

town of Marion. Where Birmingham depended largely upon students and unemployed adults to participate in nonviolent protests of the denial of the franchise, Selma has involved fully 10 percent of the negro population in active demonstrations and at least half the negro population of Marion was arrested on 1 day."

That was the end of the quote from her husband. She continued writing:

Martin was referring, of course, to a group that included the defendants recently prosecuted for assisting elderly and illiterate blacks to exercise that franchise.

Each time she refers to franchise, she is referring to this fundamental right to vote under our Constitution.

And she continued:

In fact, Martin anticipated from the depth of their commitment 20 years ago, that a united political organization would remain in Perry County long after the other marchers had left. This organization, the Perry County Civic League, started by Mr. TURNER, Mr. Hogue, and others, as Martin predicted, continued "to direct the drive for votes and other rights."

That is a quote from her husband. And then she continued. In this letter, she says:

In the years since the Voting Rights Act was passed, Black Americans in Marion, Selma, and elsewhere have made important strides in their struggle to participate actively in the electoral process. The number of Blacks registered to vote in key Southern states has doubled [she said] since 1965. This would not have been possible without the Voting Rights Act.

She continues in her essay. She says:

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

She continues in her letter to note:

Twenty years ago, when we marched from Selma to Montgomery, the fear of voting was real, as the broken bones and bloody heads in Selma and Marion bore witness. As my husband wrote at the time, "it was not just a sick imagination that conjured up the vision of a public official sworn to uphold the law, who forced an inhuman march upon hundreds of Negro children; who ordered the Rev. James Bevel to be chained to his sickbed; who clubbed a Negro woman registrant, and who callously inflicted repeated brutalities and indignities upon nonviolent Negroes peacefully petitioning for their constitutional right to vote."

This is what Martin Luther King is referring to was the specific actions of sheriffs in the South who were representing the law. And then Coretta Scott King continued:

Free exercise of voting rights is so fundamental to American democracy that we cannot tolerate any form of infringement of those rights. Of all the groups who have been disenfranchised in our nation's history, none has struggled longer or suffered more in the attempt to win the vote than Black citizens. No group has had access to the ballot box denied so persistently and intently.

Over the past century, a broad array of schemes have been used in attempts to block the Black vote. The range of techniques developed with the purpose of repressing black voting rights run the gamut from the straightforward application of brutality against black citizens who tried to vote, to such legalized frauds as "grandfather clause" exclusions and rigged literacy tests.

Now she proceeds to note that other techniques were used to intimidate Black voters and that included investigations into the absentee voting process, and this concerned her a great deal. And she notes that Whites have been using the absentee process to their advantage for years without incident. Then, when Blacks, realizing its strength, began to use it with success, criminal investigations were begun.

Then she proceeds to address that there were occasions where individuals with legal authority chose to initiate cases specifically against African Americans while ignoring allegations of similar behavior by Whites, "choosing instead to chill the exercise of the franchise by Blacks by his misguided investigation."

Let me continue later in the letter. She addresses her concern over the prosecution illegally withholding from the defense critical statements made by witnesses and that witnesses who did testify were pressured and intimidated into submitting the "correct" testimony. That is incorrect testimony.

Many elderly Blacks were visited multiple times by the FBI who then hauled them over 180 miles by bus to a grand jury in Mobile when they could have more easily testified at a grand jury twenty miles away in Selma. These voters, and others, have announced they are now never going to vote again.

She obviously is addressing issue after issue that affected the Black franchise, the franchise of African Americans, the ability to vote, and then she returns to her essay about how important this is.

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

Coretta Scott King continues:

We still have a long way to go before we can say that minorities no longer need to be concerned about discrimination at the polls. Blacks, Hispanics, Native Americans and Asian Americans are grossly underrepresented at every level of government in America. If we are going to make our timeless dream of justice through democracy a reality, we must take every possible step to ensure that the spirit and intent of the Voting Rights Act of 1965 and the Fifteenth Amendment of the Constitution is honored.

The federal courts hold a unique position in our constitutional system, ensuring that minorities and other citizens without political power have a forum in which to vindicate their rights. Because of this unique role, it is essential that the people selected to be federal judges respect the basic tenets of our legal system: respect for individual rights and a commitment to equal justice for all.

The integrity of the Courts, and thus the rights they protect, can only be maintained if citizens feel confident that those selected as federal judges will be able to judge with fairness others holding differing views.

And she concludes her letter having examined a number of incidents in the historical record with this conclusion:

I do not believe Jefferson Sessions possesses the requisite judgment, competence, and sensitivity to the rights guaranteed by the federal civil rights laws to qualify for appointment to the federal district court.

And that is the context of her letter; that voting rights matter a tremendous amount. I applaud the efforts of my colleague from Massachusetts to make this point and share this essay with the body of the Senate earlier this evening.

Mr. WHITEHOUSE. Will the Senator yield for a question?

Mr. MERKLEY. I yield.

Mr. WHITEHOUSE. Mr. President, may I ask the Senator, through the Chair, if the letter from which he just read has a date?

Mr. MERKLEY. Well, the answer is that it does have a date, and that is Thursday, March 13, 1986.

Mr. WHITEHOUSE. 1986. And is the Senator aware of the occasion that brought this letter to the Senate?

Mr. MERKLEY. I am.

Mr. WHITEHOUSE. What was that occasion?

Mr. MERKLEY. That occasion was a hearing before the Senate Judiciary Committee regarding the potential appointment of the individual to the U.S. District Court for the Southern District of Alabama.

Mr. WHITEHOUSE. And this letter was made a matter of record in that hearing?

Mr. MERKLEY. I do not know if it was made a matter of record.

My impression initially was that she had read this letter at the hearing, but I am not sure if it was presented in person or as a document submitted to the committee.

Mr. WHITEHOUSE. But clearly the content of this letter has been a matter known to the Senate and, depending on what the facts may show, may actually have been a record of the Senate for more than 30 years.

Mr. MERKLEY. I believe that is probably correct.

Mr. WHITEHOUSE. So a Senator of the United States has been accused of violating a rule of the Senate for restating to the Senate a phrase that has been a matter of record in the Senate—if, indeed, that is the case—for 30 years.

I yield the floor.

#### MORNING BUSINESS

#### TRIBUTE TO ADMIRAL LLOYD R. "JOE" VASEY

- Mr. McCAIN. Mr. President, last week, we celebrated the 100th birthday of an American for whom my family

and I have always had the greatest personal respect and admiration: ADM Lloyd R. “Joe” Vasey.

Joe Vasey was my father’s dear friend and comrade for so many years. As he marks a century of life well lived, I send him the warmest wishes and convey to him thanks of a grateful nation for embodying the very finest qualities of patriotism and for his constant service to a cause greater than himself.

From the Naval Academy to dangerous duty in the Second World War to five commands at sea to service in the highest councils of military command, Joe Vasey’s was a most distinguished and honorable Navy career. But he did not believe that his retirement from active duty relieved him of the responsibilities of patriotism. He continued to serve the national interest by founding the Pacific Forum to promote security and stability in the critically important Asia-Pacific region.

The only elaboration of this illustrious life I can offer are reminiscences of a friendship, some of which I was privileged to personally observe, which for me served as emblematic of a tradition; that of service as an officer in the U.S. Navy and the bonds of respect and love that unite good officers in shared sacrifice and devotion to their service and their country. It is the tradition upon which, in the most difficult moments of my life, I relied for the strength to persevere for my country’s honor and for my self-respect.

Very late in his life, my father was interviewed for an oral history of our officers in the post-World War II Navy. “There’s a term which has slipped somewhat into disuse,” he remarked in the interview, “which I always used to the moment I retired, and that is the term: an officer and a gentleman.” Had my father been asked to identify a contemporary who personified the virtues he considered essential to the life of an officer and a gentleman, I have no doubt he would have thought first of his friend Joe Vasey.

My father’s respect and affection for Joe Vasey was unlimited. Their friendship was forged in the crucible of war and strengthened to last a lifetime by their shared experiences aboard the USS *Gunnel* as it prowled the Pacific from Midway to Nagasaki in search of the enemy. And find them they did. On one occasion, the ship sank a Japanese freighter and destroyer, but was then forced to submerge for 36 hours while avoiding Japanese depth charges. With the temperature on the submarine reaching 120 degrees and oxygen running low, my father decided to surface and try to fight the remaining Japanese ships. But he offered his torpedo officer, Joe Vasey, and the rest of his officers the option to abandon ship. To a man, they agreed with my father and rejected that course. When the *Gunnel* surfaced, its weary crew found the Japanese destroyers had given up and were steaming away. My father, Joe Vasey,

and their comrades lived to fight another day.

My father and Joe Vasey were proud veterans of an epic war. They never felt the need to exaggerate their experiences, extraordinary as they were. But they did talk about the lessons of leadership they learned and how they could be applied to new circumstances. And they had many occasions to do so. They were together when my father became commander-in-chief of Pacific Command during the Vietnam war and Admiral Vasey served as his most trusted adviser as head of strategic plans and policies. They were together when they argued to Washington for a strategy to win the war rather than just continue the bleeding. And they were together when my father gave orders for B-52s to bomb the city in which his son was held a prisoner of war. They were the best of friends and exemplified that noblest of traditions: brothers in arms.

I count myself immeasurably fortunate to have benefited from their example early in life so that I could derive the strength I needed to survive later misfortune from their stories, their courage, and their honor.

So to Joe Vasey, a great patriot, a good man, an officer and a gentleman, and a brave defender of this Nation, I wish a very happy birthday, fair winds, and following seas. •

#### MESSAGE FROM THE HOUSE

At 10:25 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 337. An act to transfer administrative jurisdiction over certain Bureau of Land Management land from the Secretary of the Interior to the Secretary of Veterans Affairs for inclusion in the Black Hills National Cemetery, and for other purposes.

H.R. 387. An act to amend title 18, United States Code, to update the privacy protections for electronic communications information that is stored by third-party service providers in order to protect consumer privacy interests while meeting law enforcement needs, and for other purposes.

H.R. 494. An act to expand the boundary of Fort Frederica National Monument in the State of Georgia, and for other purposes.

H.R. 618. An act to authorize, direct, expedite, and facilitate a land exchange in El Paso and Teller Counties, Colorado, and for other purposes.

H.R. 688. An act to adjust the boundary of the Arapaho National Forest, Colorado, and for other purposes.

H.R. 689. An act to insure adequate use and access to the existing Bolts Ditch headgate and ditch segment within the Holy Cross Wilderness in Eagle County, Colorado, and for other purposes.

H.R. 698. An act to require a land conveyance involving the Elkhorn Ranch and the White River National Forest in the State of Colorado, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 18. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 337. An act to transfer administrative jurisdiction over certain Bureau of Land Management land from the Secretary of the Interior to the Secretary of Veterans Affairs for inclusion in the Black Hills National Cemetery, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 387. An act to amend title 18, United States Code, to update the privacy protections for electronic communications information that is stored by third-party service providers in order to protect consumer privacy interests while meeting law enforcement needs, and for other purposes; to the Committee on the Judiciary.

H.R. 494. An act to expand the boundary of Fort Frederica National Monument in the State of Georgia, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 618. An act to authorize, direct, expedite, and facilitate a land exchange in El Paso and Teller Counties, Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 688. An act to adjust the boundary of the Arapaho National Forest, Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 689. An act to insure adequate use and access to the existing Bolts Ditch headgate and ditch segment within the Holy Cross Wilderness in Eagle County, Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-669. A communication from the Secretary of the Army, transmitting, pursuant to law, a report relative to Army Force Structure (OSS-2017-0149); to the Committee on Armed Services.

EC-670. A joint communication from the Secretary of Defense and the Secretary of Energy, transmitting, pursuant to law, the fiscal year 2017 report on the plan for the nuclear weapons stockpile, complex, delivery systems, and command and control systems (OSS-2016-1038); to the Committees on Armed Services; Appropriations; and Foreign Relations.

EC-671. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled “Rules of Practice and Procedure; Adjusting Civil Money Penalties for Inflation” (RIN3052-AD21) received in the Office of the President of the Senate on February 6, 2017; to the Committee on Agriculture, Nutrition, and Forestry.