

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.