Republicans exercised restraint and agreed to step back. Then President Obama became President. Our side didn't like the use of a filibuster for judges, but we also didn't think there should be two sets of rules—one for a Republican President and one for a Democratic President. Common sense tells you that is a legitimate position to take.

We defeated two circuit court nominees, one to the Ninth Circuit and one to the DC Circuit. Then President Obama nominated three individuals to the DC Circuit. Our side denied cloture on those three nominees to the DC Circuit.

Well, at that point, their side didn't like playing by the rules they wrote, so then-Majority Leader Reid took another unprecedented step. In November of 2013, he utilized the so-called nuclear option to eliminate the very tactic they pioneered. The nuclear option becomes effectively the regroup.

So that is how the filibuster was first used on lower court nominees and later eliminated. Senate Democrats took the unprecedented step to utilize that. Then when it no longer benefited them, they used unprecedented means to eliminate it.

This brings me back to where we are today and the rest of this week—talking about a Supreme Court nominee, Judge Gorsuch.

Everyone knows we had a big debate last year about whether to proceed with the Garland nomination. There were 52 Republicans who believed we should follow Senate history and tradition and not proceed with the nomination in the middle of a heated election year.

I know it frustrates my colleagues to hear me say it, but fact is that in 1992, when then-Senator Biden was chairman of the Judiciary Committee, he announced that he wouldn't hold a hearing to fill a vacancy in the last year of President Bush's term. So last year, we followed the precedent that then-Senator Biden described in 1992 for all of the same reasons he discussed.

You get back to this commonsense principle: Can you have one rule for Republican Presidents and another rule for Democratic Presidents? We didn't feel you could. And, of course, everyone in this Chamber knows that if the shoe were on the other foot, the Democrats would have done the same thing, because they said they would. In fact, President Obama's former White House Counsel admitted as much. She said she would have recommended the same course of action if the tables were turned.

So now here we are, April 2017, with the nominee before us. Just as in 2001, we have just had a very contentious Presidential election. It was close. It was hard fought, and frankly, some on

the hard left refused to accept the results of the election. Once again, left-wing groups are egging on the minority leader to take another unprecedented step with respect to judicial nominations. Only this time they want him to lead the very first partisan filibuster of a Supreme Court nomination in U.S. history. Based on the vote we had yesterday, it appears 44 Democrats are prepared to follow the minority leader on this fool's errand. No Supreme Court nomination in our country's entire history has ever failed because of a partisan filibuster. There is no getting around that fact.

Abe Fortas, whom I have referred to, was subjected to a bipartisan filibuster over ethical concerns when President Johnson tried to elevate him to be Chief Justice.

Justice Thomas was confirmed by a vote of 52 to 48. I was here for that nomination. A single Senator—any Senator—could have demanded a cloture vote, but out of 100 Senators, none did. Why? For the simple, common-sense fact and 200 years of history that you don't filibuster a Supreme Court nomination.

But today is entirely different. The minority is committed to filibustering this fine nominee in the first partisan filibuster in U.S. history.

So here we are. The President has nominated an exceptionally qualified judge to take Justice Scalia's seat on the Supreme Court. The Democrats will break new ground again by conducting a partisan filibuster of the nominee. Republicans aren't the ones breaking new ground here. As a matter of fact, the Democrats' own Vice Presidential nominee last year emphatically promised that the Democrats would further change the rules to make sure an expected-President Clinton's nominees couldn't be filibustered.

So at the end of the day, the fact is that if Democrats insist on a filibuster, the Republicans will insist on following the practice that Senators have followed for more than 200 years, and that is not to have a partisan filibuster for somebody going to the Supreme Court. We don't conduct partisan filibusters of Supreme Court nominees, and we certainly are not going to start with this highly qualified nominee.

I hope those that think back 16 or 17 years—when this meeting of Democrats in retreat came to the conclusion that you had to break new ground—realize that they have poisoned the well of the comity traditional of the Senate. I think maybe a lot of them realize that was a mistake, as we realized that was a mistake, and it would be nice to get back to the comity of the Senate that existed on judges prior to 15 or 16 years ago. But that is going to take people on their side who were present at that same retreat who are still in the U.S. Senate to drill a new well, because the present one is poisoned, and we need to get back to the comity that we have had.

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. BARRASSO. 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. BARRASSO. Mr. President, I come to the floor today because we are at a decisive and consequential moment in the Senate. We are here to consider the nomination of Judge Neil Gorsuch to be a Justice of the U.S. Supreme Court.

Will Democrat Senators vote to have a well-qualified, mainstream Justice who stands for the rule of law, or will the extreme leftwing of that party continue to try to call the shots? That is a decision Members are going to have to make.

America needs judges who can follow the law, apply the law, have the highest ethical standards, and value the independence of our courts. To me, that is a description of Judge Gorsuch. That is him in a nutshell. We saw it throughout his career, and we saw it again at his confirmation hearings in the Judiciary Committee.

Democrats on the committee asked him to answer hypothetical questions. They asked about issues that are probably going to be coming before the Supreme Court of the land. There are ethics rules that say that judges and nominees cannot answer those kinds of questions and, of course, Judge Gorsuch followed the rules. That is exactly what other nominees have done in the past who were nominated by Republican Presidents and Democratic Presidents.

Ruth Bader Ginsburg did so in her confirmation hearing in 1993. She said: "A judge sworn to decide impartially can offer no forecasts, no hints." She said this would display disdain for the entire judicial process. Of course, she was confirmed and sits on the Court today. It has been known as the Ginsburg standard, and every nominee since her nomination hearing has followed that same standard. That is what Justice Gorsuch did.

The Democrats on the Judiciary Committee tried to criticize Judge Gorsuch for some of his opinions that they didn't like. They talked about a couple of cases where the person who was on the losing side in the case was sympathetic. They suggested that the Court should have ignored the law and sided with "the little guy" in the involved cases. Judge Gorsuch pointed out that judges are absolutely not supposed to consider what they think is sympathetic. They are supposed to rule on the law. Federal judges actually swear an oath "to administer justice without respect to persons, and do equal right to the poor and to the rich."

Most Senators recognize that judges should be impartial. The minority

leader, Senator SCHUMER, has actually spoken about how important this is. At the confirmation hearing for Justice Sonia Sotomayor in 2009, nominated by President Obama, Senator SCHUMER praised the way she put the "rule of law above everything else." He said that she followed the texts of statutes, "even when doing so results in rulings that go against so-called sympathetic litigants." That was in 2009. Now it is 2017, and that is the identical standard Judge Gorsuch has continued to follow.

Judge Gorsuch pointed out that it is his job to apply the law, not to write the law. Writing laws is the job of Congress. We are not here to select the 101st Senator; we are here to select a Justice for the Supreme Court. We are selecting a Justice for the most important Court in the land, and it is important and imperative that we take this decision seriously and that we set aside any partisan grudges.

Democrats who want to filibuster this judge are not arguing any principle here. Reasonable individuals know this nominee deserves to be confirmed.

One lawyer wrote an op-ed in the Washington Post on March 8, a board member of the very liberal American Constitution Society. He wrote that "there is no principled reason" to vote against Judge Gorsuch. Well, he is exactly right.

I listened to the arguments Democrats made in the confirmation hearing. I was not convinced. If any of my colleagues on the Democratic side of the aisle are undecided about how to vote, I suggest they go back and look and listen to the hearings as well and look at what other people have said about this nominee.

A Chicago Tribune editorial said that confirmation hearing revealed "unassailable assurances by Gorsuch that he would decide each case on the merits, based on the law as written, applied to the world as it is today."

The Detroit news agreed. It said that Judge Gorsuch showed that he is a "deeply knowledgeable nominee who should be confirmed by the Senate."

On Monday, USA TODAY had their own headline. It said, "On the Merits, Gorsuch Merits Confirmation."

The American Bar Association surveyed 5,000 people who have worked with Judge Gorsuch over the years. These people described him using words like "brilliant," "thoughtful," and "really, really, really smart."

The Bar Association also found that "Judge Gorsuch believes strongly in the independence" of the judiciary. This is the Bar Association. The American Bar Association predicted that "he will be a strong but respectful voice in protecting it." The group ended up giving him its highest possible rating. Interestingly, Senator SCHUMER once called this group "the gold standard" for evaluating judges—"the gold standard," he called it—and they have given him their highest possible rating. So why does the minority

leader think the gold standard is not good enough anymore?

Judge Gorsuch was even introduced at his confirmation hearing by a former top lawyer for the Obama administration. Neal Katyal is a Democrat. He served as Solicitor General of the United States under President Obama. He called Gorsuch “one of the most thoughtful and brilliant judges to have served our nation over the last century.” Let me repeat. This is someone who served as Solicitor General of the United States under President Obama calling Judge Gorsuch “one of the most thoughtful and brilliant judges to have served our nation over the last century.” He even wrote an op-ed in the New York Times that predicted that Judge Gorsuch would “help to restore confidence in the rule of law.” Help to restore confidence. Isn’t that what we want as a nation—confidence in the rule of law?

I think that any Democrat who has looked at this nominee’s record will find it is an easy decision to confirm him. If there is a Democrat who reaches the opposite conclusion, I say come to the floor of the Senate and explain why you think our judges should go into a case favoring one side over another because one side is more sympathetic than the other. If there is a Member who thinks that a judge should make promises about how they will rule just to win a confirmation vote of a given Senator, I say come to the floor and make your case. If there is a Member who thinks a Justice on the Supreme Court should rule based on that Justice’s own preferences and not based on the law, I would say please come to the floor of the Senate and say so.

I don’t think that is what the American people want. The American people do want Justices who are smart. They want Justices who are principled, who are fair, and who know that their job is to follow the law, not to write the law and not to legislate from the bench. The American people know that Neil Gorsuch is exactly that kind of judge. He is the kind of judge we should have on the Supreme Court, we need on the Supreme Court, and we need on every court in the land. That is why I am committed to vote to confirm Neil Gorsuch to serve on the U.S. Supreme Court.

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.

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

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

Ms. MURKOWSKI. Mr. President, like several in this Chamber, I was asked for my input to the President on whom to nominate to the U.S. Supreme Court. After much reflection, I rec-

ommended to the Vice President that Judge Neil Gorsuch of Denver, CO, should fill the Scalia seat on the Supreme Court.

I am, of course, very pleased that my advice was considered. I offered that recommendation before I had an opportunity to sit down one-on-one with Judge Gorsuch, although, in fairness, we had an opportunity in the Senate to review Judge Gorsuch and his credentials in 2006 when this body voted to confirm him by voice vote to the U.S. Court of Appeals where he now sits. After spending time with this exceptionally talented jurist and after reviewing his performance before the Senate Judiciary Committee, my level of respect for him has only grown.

Judge Gorsuch checks the box on every measure of what I am looking for in a Supreme Court nominee. Intellectual capacity, experience, independence, integrity—he has all of these. There is no question that he has the intellectual capacity to meet the challenge. Yes, we acknowledge he is an Ivy League graduate from Columbia and Harvard Law, and that actually describes many people at the top of the legal profession, but that alone is not what makes Judge Gorsuch exceptional.

Judge Gorsuch did something that most practicing lawyers don’t do. He went on to earn a doctorate in legal philosophy at Oxford. I think this is one of the many illustrations of Judge Gorsuch’s tremendous depth. And whatever else my colleagues will have to say about Judge Gorsuch in this contentious confirmation debate, there is no question that he is an intellectual heavyweight.

I next look to those who mentored Judge Gorsuch along the way, and one really cannot have better mentors than the late Justice Byron White and sitting Justice Anthony Kennedy. Justice Kennedy, we all know, has carved a niche for himself as the swing vote on the Supreme Court. There is a great deal of debate about whether a Justice Gorsuch will be more of a Scalia than a Kennedy or a White or whether, instead, he will be a Gorsuch. I suspect that he will be a Gorsuch, and that is fine by me.

What really matters is that Judge Gorsuch will come to the Supreme Court with a strong understanding of its dynamics, and there is no question that he will be effective from day one. There is no question that he will be his own man. I want to emphasize that point.

Judge Gorsuch made it very clear to me when we met that he has made no commitments to the President or his team. And he made it clear at the hearings that if any commitment were sought, he would have gotten up and walked out. After spending time with Judge Gorsuch, I believe him. I believe him on that. His commitment to an independent judiciary is resolute, and I think on this issue he will not bend to political expedience, as he should not.

He is not the President’s man, not the party’s man, nor will he represent an ideological movement on the Court. Judge Gorsuch will be his own man, following the law where it leads. That is what we should want in a Supreme Court Justice. Judge Gorsuch’s unshakable integrity explains why he has earned the unanimous “well qualified” rating from the American Bar Association.

I am also enthusiastic about Judge Gorsuch because he brings a western perspective to a Court that is desperately in need of diversity. Mr. President, you would surely agree with that—that making sure we have those who are knowledgeable based on their experience, of what is like to live in the West is important. Six of the eight sitting Supreme Court Justices have spent their entire professional careers in the Boston-Washington corridor—six of the eight. The only sitting Justice who came to the Supreme Court from someplace other than the Boston-Washington corridor is Anthony Kennedy, who was elevated from the Ninth Circuit. Judge Gorsuch has, of course, done the “Washington thing,” but his home is in the West, and he served for a decade on the Tenth Circuit in Denver. I think that makes a real difference, at least in my book.

Appellate judges in the East rarely hear cases involving Federal Indian law and Native American issues. Among the hundreds of cases that Judge Gorsuch has heard, dozens involve Indians and Indian law. In deciding those cases, he has demonstrated great sensitivity to the unique role of Indian Nations under our Constitution.

I think that explains why Judge Gorsuch has been enthusiastically endorsed by the National Congress of American Indians as well as the Native American Rights Fund. NCAI is the umbrella organization for the Nation’s federally recognized Tribes. NARF is an independent, highly respected public interest law firm which advocates for Native Americans nationally. Neither of these organizations—neither NCAI nor NARF—could ever be characterized as right-leaning. Yet they have endorsed Judge Gorsuch after reviewing his track record on cases involving Native rights. I think it is also important to recognize that the Central Council of the Tlingit and Haida Tribes of Alaska has also endorsed the Gorsuch nomination, which is important for Alaska Natives.

Another example: The Federal government controls vast amounts of land in the West and, of course, that includes our home State of Alaska. Public lands cases tend to originate in the West, not in the East. It is tremendously important that somebody on the Supreme Court have a familiarity with these issues, and Judge Gorsuch clearly does.

Along with the pervasive Federal presence in the West comes a huge Federal regulatory influence. Mr. President, you and I know that Alaskans

talk about the extent of Federal overreach in our State like other people talk about the weather. Alaskans will be interested to know, perhaps excited to know, that one of Judge Gorsuch's top intellectual interests is regulatory overreach. He has publicly questioned the proposition that Federal courts must defer to agency interpretation of the law when regulations are challenged. That is a very good thing because when a homeowner has to go to court to litigate the question of whether the pond in the back of his house is regulated wetland, the last thing that the homeowner wants to hear is that the scales of justice are somehow tipped in favor of the agency on accord of a principle known as Chevron deference.

I understand—and we all know—that there are some interest groups that suggest that Judge Gorsuch's views on Chevron deference means that somehow or another he stands for big business and against the little guy. To those organizations, allow me to introduce you to an Alaskan named John Sturgeon.

Mr. President, you and I know him well. Mr. Sturgeon was prohibited from taking his hovercraft, his boat, up a river in northern Alaska adjacent to National Park Service land. Mr. Sturgeon had to go all the way up to the Supreme Court to vindicate that right, and, against many odds, he won.

I think it is clear that Federal agencies can and do trample on the rights of the little guy. I will tell you, I find Judge Gorsuch's views on the question of deference highly refreshing at this point in time.

I should point out that I don't agree with all of the opinions written by Judge Gorsuch, but I don't expect that from a nominee. That is almost an impossible standard. In fact, Judge Gorsuch himself has acknowledged that. I do expect that the nominee be always true to the law, as Judge Gorsuch has demonstrated throughout his career.

Finally, from everything I know, Judge Gorsuch is a good and a decent man. He is a husband. He is a father of two girls. He is an outdoor person. He is a person who gives back to the next generation. In addition to his judicial duties, he regularly teaches legal ethics and professionalism at the University of Colorado Law School. In the classroom, he is known to have great respect for his students and their diverse views.

In endorsing Judge Gorsuch's elevation to the Supreme Court, the Denver Post suggested that "While Democrats will surely be tempted to criticize the nomination of anyone Trump appoints, they'd be wise to take the high road and look at qualifications and legal consistency." That is an editorial from the Denver Post, published on January 16 of this year, 2017. Those are pretty wise words. Again, "Democrats would be wise to take the high road and look at his qualifications and

legal consistency." That is what we should be looking at. And I think it is so unfortunate that many of my friends on the other side of the aisle have failed to heed this advice laid down in the Denver Post earlier this year.

I have seen judicial nominees come and go over my 14 years in this body, but I will tell you, I haven't seen any one more intriguing than Judge Gorsuch with his qualifications. He has had a stellar legal career. He is brilliant. He is a rock star among Federal judges. And that kind of judge is the one law students would compete to clerk for. If this body could step back from the politics of all this, he should be confirmed with upwards of 80 or 90 votes, not subjected to a filibuster. That is the caliber of the person we are considering. I honestly cannot fathom why an individual of Judge Gorsuch's stature would be drug through the mud. I just don't believe that reflects well on this body.

I am known within the Senate for my independence in evaluating judicial nominees. While I was not a part of the Gang of 14 back in 2005 who proposed the standard for Federal court nominees, I have pretty much chosen to live by it. Except in the most extraordinary of circumstances, I do not believe judicial nominees should be denied a straight up-or-down vote. I just don't believe they should be denied that. I have practiced that. If one were to examine my record, it is clear that I have walked that walk. Sometimes it has been a walk accompanied by my friend the Senator from Maine. In the case of Goodwin Liu's nomination to the Ninth Circuit, I was the sole Republican to stand up for this principle and vote against a filibuster. I would not have voted to confirm Mr. Liu, but I felt very strongly that he had the right to an up-or-down vote.

So we are at this place today in considering not a nominee to the Ninth Circuit but a nominee to the Supreme Court. I would ask my colleagues on the Democratic side to give the same deference to Judge Gorsuch.

I also pride myself as one who believes in the traditions of the Senate, but it is not the tradition of the Senate to filibuster a U.S. Supreme Court nominee.

I do not believe that Judge Gorsuch is getting a fair shake in today's Senate, and as deeply as I care about bipartisanship in this body, I will not acquiesce to an effort to deny Judge Gorsuch a seat on the Supreme Court.

I acknowledge my friends on the other side of the aisle who have indicated that they will not support a filibuster, and I implore those of my colleagues who have indicated that they will filibuster the nomination of Neil Gorsuch to reconsider that position.

After spending time with Judge Gorsuch, after studying his life story, I am left with the undeniable impression that Neil Gorsuch has been nominated to a position that he has prepared his

whole life to assume. He is not merely a good choice, in my book, he is the best choice. He will not merely be a good Justice; I believe he will be a great Justice, perhaps a Justice of historic proportion.

So today I offer Judge Gorsuch my most enthusiastic endorsement. I have no doubt that before we leave for Easter recess, he will be confirmed as an Associate Justice of the U.S. Supreme Court.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

SYRIA

Mr. MCCAIN. Mr. President, before I get into my remarks about the impending action of the Senate with regard to the so-called nuclear option, I would just point out that the attacks yesterday on innocent men, women, and children should not have come as a surprise. It was in 2013 that the then-Secretary of State, Secretary of Defense, and the head of the CIA recommended to the President that we arm the Free Syrian Army and bring Bashar Assad's barbarity to a halt. The President of the United States rejected that. Bashar Assad used chemical weapons, and the President called me and Senator GRAHAM over to the White House and said: If they cross the redline, I am going to act. We are going to degrade Bashar Assad and upgrade the Free Syrian Army and have regime change.

Then, of course, he backed down. You know, there is one thing worse than doing nothing: It is saying you are going to do something and then not doing it. That sent a signal everywhere in the world, not just Syria. The fact is, we knew it would happen again. So we have seen this movie before. Unless we act, we are going to see it again.

I am encouraged, frankly, that General Mattis, General McMaster, and the President of the United States have said that this act of incredible barbarity and cruelty will not go unresponded to. But I can assure my colleagues this: If we don't respond to this, then there will be more use of these chemical weapons and weapons of mass destruction, and there will be more innocent people who will die.

Eight years of Obama's failure is what led to the events that just took place that horrified all of us. That requires us to stand up to this barbarity, help the Free Syrian Army, establish safe zones, and make sure that Bashar Assad, propped up by the Russians and the Iranians and the Iranian Revolutionary Guard and Hezbollah, is no longer able to perpetrate these war crimes on innocent men, women, and children.

Mr. President, it is also with some sorrow that I regret having to come to