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House of Representatives

The House was not in session today. Its next meeting will be held on Thursday, February 9, 2017, at 2:30 p.m.

Senate

WEDNESDAY, FEBRUARY 8, 2017

(*Legislative day of Monday, February 6, 2017*)

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from New Jersey.

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

I witnessed earlier tonight something that greatly disappointed me. One of my colleagues, as was mentioned earlier, stood up to read into the RECORD a letter, as we just saw, that has been a part of the record of this body for decades—to read that letter into the RECORD. That was then stopped through the Chair because it was said to impugn another sitting Senator.

As CHUCK SCHUMER said, that is selective enforcement, but to me there is that going on and a lot more.

I used to preside in the first months I was in the U.S. Senate and sat and listened to the speeches of many of my colleagues. I have to say, I am proud to be a Member of the body, where folks on both sides comport themselves with a level of comity that is admirable.

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

passed many of those bills with my colleagues, colleagues whom I don't just consider colleagues; frankly, I consider them friends.

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

But what makes it more of a frustration is the context in which it happened tonight. You see, Senator WARREN stood up and was speaking with a passion about this nomination. And in the midst of her speaking her truth, in the midst of her speaking her heart, she was stopped as she read something into the RECORD that had been there for decades. To me that is problematic not just because it was a regular speech but because this had to do with her constitutional duty of providing advice and consent. She wasn't just quoting someone, something that she heard on the street, some hearsay. She was actually quoting Coretta Scott King, a civil rights hero, the wife of the slain Martin Luther King, who we, as Americans in our Nation—we don't have many of them—literally recognize with a national holiday. So that makes

it all the more disturbing to me that Senator WARREN would stand up, exercising what is one of her specifically constitutional, mandated duties and was stopped because of a rule being enforced that in my opinion, as well as Leader SCHUMER's, is selectively enforced. But let's go further into the fact that the contents of that letter, much of it shared, are actually substantive and have bearing on the thoughts and feelings of many people in the Senate.

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

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

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

I sat where the Presiding Officer, the Senator from Alaska, is sitting, and

- This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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there were many times I heard things that were uncomfortable, that I disagreed with, that I thought were wrong, but this body should respect the idea of free speech.

Tonight, I am proud of Senator WARREN. She stood and told her truth. To see this body act as it did tonight is disappointing to me, and it is not a violation of the ideals of comity. It is not.

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

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

Nobody is questioning JEFF SESSIONS' love of country. Nobody here is questioning his kindness and collegiality. I experienced that. I have spent 3 years in the Senate. He is far senior to me, and there is no time that we connected on the floor or in the Senate gym in which he didn't show me kindness and respect. Let's put that aside.

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

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

So I start my remarks tonight, aggrieved by what I saw happen to ELIZABETH WARREN. In fact, it stunned me. I didn't even believe it when I heard that a U.S. Senator would be silenced by another U.S. Senator from reading something that had been in the record for 30 years, as if somehow we are afraid to hear that truth on that paper or in her heart. God bless her for standing up and speaking up and refusing to be silent, and then, in the tradition of the King family, taking the consequences.

I want to state that what she did respects a difference that is worth analyzing for a moment. We have colleagues here with whom we disagree. We are part of the U.S. Senate. There is a lot of respect back and forth. Again, the senior Senator from Utah is a giant in my eyes. The eulogy he gave at Senator Teddy Kennedy's funeral was one of my favorite U.S. Senate moments, even though it didn't happen on this floor. But it did show that two men could fight and disagree and could still have respect for each other; two men could raise their voices at times and have passionate arguments about

what they believed in. This body was designed to bring people of diverse geographies—thank God, eventually diverse racial backgrounds, diverse gender—all together to represent our States and to have it out.

No one Senator has supreme power. This is not the Executive branch. Both sides have to want things. We have to meet a 60-vote threshold on some occasions. That is the type of power we have here.

When someone from here leaves this position and moves to the executive branch and is heading an agency, they have tremendous power. In fact, the Attorney General is one of the most powerful positions in America and actually even in some sense is independent of the Presidency. The idea of the Attorney General is that when the President is wrong, the Attorney General has a role and lets the President know that, taking the appropriate action.

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

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

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

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

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

I confess, on that day I was feeling a sense of pride, standing right over there with the Vice President. I was feeling pride, but I was also hollow in

my heart. I was hurting because I knew my dad would have wanted to see me become a Senator. This guy who was born poor in a segregated community in the South, in the mountains of North Carolina, could never have imagined that one day his son would be sworn in as a U.S. Senator.

My dad taught me lessons, as so many of our fathers did. I learned about hard work. I learned about sacrifice. Jane Baldwin said it best: Children are never good at listening to their elders, but they never fail to imitate them. I thank God to this day that I had models to emulate.

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

But here was a self-made man, looking at me every step of the way, and letting me know: Son—sometimes it would be boy—you didn't get here on your own. I would walk around my house, staring in the refrigerator, and he would say: Boy, don't you dare walk around this house like you hit a triple. You were born on third base.

Well, yes, I got it after years because my father said: Son, you are where you are because of this Nation, not just the values and ideals. I mean, come on, I want to tell the truth. This is a country that was formed with a level of genius that I can't take away from, a level of ascendant thought in the span of human history that is remarkable, and my father respected that, but he knew that what makes this country real was not just what our Founders did, it is what average Americans did to make real the promise of this democracy. Even when challenges occurred in this country, they didn't think they befall themselves, they somehow fought to make this country more real.

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

(Mr. SCOTT assumed the Chair.)

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

on the vacation of the bicentennial of the Constitution itself. This is what he said:

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

He goes on:

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

He writes:

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

This is Thurgood Marshall:

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

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

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

Thurgood Marshall writes:

These omissions were intentional. The record of the Framers’ debates on the slave question is especially clear: The Southern States acceded to the demands of the New England States for giving Congress broad power to regulate commerce, in exchange for the right to continue the slave trade.

The economic interests of the regions coalesced; New Englanders engaged in the “carrying trade”—and it continues.

Thurgood Marshall goes on:

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

The final draft adopted in 1776 did not contain this criticism. And so again at the Constitutional Convention, eloquent objections to the institution of slavery went unheeded.

Thurgood Marshall goes on to so eloquently discuss the evolutions it took

to come to where we are today. He writes that the men who gathered in Philadelphia in 1787 could not have envisioned the changes that have taken place that resulted in the world in which he was living here in 1987.

He writes:

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

Thurgood Marshall himself—

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

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

So before I swore that oath, my mom—before I hit the Senate floor and became a Member of this august body, she took me across the Capitol to meet with another man because she wanted the last thing that I did to be a humble recognition of upon whose shoulders I stood. The last thing I did before I became a U.S. Senator was to meet with JOHN LEWIS.

Congressman LEWIS, if you know him, you are shaken by his goodness and his decency. You are shaken by his kindness. I don’t want to elevate him. He is not a perfect man, but this is a hero to me and to so many Americans. He is someone who lives his values, doesn’t just preach them. And when I sat to have a meal with him—he had put a spread together—he told me that when I was sworn in as the fourth popularly elected African American in the history of this body, it was a triumph for him, that it made him proud. Here I am standing before my mom’s classmate, my parents’ generation, and he is elevating me and telling me how important this day is to him.

What is fascinating to me was he didn’t just speak those words. I looked around his office and it was like a civil rights museum—people who marched for me and you and others; people who went on freedom rides for me and you and others; people who fought for voting rights for me and you and others. All the while I am sitting there, and he

will not even let me get up. He is serving me food. That is his spirit.

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

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

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

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

Millions of Americans are encouraged by our country’s effort to create a more inclusive democracy the last 50 years, but what some of us call a beloved community, a community at peace with itself. We are not a minority. A clear majority of Americans said they want this to be a fair, just, and open Nation. They are afraid that this country is headed in the wrong direction. They are concerned that some leaders reject decades of progress and want to return to the dark past when the power of the law was used to deny the freedoms protected by the Constitution, the Bill of Rights, and the amendments. These are the voices I represent today.

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

Those who are committed to equal justice in our society wonder whether Senator Sessions’ call for law and order will mean today what it meant in Alabama when I was coming up back then. The rule of law was used to violate the human and civil rights of the poor, the dispossessed, people of color. I was born in rural Alabama, not very far from where Senator Sessions was raised. There was no way to escape or deny the choke hold of discrimination and racial hatred that surrounded us. I saw the signs that said “White Waiting, Colored Waiting.” I saw the signs that said, “White Men, Colored Men;” “White Women, Colored Women.” I tasted the bitter fruits, the bitter fruits of segregation and racial discrimination. Segregation was the law of the land to order our society

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

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

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

It doesn't matter how Senator Sessions may smile, how friendly he may be, how he may speak to you. But we need someone who is going to stand up, speak up, and speak out for the people that need help, for people that have been discriminated against. And it doesn't matter whether they are Black or White, Latino, Asian, Native American, whether they are gay or straight, Muslim, Christian, or Jews. We all live in the same house—the American house. We need someone as Attorney General who is going to look out for all of us and not just for some of us.

Now, he speaks:

I ran out of time. Thank you for giving me a chance to testify.

JOHN LEWIS had 5 minutes before the Judiciary Committee—5 minutes to enter words into one of the greatest historical records of all time—the record of this body, the record of the Judiciary Committee. He brushed on issues that aren't a passing fancy to him. He has lived for these issues. He has fought for these issues. He has dedicated his life to these issues. This man, this champion, chose not to be silent. He had a window of opportunity.

That doesn't mean he doesn't love JEFF SESSIONS. I know he does. It

doesn't mean that he doesn't think he is kind and collegial when the two meet. I have watched them. Senator JEFF SESSIONS and I were there to present him with the Congressional Medal. But what it means is that he has real concerns about the cause of our country, because this Nation has made such dramatic strides towards freedom and justice. It has made those strides because people like him, folks from all different backgrounds didn't just pledge allegiance to the flag. They didn't just say the words "liberty and justice for all." They put their lives on the line to make it happen.

I have seen this kind of patriotism made real in my lifetime by the men and women who put the uniform on to serve us overseas, all the way to men and women putting uniforms on to protect our neighborhoods, who make rational choices every day to fight for our safety, our security, for our liberty, and for our justice.

I stand here now to speak out against JEFF SESSIONS becoming the highest law enforcement officer of the land, not because of any personal feelings I have about him—because I too, like I was called to do as a little boy in Sunday school, believe in the ideals of love thy neighbor. It doesn't detract from that love to speak up, to speak my heart, to speak my mind.

Senator ELIZABETH WARREN stood up speaking the words of Coretta Scott King. It doesn't detract from the collegiality of this institution for her to speak her mind, especially when those are issues that are at the core of our Constitution.

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

Now, I am not just saying that as a partisan spouting. I am actually referring to actual judicial inquiries of the Federal Government. In the State of North Carolina, as soon as the Shelby decision came and before the ink got dry, States like North Carolina, Texas, and others started to change their voting laws. It is hard to do things in the cover of night without the power to investigate what actually happened. A Federal judge saw in North Carolina, and said that they were discriminating against African Americans, that they had tailored this law—I think the quote exactly is—with surgical precision to discriminate against African-American voters. This is not fiction. This isn't made up. These are the facts.

There are still people in this country in positions of power who are seeking to pervert the law to discriminate

against certain populations and advantage themselves politically. It is not just cheaters. But it is clearly discriminatory in this case on race.

Now, if we know that is going on, JOHN LEWIS, myself, millions of Americans, Republicans, Democrats, and Independents believe that we should investigate these things. But the problem is we now have someone that is nominated to the very office, the Justice Department, who has said that the activities around voting rights to investigate these issues are intrusive. This is at a time when we still have issues with voting where States are moving not to open up the access to voting, not to make it easier, not to make it more free and fair. There are folks who are trying to create laws that are choking it, and some of these laws factually have been designed to disadvantage certain populations.

The highest law enforcement officer in the land has an obligation to aggressively investigate these potential violations of law. But we have listened to what the priorities are of Senator SESSIONS. It is not to investigate what is real, what is substantive, what has happened and likely will happen. It is to investigate the fiction created, documented, that somehow millions of Americans woke up in the morning and said: Do you know what I am going to try to do? I am going down to a polling place and fake my way into voting. It is hard to get millions of Americans to vote, period, sometimes, but somehow this fiction is the highest priority when it comes to voting of this Attorney General.

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

Something else that was spoken about in JOHN LEWIS's testimony that is a real issue in America and this has to do with the prevalence in this country of ongoing hate crimes. Senator SESSIONS, as a Senator, again in a body in which one Senator does not have the power to pass legislation, failed to stand with the majority of Senators when it came to issues of laws that were designed for dealing with bias-motivated crimes that target specifically people's sexual orientation and gender identity.

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

You have in the testimony a civil rights hero talking about the challenges facing the LGBT community, a civil rights hero who is joined with me and others, decrying the fact that in this country right now you may have

the right to marriage equality, but still in most States in America if you get married, you post it on your Facebook page, you go to work the next day, your boss says you are fired because you got married to someone of the same sex, and there is no legal recourse.

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

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

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

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

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

A passing cyclist saw what he thought was a scarecrow lashed to a wooden buck fence on a remote plot of land. The scarecrow turned out to be Matthew, unconscious, a huge gash in his head, his face drenched with blood except where his tear trails had washed it clean. His shoes were missing.

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

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

The Acting Assistant Attorney General for the Civil Rights Division at the

Department of Justice Jocelyn Samuels wrote the following in 2013: But while the men responsible for the Shepard and Byrd killings were later convicted of murder, none of them were prosecuted for committing a hate crime. At the time these murders were committed, neither Wyoming nor Texas had hate crime laws, and existing Federal hate crime protections did not include violent acts based on the victim's sexual orientation and only covered racial violence against those engaged in a federally protected activity, such as voting or attending school. Four years ago today, President Barack Obama signed the Matthew Shepard and James Byrd, Jr. Hate Crime Prevention Act. This landmark legislation, championed by the late Senator Ted Kennedy, greatly expanded the Federal Government's ability to prosecute hate crimes. The law enables the Justice Department to prosecute crimes motivated by race, color, religion, and national origin without having to show that the defendant was engaged in a federally protected activity.

The Shepard-Byrd Act also empowers the department to prosecute crimes committed because of a person's sexual orientation, gender identity, gender or disability as hate crimes. The law also marked the first time that the words "lesbian, gay, bisexual and transgender" appeared in the U.S. Code. Under the leadership of Attorney General Holder, the Criminal Section of Civil Rights Division and U.S. attorney's offices around the country have used that law to address the most serious hate crimes. Over the last 4 years, 44 people in 16 States have been convicted under the Shepard-Byrd act for their discrimination in crimes against others on the basis of race, religion, national origin, sexual orientation, gender identity or disability.

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

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

None of us can be silent if we believe in those words: liberty and justice for all. At a time where this is a real problem, we should trust that the highest law enforcement officer would do something about it, would vigorously and

seriously defend and fight against the kind of horrific crimes that are still being perpetrated in America. That is not all.

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

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

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

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

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

As the mayor of a city working directly with police officers, I could give countless examples and great testimony as to the strength and courage of

officers. I commend JEFF SESSIONS for talking about how important our police officers are, but understand that it does not diminish our respect and our love and our admiration and our gratitude toward police officers, toward law enforcement in this country to ask that we make sure, through systems of accountability, that we are holding law enforcement officers to the highest levels of professional conduct. There is not an officer I know that has any problem with that.

This is what concerns me: We know in this country that we have challenges with an equal application of the law. One recent study from researchers at the University of Louisville and the University of South Carolina documented that unarmed Black men were shot and killed in 2015 at disproportionately higher rates. We have seen other challenges with poor communities and African-American communities having unjust usage of the law directed toward them. We all know about Ferguson, MO, where the city's law enforcement practices disproportionately impacted African Americans. It was the Justice Department that investigated the Ferguson Police Department and found that from 2012 to 2014, Blacks accounted for 85 percent of vehicle stops, 90 percent of citations, and 93 percent of arrests. This is in spite of the fact that Blacks made up only 67 percent of the total population. The information came to light because of the Justice Department's investigation.

In Baltimore, the Department of Justice found that the Baltimore Police Department targeted policing of certain Baltimore neighborhoods with minimal oversight or accountability, disproportionately harming Black residents; the Baltimore Police Department stops African-American drivers at disproportionate rates. African Americans accounted for 82 percent of all vehicle stops compared to 60 percent of the driving age population in the city and only 27 percent of the driving age population in the greater metropolitan area. Racial disparities in the Baltimore Police Department's arrests are more pronounced for highly discretionary offenses. Blacks accounted for 91 percent of the people charged solely with failure to obey or "trustpass." Blacks were 89 percent of the 1,353 people charged for making a false statement to an officer; 84 percent of the people were arrested for disorderly conduct.

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

When I was mayor of Newark, we were making a very conscious effort to improve, yet we still found difficulties. When the Department of Justice came to our city, they were able to do data gathering that we did not do. Perhaps we didn't have the resources, didn't understand the urgency. But when the

Department of Justice came in and pulled that data, put a lot of resources into analyzing it, they found about 80 percent of the Newark Police Department stops and arrests involved Blacks, while the population is 53.9 percent Black. Black residents of Newark were at least 2.5 times more likely to be subjected to a pedestrian stop.

The data that was pulled by the Department of Justice helped us to step up our work with the ACLU and others and begin to address these issues. The Department of Justice's investigations, accountability, working with local law enforcement departments have helped make changes in Newark and Ferguson and will help make change in Baltimore and all around our country.

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

During his confirmation hearings, Senator SESSIONS said: "I think there is a concern that good police officers and good departments can be sued by the Department of Justice when you just have some individuals within the department doing things wrong." That is problematic to me because it is a failure to understand the larger challenges we have with policing in America: This is not something; it is just a few bad officers. And even that construction of this idea that it is somehow bad officers versus good officers—when it comes to implicit racial bias, and how it is impacting law enforcement in America, sometimes people don't even feel comfortable with those terms, "implicit racial bias," as if it is somehow calling people racist, which it is not. It is actually this idea that we, at the Federal Government, the Justice Department, working with localities, can actually help departments begin to address the reality in this country that we have a justice system that does not have equal application of law enforcement. This is a real problem in this country. And when I say it is a real problem, again, this is not a partisan issue.

FBI Director James Comey, one of our highest law enforcement officers, to my knowledge, is a Republican. This law enforcement officer speaks with clarity about the urgency and the need to address this issue within American policing. He says that, unfortunately, in places like Ferguson and New York City and in some communities around this Nation, there is a disconnect between police agencies and many citizens, predominantly in communities of color. Serious debates are taking place about how law enforcement personnel relate to the communities they serve. This is Director Comey in a speech he gave:

Serious debates are taking place about how law enforcement personnel relate to the

communities they serve, about the appropriate uses of force, and about real and perceived biases, both within and outside of law enforcement. These are important debates.

Every American should feel free to express an informed opinion—to protest peacefully, to convey frustration and even anger in a constructive way. That is what makes our democracy great. Those conversations—as bumpy and as uncomfortable as they can be—help us understand different perspectives, and better serve our communities. Of course, these are only conversations in the true sense of that word if we are willing not only talk, but to listen, too.

Director Comey continues in his speech:

I worry that this incredibly important and incredibly difficult conversation about race and policing has become focused entirely on the nature and character of law enforcement officers, when it should also be about something much harder to discuss. Debating the nature of policing is very important, but I worry that it has become an excuse, at times, to avoid doing something harder.

Much research points to the widespread existence of unconscious bias. Many people in our white-majority culture have unconscious racial biases and react differently to a white face than a black face.

We simply must find ways to see each other more clearly. And part of that has to involve collecting and sharing better information about encounters between police and citizens, especially violent encounters.

The first step to understanding what is really going on in our communities and in our country is to gather more data related to those we arrest, those we confront for breaking the law and jeopardizing public safety, and those who confront us. "Data" seems a dry and boring word but, without it, we cannot understand our world and make it better.

How can we address concerns about "use of force," how can we address concerns about officer-involved shootings if we do not have a reliable grasp on the demographics and circumstances of these incidents? We simply must improve the way we collect and analyze data to see the true nature of what's happening in the all of our communities.

The FBI tracks and publishes the number of "justifiable homicides" reported by police departments, but again, reporting by police departments is voluntary and not all departments participate. That means we cannot fully track the number of incidents in which force is used by police, or against police, including nonfatal encounters, which are not reported at all.

Without complete and accurate data, we are left with "ideological thunderbolts." And that helps to spark unrest and distrust, and does not help us to get better.

Because we must get better, I intend for the FBI to be a leader in urging departments around this country to give us the facts we need for an informed discussion, the facts all of us need, to help us to make sound policy and sound decisions with that information.

This is the FBI Director talking about the urgency of collecting data and what the Justice Department has been doing for departments where people are making a case for bias in policing. I know this because it happened in Newark. The Justice Department comes in and collects data, analyzes the data, and comes to objective conclusions that are not, as Director Comey says, "ideological thunderbolts." And what they seem to be finding where they do these investigations is: Do you know what? Yes, a lot of

these communities have a right to be upset because the policing practices do reflect bias, and there is not an equal application of the law.

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

So Senator SESSIONS' views on this are out of date. They run contrary to where criminal justice reform is moving. They are in direct conflict with the people whom his office obliges itself to serve.

Given what he has said on the record, we can have no confidence that the issue of policing will be a priority if he is leading the Justice Department. In fact, we actually, with some certainty, can be confident that the Justice Department will not do this kind of aggressive data collection to understand the facts—the kind of work the FBI Director is calling for.

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

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

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

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

When I was mayor of Newark, we made CompStat stronger and better—

analysis of crime patterns and data. We use it to more effectively fight crime. But at a time of heightened suspicion and concern, at a time when leaders are talking about the reality of implicit racial bias, the highest law enforcement officer in the land should respect the truth and direction of criminal justice reform. But it is not just in policing; it is also in how we are looking at overall criminal justice reform.

In the United States of America, we have seen now that our criminal justice system since about 1980 on the Federal level has grown close to 800 percent, costing us as taxpayers billions and billions of dollars to lock up nonviolent offenders. We are disproportionate with the rest of planet Earth. We only have 4 to 5 percent of planet Earth's population, but one out of every four imprisoned people on the planet Earth is right here in the United States of America.

Do not tell me that when it comes to human beings on the planet Earth, Americans have a greater proclivity for criminality. That is just not true. Yet our so-called War on Drugs took us from being on par with the rest of planet Earth and suddenly shot us up with an 800-percent increase on the Federal level—500 percent overall in our Nation in throwing people in jail. This is disproportionately overwhelmingly non-violent people.

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

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

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

ately warehousing poor people, addicted people, mentally ill people, and people of color.

What is beautiful about this issue amidst all of the negativity that I am expressing is that there is a bipartisan coalition of Americans that range from Grover Norquist, to Newt Gingrich, the Koch brothers, Heritage Foundation, the American Enterprise Institute—these are all folks on the right—who believe we need to reform our criminal justice laws, joining with people like me who are Democrats and Independents, Christian Evangelicals who know what the Bible says about people in prison. All of these coalitions, from libertarians, to Christian Evangelicals, even some vegetarians—we all are coming to a national consensus on criminal justice reform.

In this body, you have PATRICK LEAHY and DICK DURBIN partnering with the chairman of the Judiciary Committee, CHUCK GRASSLEY; MIKE LEE; the Senator from Texas, Senator CORNYN—all came together to put together a bill that was talked about by these law enforcement officers, a bill that would help us to bring justice to our criminal justice system, a bill that would help us reduce the level of incarceration but empower people to be more successful.

What is astonishing about this is this was not a bill showing leadership; it was showing followership because similar bills are being passed in States all across our country, from Georgia to Texas. Guess what they are finding out. When they lower their prison populations, they lower crime as well.

These mandatory minimums in our country have perverted our criminal justice system. In fact, most people still think that criminal justice is about courts and judges and juries, but that is not the case. Since we have seen this War on Drugs, this race to put more and more mandatory minimums, what has actually happened is, now most criminal convictions happen through plea bargain—about 98 percent are done through plea bargain—not trials any more.

There was a great book about why innocent people plead guilty. That is because you suddenly have a nonviolent drug offense for doing things that past Presidents have admitted to doing, but you have a mandatory minimum charge thrown at you that you either plead guilty to or we are going to take you in for 5 years or more.

Well, our law tried to do the obvious: Lower these mandatory minimums. Stop wasting taxpayer money by putting nonviolent criminals in jail for extraordinarily long times.

I was just at a Federal prison in New Jersey. I had the warden walking with me, telling me: There are people in here way too long. They are not a danger, but we are paying tens of thousands of dollars a year to lock them up. Meanwhile, our kids can't get money for public schools. We can't get money for fixing our roads.

So this bipartisan coalition came together and put together legislation that reflects what is happening in the States. That would have brought more justice to our criminal justice system, but it was fought against and criticized by JEFF SESSIONS.

But even beyond that, the Justice Department, acting on its own, has been lowering mandatory minimums, has been giving instructions to prosecutors on nonviolent drug offenses not to use mandatory minimums.

So with all of this, from policing, to sentencing, to rehabilitation, to access to drug treatment, all of this reform that is going on—not in a partisan way at all—one of the few people standing against this bipartisan work, not just criticizing the legislation but criticizing the Justice Department for their work, has been JEFF SESSIONS.

Why is this an issue that, just like voting rights, LGBT, freedom from fear, freedom from violence, women's rights—why is this issue important? Why is it an issue that should be seen as so fundamental to our country? What we are seeing is the issue of mass incarceration affect our Nation in ways that most people don't fully understand.

It affects voting rights. One in five Black folks in Florida has lost their right to vote because of felony disenfranchisement overwhelmingly involving drug crimes, often doing things that people in Washington, in elected offices, have admitted to doing. That affects voting rights.

It affects poverty. One study came out that said we would have about 20 percent less poverty in America if we had incarceration rates that were similar to other nations. Why would we have 20 percent less poverty if we didn't have one-fifth of the global prison population? Well, because when you make that mistake for doing something that George Bush or Barack Obama admitted to doing, when you create that felony crime, what happens is you come out of prison and you can't get a Pell grant. You come out of prison and you can't get a job. You come out of prison and you can't get food stamps. You have door after door closed to you.

So these issues, taken together, are more than just about incarceration. It is about public safety. It is about empowering communities. It is about equal justice under the law.

The most powerful law enforcement office in the land sets priorities and has to drive forward the ideals of our country.

We are a nation that is great not just because, as I said earlier in my remarks, of our founding document, which, as Thurgood Marshall wrote, took a civil war and amendments, took an expansive vision of who is included in the ideal of “we the people,” but it is the spirit of America that has pushed forward, where people in positions of power as well as grassroots folks embody that great American spirit.

I want to read from one of our great Americans, a man named Learned Hand. Judge Learned Hand wrote a speech called the “Spirit of Liberty.” He hand-delivered the speech during World War II to 1.5 million people. It was a time when a whole bunch of naturalized citizens were there. He spoke to first-generation Americans and folks who could have traced their lineage far, far back.

He writes:

We have gathered here to affirm a faith, a faith in a common purpose, a common conviction, a common devotion.

Some of us have chosen America as the land of our adoption; the rest have come from those who did the same. For this reason, we have some right to consider ourselves a picked group, a group of those who had the courage to break from the past and brave the dangers and the loneliness of a strange land. What was the object that nerv'd us, or those who went before us, to this choice? We sought liberty—freedom from oppression, freedom from want, freedom to be ourselves. This then we sought; this we now believe that we are by way of winning.

What do we mean when we say that first of all we seek liberty?

I often wonder whether we do not rest our hopes too much upon constitutions, upon laws, upon the courts. These are false hopes; believe me, these are false hopes.

Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it; no constitution, no law, no court can even do much to help it.

While it lies there, it needs no constitution, no law, no court to save it.

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

What then is the spirit of liberty?

I cannot define it; I can only tell you my own faith. The spirit of liberty is the spirit which is not too sure that it is right; the spirit of liberty is the spirit which seeks to understand the minds of other men and women; the spirit of liberty is the spirit which weighs their interest alongside its own without bias; the spirit of liberty remembers that not even a sparrow falls to Earth unheeded; the spirit of liberty is the spirit of him who, near two thousand years ago, taught mankind that lessons it has never learned, but has never quite forgotten—that there may be a kingdom where the least shall be heard and considered side-by-side with the greatest.

And now in that spirit, that spirit of an American which has never been, and which may never be—nay, which never will be except as the conscience and courage of Americans create it—yet in the spirit of America which lies hidden in some form in the aspirations of us all; in the spirit of that America for which our young men are this moment fighting and dying; in that spirit of liberty and of America so prosperous, and safe, and contented, we shall have failed to grasp its meaning, and shall have been truant to its promise, except as we strive to make it a signal, a beacon, a standard to which the best hopes of mankind will ever turn; in confidence that you share that belief, I now ask you to raise your hands and repeat with me this pledge:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

It is this spirit that, to me, must be emboldened in our country. We still have work to do. We still have challenges. We still have unfinished business. We have a position of Attorney General because there is still injustice. It is not just the fact that we still have crime in communities, still have people who live in fear of violence. That is a reality. But there are also people who live in fear of hatred and in fear of discrimination. There are people who often don't have people at the local level to go to, and only the Federal Government can play that role of strident actor for justice.

There are still people who, for all these years, have their basic American freedoms—like their right to vote—being undermined, where people in power are trying to craft ways to discourage, to stop them from exercising that franchise. We still have a nation in which people are striving for justice.

I am proud of the voices we have heard tonight. I am proud of my colleague ELIZABETH WARREN, who felt the need to stand up and speak her truth. I am proud of heroes like JOHN LEWIS who testified and told his truth.

I realize that the hour is late, but the Senator from Hawaii is now here.

I oppose the nomination of JEFF SESSIONS and will vote no on the floor, and I hope my colleagues will join me in doing so as well.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. COTTON). The Senator from Hawaii.

Mr. SCHATZ. Mr. President, I am an institutionalist. I believe in this place. I love this place. People don't always like the rules or how they are interpreted, how they are administered, but the rules have historically differentiated the Senate from any other legislative body in the world, and I believe in that.

But what Senator WARREN did earlier tonight was not over the line. And here we are worrying about decorum and rule XIX, which says that “No Senator in debate shall . . . impute to another Senator . . . any conduct or motive unworthy or unbecoming a Senator.”

And let's be really clear here. This would not be a problem if Senator SESSIONS were not a Senator.

In other words, anytime a Senator is nominated for a Cabinet position, you can be as positive as you want, but if you want to be as tough on a Senator who has been nominated as we have been on Rex Tillerson or Betsy DeVos, you run the risk of breaking the rules.

Now let's pause a moment to understand how divorced from reality this is. While debating JEFF SESSIONS as the next Attorney General, ELIZABETH WARREN crossed an invisible line, and a rule almost never used was invoked.

The rule was not invoked when somebody called another Member a cancer. The rule was not invoked when somebody called another Member a liar.

Now, this is ridiculous, but it is actually not the main point. Here is the

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

This place, this place of privilege, this place, the dome next door built by slaves, this place, where there were hardly any women or people of color or gay people out of the closet until very recently, yet we spent hours worrying about whether ELIZABETH hurt JEFF's feelings or broke a sense of decorum. What a luxury it is to worry about that.

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

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

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

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

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

In his final speech as Attorney General, Eric Holder gave us a warning and one that remains relevant in the Senate today. He said:

Beware those who would take us back to a past that has really never existed or that was imbued with a forgotten inequity. Our destiny as Americans is always ahead of us.

Today our country faces a stark choice. Do we want to pursue an imaginary past or do we want to continue to follow the path toward progress? Do we continue in our struggle to form a more perfect union, to secure the blessings of liberty? It is hard to believe, but these are the dramatic choices before us as we consider the Cabinet nominations of this administration. And that choice is perhaps most clear in the nomination of our colleague Senator JEFF SESSIONS for Attorney General.

The Attorney General is the highest law enforcement official in the country. He or she is the defender of American values, of human rights, and of civil rights, and this person needs to have an unbreakable commitment to

fight for what is right and to lead that pursuit in making America more free and more just. That is the kind of approach we need because that is what the job demands.

The Attorney General leads the No. 1 watchdog for civil rights in our country. It is the Department charged with protecting voting rights and prosecuting human trafficking and hate crimes. They determine and defend the constitutionality of U.S. policies. Our next AG will face critical challenges that will test our justice system and our values. We need a leader committed to protecting the rights of every American regardless of race, religion, gender, national origin, or sexual orientation.

While I do like him as a colleague, Senator SESSIONS is the wrong person to serve as our Nation's Attorney General. In my judgment, his policies, priorities, and overall philosophy fall short of the standard our country has for the leader of the Justice Department. Throughout Senator SESSIONS' career, he has been on the wrong side of history. If you look at the key issues that this Attorney General will work on, it is clear that Senator SESSIONS' views fall outside the mainstream of America.

That is certainly true when it comes to criminal justice. Look at Senator SESSIONS' opposition to the Sentencing Reform and Corrections Act. This bill was a big deal. It would have reduced mandatory minimum sentencing for low-level, nonviolent crimes, while keeping tougher penalties for serious or violent crimes; it would strengthen drug addiction, rehabilitation and mental health treatments, and improve our efforts to help people who were leaving prison to settle into their communities and get back on track. Everybody liked it. Senator GRASSLEY introduced it with cosponsors from both sides of the aisle. The bill had support from the House Speaker, the International Association of Chiefs of Police, the Major Counties Sheriffs' Association, the National District Attorneys Association, the Leadership Conference on Civil and Human Rights, among many others. Even the Koch brothers liked this piece of legislation. That is because it tackled problems we all agreed needed to be solved.

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

So we had a thoughtful, bipartisan bill, but we were not able to enact it into law. Senator SESSIONS personally blocked the bill from being considered after it passed the Judiciary Committee last Congress. And he said: "Federal drug and sentencing laws have already been considerably relaxed."

The failure of reform impacts the lives of people who are hurt by unfair and outdated sentencing rules. It especially affects the families and communities of color who have been ravaged by the overincarceration of minorities. The ACLU reports that sentences imposed on Black men in the Federal system are almost 20 percent longer than sentences imposed on White men with similar crimes. Think about that—the same crime, and you get 20 percent more time if you are African American. And while people of color are just as likely as White people to sell or use illegal drugs, they are more likely to be arrested. Think about how preposterous that is—equal for justice for all, equal application of the laws, right?

People of color and Caucasians use drugs and distribute drugs in the same percentages, yet they are more likely to be arrested. African Americans make up 14 percent of regular drug users but 37 percent of people arrested for drug offenses. This raises the question of bias in law enforcement. Senator SESSIONS opposes holding State and local law enforcement accountable for racial bias and policing or the excessive use of force. He has called the approach the Justice Department took to this accountability an end run of the democratic process. He has attacked bipartisan efforts to reduce the sentences of nonviolent, low-level drug offenders, and he opposed President Obama's initiative to address racial disparities in our criminal justice system and restore fairness by granting clemency. Senator SESSIONS was critical of a Justice Department initiative that reduced overcrowding in Federal prisons by 20 percent over just the last 3 years.

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

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

But Senator SESSIONS supports aggressive Federal intervention in States that have legalized medical or recreational marijuana. He criticized the Federal Government's guidance on Federal marijuana regulation, which directed the Justice Department to respect the decisions of States to determine their own criminal laws. Because of this guidance, Federal prosecutors stopped targeting patients who rely on medical marijuana products for relief. They stopped targeting local dispensaries that are operating squarely within State law. Instead they went after criminal drug traffickers and violent drug crimes. That seems like a

smart prioritization of resources within the Justice Department—not going after people who want to utilize marijuana to alleviate pain but rather going after violent drug crimes. That seems smart, but Senator SESSIONS opposed that.

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

I would like to quote from Senator SESSIONS' argument against this policy. He said:

I think one of Obama's great failures that is obvious to me is his lax treatment and comments on marijuana. . . . It reverses 20 years almost of hostilities in drugs that began really when Nancy Reagan started "Just Say No."

But here's the thing. There is a bipartisan consensus now that the drug war is a failure. The drug war did not work. The drug war did not decrease the percentage of people utilizing illegal drugs. Every time the government succeeded in shutting down a drug trafficking ring, another would pop up. And a harsh penalty didn't slow addiction rates, it just incarcerated mostly young men. They didn't slow the flow of drugs; instead, they crowded our prisons, hurt taxpayers, and increased drug-related violence in other countries.

Now is the time to shift our strategy and focus on people who struggle with addiction. We also need to respect the decision in many cities and States to decriminalize drug possession. It is up to them as to how to ascribe relief to citizens who could benefit from using medical marijuana.

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

As head of the Justice Department, Senator SESSIONS could choose to interpret the law differently, and his record gives us every reason to be concerned. Senator SESSIONS also voted against the reauthorization of the Violence Against Women Act. He voted

against the reauthorization of the Violence Against Women Act because of a provision that ensures that victims of domestic violence are not turned away because of their sexual orientation or gender identity. That is why he voted against VAWA, because there is a provision that says you have to provide services to individuals regardless of their sexual identity. He advocated for stripping that provision and ultimately voted against the bill. As Attorney General, he could choose not to enforce this nondiscrimination clause.

Think about this. If a gay person is a victim of sexual assault, are they not morally and legally entitled to the same humanity, the same protection under the law? Senator SESSIONS has repeatedly opposed hate crimes protections against LGBTQ Americans, even attempting to insert a poison pill amendment to stop the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act from moving forward. He has argued against Federal prosecution of hate crimes, saying on the Senate floor that there is no need for the Justice Department to get involved. As Attorney General, Mr. SESSIONS would be in charge of enforcing the Hate Crimes Prevention Act. It is not a stretch to ask whether or not his enforcement would be vigorous. In fact, Senator SESSIONS has repeatedly supported laws that criminalize the LGBTQ community. In the 1990s, he tried to block an LGBTQ student conference—a student conference for gay kids that "promoted a lifestyle prohibited by sodomy and sexual misconduct laws." He argued against a conference for kids to give each other support and come up with strategies to survive bullying, to understand that what they are going through other kids are going through, arguing that it promoted a lifestyle prohibited by sodomy and sexual misconduct laws. And he sharply criticized the legal decision that put a rightful end to the criminalization of same-sex relationships.

He supported don't ask, don't tell, saying that it was pretty effective. And he opposed the repeal of that law.

On marriage equality, Senator SESSIONS has vowed to work again and again to amend the Constitution to prohibit same-sex marriage. We went through this in 1998 in the State of Hawaii. How unusual it is to enshrine in the Constitution the removal of a right.

I want you to just think about that—that you want to amend the Constitution, not to provide additional rights, not to clarify something, but to explicitly prohibit Americans from having a certain right.

I don't think there are many families who would agree on Senator SESSIONS' views here. People don't want their sons and daughters to have to hide their sexuality in order to serve their country. They don't want to go back to the days when our Nation failed to recognize the legitimacy of same-sex relationships. And they certainly don't

want to see their friends and family lose a job or even go to jail because of whom they love, but that is the record that we are dealing with.

To be clear, these aren't views from the 1970s. These are his views as of last year. These are his current views on these matters.

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

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

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

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

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

Look at the protests happening every weekend at our country's international

airports. Americans are not out in the streets demanding that we shut off the lamp outside the golden door. They are demanding that we stay true to our history and to our roots.

That is why we saw close to 100 companies file a legal brief earlier this week against the Muslim ban put in place by the President and implemented by a man who has been mentored by Senator SESSIONS. The brief they filed notes an important statistic about our country. More than 200 companies currently listed on the Fortune 500 list are founded by immigrants or the children of immigrants, and this stands in direct contrast to the nominee's views. If immigrants are coming to the United States and starting businesses and hiring people, they aren't taking jobs from Americans. They are creating jobs for Americans, and that has been the story of our country since the very beginning.

Immigration is one of the cornerstones of our country, and the nominee's policy proposals would chip away at that.

The world is watching. History is watching. We have to ask ourselves: What do they see? Do they see Lady Liberty? Or do they see something else, something darker?

Our country is asking similarly ominous questions about the basic, most fundamental right in our society, and that is the right to vote. Our country's history books are filled with stories of the struggle for voting rights, of African-American men risking it all to go to the polls and women in white marching through the streets of Washington, DC, demanding to vote. But that struggle and that progress is in danger with the kinds of policies that are being promoted. It is on all of us to honor that history and make sure that whoever is eligible to vote is able to vote. This is the bedrock of all other rights, because it is what gives us the voice when incumbent leaders and our representatives fail to protect the other rights.

In his testimony to the Senate Judiciary Committee, Mr. SESSIONS said:

The Department of Justice must never falter in its obligation to protect the civil rights of every American, particularly those who are most vulnerable. A special priority for me in this regard would be aggressive enforcement of our laws to ensure access to the ballot for every eligible American voter, without hindrance or discrimination, and to ensure the integrity of the electoral process.

But his record does not support that view. Senator SESSIONS supports voter ID laws that will disenfranchise many, many voters. He has called the Voting Rights Act "intrusive," and he has praised the Supreme Court ruling that dismantled a key part of the Voting Rights Act. He has already had his nomination rejected by the Senate because of his views on this issue.

This should concern anyone and everyone who cares about our democracy because, at the most basic level, democracy is built on the ability of American citizens to go to the polls.

Let's be honest. Our right to vote is being restricted. It is being restricted even though the United States has some of the lowest voter turnout of any developed democracy on the planet, and it is being restricted based on a lie. There is no voter fraud. Voter fraud is not the problem. Voter disenfranchisement is the problem.

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

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

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

The Lilly Ledbetter Fair Pay Act changes that. It makes it so that if women find themselves in an ugly, unequal pay structure, just as Ms. Ledbetter did—and we all know people, such as sisters, wives, children, and mothers who have a suspicion they are pretty much doing the same thing to them, especially in a factory setting, a blue collar setting, or a clerical setting. This is not impossible to decipher when you have the same job description.

Just as Ms. Ledbetter did, they can do something about it.

Senator SESSIONS voted against that law. He also voted against another equal pay bill called the Paycheck Fairness Act, which would go even further and try to close the gender wage gap.

On women's health, his record is similarly troubling. He has opposed funding for title X, which would ensure

that low-income women have access to contraception, breast cancer screening, and other health services. He has voted time and again to defund Planned Parenthood, an organization that provides health care to some of the most underserved women across the country. Finally, Senator SESSIONS voted against the Violence Against Women Act, not once but three times.

Senator SESSIONS' voting record should concern everyone who cares about fair pay, reproductive rights, access to health care, and access to services for survivors of domestic violence.

The last policy area I want to highlight is our environment and climate change. Just 2 years ago, the nominee voted for a resolution that would kill the Clean Power Plan. He also voted for a bill that would deny protections for streams that are the water source for hundreds of millions of Americans.

This is bad news for the world's race to address climate change, which is one of the biggest civil rights battles of our time. This isn't just a battle against fossil fuels. It is a battle to save the air we breathe and the water we drink. It is a battle to save the land we live on. It is a battle for things that we take for granted.

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

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

The Web site FiveThirtyEight wrote a piece about Senator SESSIONS' confirmation process, and I wish to read a section of it now. "I care about civil rights," Sessions said. "I care about voting rights." Sessions has cited his record as evidence.

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

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

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

When a 2013 Supreme Court ruling weakened the law, Sessions said it was "good news . . . for the South." On Tuesday, Sessions called the act "intrusive."

So what does this write-up say about what priorities an Attorney General Sessions might choose? Well, to me, it says that voting rights are going to be dealt a bigger blow than we have seen in the past few years. Again, we come back to the sense of being extreme. Senator SESSIONS' priorities and his policy views are not in the mainstream for the Justice Department.

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

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

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

In jagged black strokes, President Trump's signature was scribbled onto a catalogue of executive orders over the past 10 days that translated the hardline promises of his campaign into the policies of his government. The directives bore Trump's name, but another man's fingerprints were also on nearly all of them: Jeff Sessions.

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

And despite many reservations among Republicans about that world view, Sessions—whose 1986 nomination for a federal judgeship was doomed by accusations of racism that he denied—is finding little resistance in Congress to his proposed role as Trump's attorney general.

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

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

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

Here's a quote from Bannon:

Throughout the campaign, Sessions has been the fiercest, most dedicated, and most loyal promoter in Congress of Trump's agenda, and has played a critical role as the clearinghouse for policy and philosophy to undergird the implementation of that agenda.

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

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

I assume we got that—
and catch his critics unaware—

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

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

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

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

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

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

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

Sessions also influenced the selection of Peter Navarro, an economist and friend with whom he coauthored an op-ed last fall warning against the "rabbit hole of globalism," as director of the National Trade Council.

John Weaver, a veteran GOP strategist who was a consultant on Sessions' first Senate campaign and is now a Trump critic, said that Sessions is at the pinnacle of power because he shares Trump's "1940s view of fortress America."

"That's something you would find in an Allen Drury novel," Weaver said. "Unfortunately, there are real consequences to this, which are draconian views on immigration and a view of America that is insular and not an active member of the global community."

Inside the White House and within Sessions's alumni network, people have taken to calling the Senator "Joseph," referring to the Old Testament patriarch who was shunned by his family and sold into slavery as a boy, only to rise through unusual circumstances to become right hand to the pharaoh and oversee the lands of Egypt.

In a 20-year Senate career, Sessions has been isolated in his own party, a dynamic crystallized a decade ago when he split with President George W. Bush and the business community over comprehensive immigration changes.

In lonely speeches on the Senate floor, Sessions would chastise "the masters of the universe." He hung on his office wall a picture

of He-Man from the popular 1980s comic book series.

As he weighed a presidential run, Trump liked what he saw in Sessions, who was tight with the constituencies Trump was eager to rouse on the right.

"Sessions was always somebody that we had targeted," said Sam Nunberg, Trump's political adviser at the time.

In May 2015, Nunberg said, he reached out to Miller, then an adviser to Sessions, to arrange a phone call between Trump and the senator. The two hit it off, with Trump telling Nunberg, "That guy is tough."

The next month, Trump declared his candidacy. In August of that year, Sessions joined Trump at a megarally in the senator's home town of Mobile and donned a "Make America Great Again" cap. By January 2016, Miller had formally joined the campaign and was traveling daily with the candidate, writing speeches and crafting policies.

That Washington Post article offers a look into the nominee's philosophy. Out of the gate, the President has pushed for all punishment and no mercy. The administration has shown a willingness to trample on rights to satisfy political objectives. This should trouble everybody on both sides of the aisle who cares about Executive overreach.

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

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

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

In July 2015, during the confirmation hearing of a district court nominee from Maryland, Sessions made the nominee answer for her career as a public defender and civil rights lawyer, and invoked Freddie Gray, the teenager unlawfully arrested and killed by Baltimore police in 2015, as a client inappropriate for a lawyer nominated to the bench:

"Can you assure the police officers in Baltimore and all over Maryland that might be brought before your court, that they'll get a fair day in court and that your history would not impact your decisionmaking?" he asked.

"And I raise that particularly because I see your firm is representing Mr. Freddie Gray in that case that's gathered so much attention in Maryland, and there's lots of law enforcement officers throughout the state and they want to know that they don't have someone who has an agenda to bring to the bench—can you assure them that you won't bring that to the bench?"

In December 2010, Sessions took to the Senate floor to rail against judicial nominees who have what he calls “ACLU DNA” or the “ACLU chromosome.” The ACLU “seeks to deny the will of the American people,” he said, “and has taken positions far to the left of mainstream American and the ideals and values the majority of Americans hold dear.”

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

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

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

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

So as critical as I have been of his record, I hope to be proven wrong. There are people on the other side of the aisle and one Democrat on our side of the aisle whom I respect greatly who really love JEFF SESSIONS. I hope everything they believe about him and the way he will conduct himself as Attorney General ends up being true. I just don’t see any evidence for that yet, other than the word of my colleagues. That means a lot, but the record is too decisively against all of the things I care for and all of the things I believe are important in an Attorney General.

I know I am not alone in having these concerns. Millions of people have signed petitions, made calls, and posted online in opposition to this nominee.

I have received very thoughtful messages from people in Hawaii about Senator SESSIONS. I wish to quote a few of them.

I’m writing as a thoughtful voter and human being that Mr. Sessions is not the right man for the job of Attorney General. He may be a friend of the president and his

inner circle, but he does not represent the values of our democracy.

Given his approval of the ban on immigration, I believe he will help the president radicalize and destabilize this country.

Another person mentioned the former Acting Attorney General, who was fired by the President because she was true to the word she gave Senator SESSIONS in her own confirmation hearing. Sally Yates said what so many people are thinking, which is that this Muslim ban cannot stand.

Here is another letter from Hawaii:

I’m writing to express my most heartfelt disappointment at the direction our country is quickly taking with the Trump administration.

While I accept that those with more conservative views than mine are now in power, I find the actions being taken a gross and crass disregard of our diverse and tolerant national identity.

I want to end by making something very clear: We can respect Senator SESSIONS as a colleague while still believing that his policies, his priorities, and his philosophy are too extreme for the Justice Department. And there are too many issues that this country cares about to confirm him as Attorney General.

If you care about criminal justice reform, if you care about seeing fewer people go to jail for petty crimes, if you care about directing fewer taxpayer dollars to the prison industry, then you have to be opposed to this nomination.

If you care about the LGBT community; if you believe that people shouldn’t be discriminated against or punished because of whom they love; if you believe that people, regardless of their identity, should be able to get married or wear our Nation’s finest uniform, then you have to be opposed.

If you care about immigration; if you believe in immigration; if you are a business owner who wants to hire the best and the brightest; if your family came to this country to pursue the American dream; if you are a person of faith who believes in caring for those who suffer, for the stranger in our midst, you have to be opposed to this nomination.

If you care about women’s rights; if you believe that women are not to be treated like second-class citizens, that our daughters are just as capable as our sons and that they have the right to make their own decisions about their own health care; if you believe they should be paid the same for doing the same job, then you have to be opposed.

If you care about our democracy; if you want people to raise their voices and take part in shaping the future of our country; if you are dismayed to know that millions of people are being prevented from voting not because they aren’t eligible but because of senseless laws that restrict their rights, then you have to oppose this nomination.

The Senate must stand up for civil rights, for voting rights, for women’s

rights, for immigrants’ rights, and that means we must vote no on JEFF SESSIONS for Attorney General.

I urge my colleagues to join me in opposing this nomination.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

APPOINTMENTS

The Chair announces, on behalf of the majority leader, pursuant to the provisions of Public Law 68-541, as amended by the appropriate provisions of Public Law 102-246, and in consultation with the Democratic leader, the reappointment of the following individuals to serve as members of the Library of Congress Trust Fund Board for a five year term: Chris Long of New York and Kathleen Casey of Virginia.

Mr. COTTON. Mr. President, I have to admit that this is a bittersweet moment for me. I come here tonight to express my support for JEFF SESSIONS’ nomination to be the next Attorney General of the United States. It is a high honor, and the nominee is more than worthy. The truth is, I will be sad to see him go.

In all the time I have known Senator SESSIONS, I have found him to be a consummate gentleman. We actually met before I entered the Senate. It was 2013. I was serving in the House of Representatives—a first-term Congressman. Senator SESSIONS, of course, was my elder in both age and rank. Yet he reached out to me humbly to discuss a hot topic—immigration. Back then, there was an effort afoot to force through Congress a massive immigration bill the American people clearly did not want. So the two of us worked together to stop it, and I am glad to say we were successful.

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

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

I think if you look at Senator SESSIONS’ career, you can see the same qualities represented by the balance, the blindfold, and the sword of Lady Justice. First, like the balance, he has a judicious mind—honed over his 12 years as a U.S. attorney and his 2 years as attorney general of the State of Alabama. He evaluates the evidence carefully and comes to a well-considered

conclusion. I would argue it is this very approach that led him to advocate for an immigration system that works for working Americans. I have every confidence, as our top law enforcement officer, he will keep the interests of American citizens uppermost in his mind.

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

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

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

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

A commitment to that equal justice has rarely been more necessary than it is today. We need an Attorney General wholly committed to serving the people of the Nation, and we need an Attorney General who fights to expand American's civil rights, not to restrict them, hobble them, or eliminate them, or to eliminate the Justice Department's Office of Civil Rights.

We need an Attorney General who will stand up to the President when he tries to put an illegal and unconstitu-

tional policy in place. So it has been part of our journey, the story of America, that we have strived to form a more perfect union. We have worked over time—like Martin Luther King said, the long arc of history bends toward justice.

But we have worked to bend toward justice. Our vision of opportunity was incomplete at the founding of our Nation. It was not extended to all genders and all ethnicities and all races. We have worked hard to change that, but here we are at this point in time, still not at the end of that journey.

Part of the question is, How does any given individual fit into the position of Attorney General in that fight for that more perfect vision of our Nation?

So I thought I would share a little bit about that. Hillary Shelton, the Director of NAACP's Washington office, told the New Republic that Senator SESSIONS has "consistently opposed the bread and butter civil rights agenda." When the Supreme Court gutted the Voting Rights Act of 2013 with *Shelby v. Holder*, Senator SESSIONS celebrated the decision saying: If you go to Alabama, Georgia, North Carolina, people are not denied a vote because of the color of their skin.

Well, indeed, part of this—the point is, when the Voting Rights Act was in place, it prevented many activities that would have otherwise denied the vote. We have seen the resurgence of all kinds of measures since the Voting Rights Act was modified by the Supreme Court, which it eliminated key provisions.

We have seen the "almost surgical precision" of North Carolina's voter ID law that the Fourth Circuit Court of Appeals struck down because they were created specifically to reduce the vote of African Americans. We are living in times that it just feels like our Nation is a bit under siege.

During the campaign of last year, we had so many divisive attacks as part of the Presidential primaries. Even during the general election, very divisive rhetoric passed from the man who would then become our President, President Trump—attacks on women, attacks on minorities, attacks on African Americans, attacks on Hispanics, attacks on people with disabilities.

Yet, against that, we have a vision of a system of law that treats everyone equally, impartially. We learned when we were children that Lady Liberty wears a blindfold with the scales of justice in her hand. We need an Attorney General who has at their core that vision of impartial justice, justice for every American, justice regardless of skin color, regardless of ethnicity, regardless of geography. That is essential, and we need it now particularly in a powerful way to help address the divisive rhetoric of the last year, which has left many people doubting that their government is willing to fight for them, that they will receive this form of impartial justice.

We have seen what has happened with the strong work of the Justice De-

partment's Civil Rights Division under President Obama. For more than half a century, the Justice Department's Civil Rights Division fought for and enforced laws that uphold the basic rights of all Americans, steadily expanding opportunities.

The work of that division was stifled, restricted in many ways during George W. Bush's administration. But under President Obama, the Civil Rights Division has worked hard to apply, in a powerful way, civil rights for all Americans. In just the last few weeks of the Obama administration, they won the first hate crime case involving a transgender victim, they sued two cities that were blocking mosques from opening, they settled lending discrimination charges with two banks and sued a third, they filed legal briefs on behalf of New York teenagers held in solitary confinement, and they accused a business in Louisiana of moving mental patients into nursing homes. They were actively, aggressively fighting for the rights of all Americans.

Many wonder now, under the new administration, whether we will have a powerful Civil Rights Division fighting for those whom others would choose to exploit. Senator SESSIONS has downplayed the need for the Justice Department to prosecute crimes against women and members of the LGBTQ community, saying: I am not sure women or people with different sexual orientations face discrimination. I just don't see it, he said.

Well, if you talk to LGBTQ Americans, they will tell you their stories of harassment and discrimination. So it is very hard not to be aware of the extraordinary amount of discrimination they experience, unless you are determined not to see it. To those who say we don't see discrimination, if you ask, you will hear the stories of discrimination. You will hear the stories of profiling, individual young African-American men picked out time and time again to be stopped and questioned at a rate that someone of a different skin color would not experience, but you do not see it unless you open your eyes to see it. At his confirmation hearing, Senator SESSIONS said: These lawsuits undermine respect for police officers. He was referring to the investigation of two dozen police agencies, knowing that the Civil Rights Division reached consent decrees with 14 of them.

He said: These lawsuits undermine the respect of police officers and create an impression that the entire department is not doing their work consistent with fidelity to law and fairness. Well, let me explain that the reason the departments were investigated is because there were a lot of reports that in fact they were not doing their work consistent with fidelity to the law. It was not an impression; it was a report about failure to do that.

Don't we want an Attorney General who rather than relegating the complaint to, well, don't pursue them because it creates an impression they are

not doing work, instead says: These are complaints we must investigate and remedy that situation. That is the responsibility of the Civil Rights Division, to investigate and to remedy, and that is what this division did under President Obama. They didn't turn a blind eye. They didn't say that would be embarrassing to the Department, but my colleague had a different take, saying: We need to be careful before we do that because it might create an impression that they are not doing their work well. Just think if we take that attitude.

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

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

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

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

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

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

The bill removes the prerequisite that the victim be engaging in a feder-

ally protected activity, like voting or going to schools. It is much, much broader. It gives Federal authorities a greater ability to engage in hate crimes investigations that local authorities choose not to pursue.

It provided funding for fiscal years 2010 to 2012 to help State and local agencies pay for investigations and prosecuting hate crimes.

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

It was named after Matthew Shepard and James Byrd, Jr. In 1998, Matthew Shepard, a student, was tied to a fence, tortured, and left to die in Laramie, WY, because of his sexuality. In that same year, James Byrd, an African-American man, was tied to a truck by two White supremacists. He was dragged behind it and was decapitated in Jasper, TX. At the time, Wyoming hate crime laws did not recognize homosexuals as a subset class, and Texas had no hate crimes laws at all.

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

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

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

LGBTQ individuals, especially transgender women of color, are more likely than any other group to be targets of discrimination and hate crimes. Across the category, and more so in some, look at the 49 people killed, the 53 more injured at the Pulse nightclub in Orlando last summer. The attacker purposely targeted a gay nightclub for his attack. LGBTQ people are twice as likely as African Americans to be targets of hate crimes. Nearly one-fifth of

the 5,462 so-called single-bias hate crimes reported to the FBI in 2014 were because of the person's sexuality or perceived orientation.

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

More than 14,500 people were discharged from the military during the 18 years of don't ask, don't tell. An estimated 66,000 lesbian, gay, and bisexual servicemembers were in the military at the time the ban was lifted. But here is what happened after that 2010 change—a change that our nominee opposed. The military family embraced the LGBTQ community, and instead of having a corrosive effect, repealing don't ask, don't tell has strengthened the military family. In fact, in 2016, just last year, the first openly gay Army Secretary was confirmed, Eric Fanning. Last year, the Navy named a ship after Harvey Milk, the gay politician and former member of the Navy who was assassinated in 1978.

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

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

We had a debate in this Chamber about the Employment Non-Discrimination Act. This act was specifically about anti-discrimination in the process of job hiring in America, and I was deeply involved in this effort.

Back in Oregon, when I became speaker, I worked to end discrimination for our LGBT community—discrimination in hiring, discrimination in public accommodations, discrimination on a whole spectrum of aspects of our society. And we passed a very strong law in the State of Oregon to end that discrimination, and a piece of

it—a big piece of it—was to end employment discrimination. How can we claim, as a nation, that we are the land of opportunity if we slam shut the door to opportunity on a large number of our fellow Americans by allowing discrimination in employment?

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

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

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

In 2013, the Senate voted to reauthorize the Violence Against Women Act, often referred to as VAWA, after Congress passed it. That was an important effort because a woman should never be a victim of violence in her own home. Nobody should be a victim of violence, but particularly to address the challenges that we see. And the National Center for Injury Prevention and Control notes that women in the United States experience roughly 4.8 million assaults and rapes per year from their intimate partner, and they are afraid to seek medical treatment. Less than 20 percent of battered women sought medical treatment.

The National Crime Victimization Survey—the statistics that I have here from 2006, so quite a while ago—says

that over the course of the year, 33,000 women were sexually assaulted, more than 600 women every day. Women ages 20 to 24 are at greatest risk of nonfatal domestic violence, and women age 20 and higher suffer from the highest rates of rape.

The Justice Department estimates that one in five women will experience rape or attempted rape during her college years—just during those college years—and that less than 5 percent of these rapes will be reported.

Income is a factor. The poorer the household, the higher the rate of domestic violence. Women in the lowest income category experience more than six times the rate of intimate partner violence as compared to women in the highest income category. African-American women face the highest rates of violence. American-Indian women are victimized at a rate double that of women of other races.

The impact of these kinds of violence is huge and long-lasting. According to the Family and Violence Prevention Fund, growing up in a violent home may be terrifying, a traumatic experience that can effect every aspect of a child's life, growth, and development. Children who have been exposed to family violence suffer symptoms of post-traumatic stress disorder, such as bed-wetting and nightmares, and were at greater risk than their peers of having allergies, asthma, gastrointestinal problems, headaches, and flu. In addition, women who experience physical abuse as children are at greater risk of victimization as adults.

Well, I go through all these statistics to note what a substantial issue this is in terms of crime and violence and the impact both on the victims and on the children in homes—an impact that damages children's ability to pursue a full, healthy path toward thriving as an adult, an impact that creates a cycle of violence.

In 2011, during one 24-hour period, 1,600 Oregon victims were served by domestic violence services. What are those services? Emergency shelter, children's support, transitional housing, support for teen victims of dating violence, therapy or counseling for children, advocacy related to cyber stalking. Additionally, during the same 24-hour period, Oregon domestic violence programs answered more than 27 hotline calls every hour.

VAWA, the Violence Against Women Act, has been a powerful tool in fighting these kinds of abuse, these kinds of violence in our community, and it has proven to dramatically reduce domestic violence. Among other things, in 2013 the VAWA reauthorization included measures to ensure that LGBTQ men and women cannot be turned away from domestic violence shelters. It addressed threats of violence against women in transgender communities, who face rates of domestic violence and sexual assault at much higher rates, as I noted before, than those faced by the general population. It provides tools

and encourages best practices, which have proven to be effective to prevent domestic violence homicides by training law enforcement, victims service providers, and court personnel to identify and connect high-risk victims with crisis intervention services—all of this in the interest of preventing violence against women, and when such violence occurs, to get the treatment to be as robust and available as possible to assist those women.

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

And another factor came into play. In October of this last year when our nominee for Attorney General was asked his opinion about a 2005 audio recording which then-Candidate Trump was—well, he wasn't yet a candidate at the time of the audio recording—but he was heard bragging about inappropriately groping women. The nominee said he didn't think the behavior that was described was sexual assault. Senator SESSIONS said: "I don't characterize that as sexual assault. I think that is a stretch," he said.

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

I do want to note that in a confirmation hearing, my colleague Senator SESSIONS changed his opinion on this and he noted what we would expect one to note. He said that yes, activity such as was noted on the recording of our now President, when asked whether it was an assault, he said clearly it would be. I appreciate that evolution, but the initial reaction before the confirmation hearing still disturbs me.

Earlier this month, the National Task Force to End Sexual Violence issued an open letter opposing his confirmation based on the record. In the letter, they stated, when referring to the nominee, that "his history leads us to question whether he will vigorously seek to ensure all victims and survivors of gender-based violence, particularly vulnerable populations and those at the margins of society, have access to vitally needed services and legal protections."

This goal to champion justice for all—perhaps it is easy to champion justice for the groups one most closely identifies with, but the role is to fight for justice for everyone throughout our society, and that is why this is of substantial concern.

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

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

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

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

The worst aspect of this—and there are many bad aspects to it—is that it endangers our national security because of the recruiting strategy of ISIS. Our President says he wants to diminish and extinguish. Their recruiting strategy is to claim that the United States is conducting a war on Islam, so this ban and this campaign feed right into that recruiting strategy. It has been pointed out by security expert after security expert after security expert that this makes us less safe.

Sally Yates, the Acting Attorney General, refused to defend this order in court because she believed it was illegal and unconstitutional. That is a principled stance, that despite that the head of the executive branch put something forward, the Attorney General said: No, that is wrong. That is not constitutional.

Well, she was fired shortly thereafter, for taking that stand, by President Trump. But then, two attorneys general from Washington State and

Minnesota took the case to court, pointing out that they had substantial harm in their States as a result of this, giving them standing to challenge it—harmed because of professors trapped overseas, harmed from students trapped overseas, harmed from citizens in the States of Washington and Minnesota whose family members were trapped overseas. They put it to a district court judge, James Robart, a judge who was appointed by George W. Bush. The judge put a restraining order on the Executive order. To do that, one has to reach the standard that the case has merit and is likely to prevail.

So a judge, given this issue, the design of this issue, and the facts surrounding these orders, struck them down. And then it went to the Ninth Circuit Court, and the Ninth Circuit didn't find that there was enough information to change the decision of the district judge, but they asked for additional briefs, and they are expected to rule later this week. We will find out of course then how they weigh the issues.

Part of what is being taken into account are the facts on the ground, including was this designed around national security, and part of that debate recognizes that individuals from those seven countries have not come to America and killed Americans.

Now, individuals from other countries have come to America and killed Americans, but not from those seven countries. Then there is the question of whether it was based on religion, and they will be taking into account and looking at the fact that Rudy Giuliani said he was instructed to develop a Muslim ban but to make it look legal. So, clearly, there is evidence that the real intent of this wasn't national security but was religious discrimination.

Then there is the fact that the Executive order itself has a clause that says we will discriminate based on religion, letting in Christians while closing out Muslims. They will consider all of that. We will see what they say.

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

I would like for us to have a nominee for Attorney General who would have the courage and convictions to stand up to a President when the President goes off track in violating the Constitution, and I am concerned that our nominee wouldn't reach the same courageous point of view that Sally Yates found or James Robart found. Even while noting that the courts are yet to ultimately decide, there are certainly heavy concerns that should be weighed intensely in this consideration, and I am not sure that would happen.

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

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

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

During his nomination hearing, Senator SESSIONS advocated for ending the Deferred Action for Childhood Arrivals Program, or DACA. This is a program on which one needs to understand it by meeting individuals who are childhood arrivals. There are folks who have crossed the border into our country who have brought with them a baby in their arms, or a toddler, or a 4-year-old. Those individuals—those children, those babies—grow up in America. They speak English. They only know America. Most of the time—I will not say most of the time, but in many cases they don't know they were even born outside the country.

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

In this position that our nominee took, that he thinks we should end this program, it means that those children would now be eligible for deportation. There is a substantial concern here because they were promised that their information would not be used, would not be turned over for their deportation when they signed up. They trusted that when the United States of America

made this promise to them, that promise would be kept, but it appears we have a nominee who wants to end that program and, therefore, place all of these children at risk of deportation.

The nominee had no answer for what to do with the 800,000 children who have come out of the shadows because of that program.

In December 2015, Senator SESSIONS voted against Senator LEAHY's sense-of-the-Senate resolution that affirmed that the United States must not bar people from another country because of their religion. Our nominee spoke for 30 minutes against the resolution. This takes me back to the echoes of this issue of the Muslim ban and discrimination based on religion that is so alien to the United States of America.

This resolution that affirmed that the United States would not bar people from our Nation because of their religion had the support of 96 Senators. Four Senators voted against the resolution, essentially saying it is OK to discriminate based on religion. Our nominee was one of those four Senators who conveyed through their vote that it would be OK to use a religious test for those entering the United States.

According to Bloomberg News, our nominee was one of the few lawmakers to defend President Trump's effort to propose a complete shutdown of Muslims entering the United States, in this report of November 18, 2016. He told CNN's Dana Bash last June: Well, all I can tell you is, the public data we have had indicated that there are quite a number of countries that have sent a large number of people here who have become terrorists.

During his nomination hearing, our nominee tried to walk back his support for the Muslim ban. He said he would not back a complete and total shutdown of all Muslims entering the United States. So he evolved from a position he took in December of 2015 and was more moderate during the nomination hearing. But still I am concerned about the position he put forward at that debate in December of 2015, when he spoke for 30 minutes and was one of four Senators to refuse to support a resolution saying that the United States should not discriminate based on religion.

This Muslim ban and the vote on the December 2015 resolution leaves Muslim Americans wondering if our nominee would fully defend and advocate for them; whether our nominee, the President's nominee for Attorney General, would fight for equal justice for Muslims after supporting the position that it is OK to discriminate against Muslims entering our country. That concerns me because that is not the position I would like to see represented in the President's nominee for this office.

My office has been receiving an enormous number of phone calls, emails, and letters about a whole host of nominees, and I think it is appropriate to share some of those as well as to note that a group of 1,424 law school profes-

sors nationwide sent a letter to Congress urging us to vote no on this nomination, representing 180 law schools in 49 States.

I am not going to share all of the letter because I want to stay within the bounds of the debate. So I will just note this: They lay out a whole number of concerns about positions taken in the past.

I will summarize it with a final paragraph: As law faculty who work every day to better the understanding of the law and to teach it to our students, we are convinced that the President's nominee will not fairly enforce our Nation's laws and promote justice and equality in the United States.

That is 1,424 law school professors from 180 law schools looking at the record of the President's nominee.

The Leadership Conference on Civil Rights and Human Rights gives our nominee a zero-percent score. The Human Rights Campaign, which fights for justice for the LGBT community, gives the President's nominee a zero-percent score. The NAACP has repeatedly given grades of F to the nominee. The Leadership Conference on Civil Rights and the ACLU have voiced vigorous opposition.

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

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

Letter after letter expresses concerns about the record.

Earlier tonight, my colleague from Massachusetts was sharing testimony Coretta Scott King presented on March 13, 1986, to the Senate Judiciary Committee when my colleague was nominated to the U.S. District Court for the Southern District of Alabama. The Senate at that point in time rejected the nomination. They did so after examining a whole series of events which had transpired under his leadership. I can't read those events under the rules of the Senate because they would constitute a critique of a fellow Senator. So I am just summarizing that her letter laid them out, and the Senate Judiciary Committee fully explored the issues presented by Coretta Scott King, and by many others, and decided there wasn't the judicial vision appropriate for someone to serve as a judge in the United States of America.

If that series of events led to the unusual outcome of the Senate deciding

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

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

The PRESIDING OFFICER. The Senator from Washington.

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

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

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

I saw the most incredible events happen in our Nation's government, and I saw a position—both the Attorney General and the Deputy Attorney General, someone who is now a Pacific Northwest resident—use that office, the power of the Attorney General and Deputy Attorney General, to say they disagreed with the President of the United States, they would rather resign from office than carry out the acts he was asking them to carry out.

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

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

In many ways, in the last several weeks, I feel like we have been relitigating the 1960s and 1970s. When we

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

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

I am concerned that the President's nominee has supported President Bush's warrantless wiretapping and domestic surveillance programs. He also has supported law enforcement's backdoor key to encryption.

I will say, there are many things we need to do to fight this war on terrorism and to be strong in working together with law enforcement all across the United States and on an international basis. I will be the first to say there are great things we can do as it relates to biometrics and using biometrics effectively, but when it comes down to it, it is all about us working with the international community and getting cooperation from them to work that way, as opposed to running over the civil liberties of U.S. citizens. So I do have concerns that the President's nominee on this issue may not stand up to the President of the United States in making sure civil liberties of Americans are protected.

I am also concerned this nominee will not fully protect the rights of lesbian, gay, bisexual, and transgender Americans. The reason I say that is because of his record, and the doubts it raises because of his opposition to various pieces of legislation which have moved through these Halls—opposition to gay rights, same-sex marriage, hate crime laws, voting rights for historically disfranchised communities, and workplace protection for women, lesbian, gay, bisexual, and transgender communities. All of these are things I wish we would have in an Attorney General who had been a greater advocate for the transition that America has made in protecting civil liberties in these issues.

These are very big issues in my State. They are very big issues that have been long discussed—probably discussed before they reached this body—and decided decisively in favor of the civil liberties of these Americans. So I find it troubling that in his position, the nominee used his power to target the LGBT student housing and education conference at the University of Alabama, and that he consistently voted against LGBT Americans' right to live where they choose, and voted for the constitutional amendment my colleague mentioned, the Matthew Shepard and James Byrd, Jr. Hate Crime Prevention Act—not being supportive on those issues.

These are important issues that mark our country's ability to stand up for civil liberties. It is important in this era and time, because of the hate crimes and the horrific things that have happened to these individuals, that we have someone who not only recognizes those, but embodies the fact that these individuals are facing discrimination and must continually—continually—have someone to fight for their civil liberties.

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

My colleague also had opposed the reinstatement of the Voting Rights Act and strongly supported voter ID laws that put barriers up for the elderly, indigent communities, and communities of color to get access to their ballots. I can tell you as a Washingtonian that nothing is more important to us than this issue of voting rights, and I would match our system with any other State in the Nation. We vote by mail. We have seen as high as 84-percent voter turnout in a Presidential year, and incredibly high turnout even in a mid-term election.

We know that giving our citizens the right to vote, and making progress on everyone having the right to vote, including the use of provisional ballots, making sure the law is clear in embracing and making sure people have the opportunity to vote, and have their votes counted, are going to continue to be issues in the United States of America. We want people to have total confidence in our voting system, and we want them to have confidence that every citizen has a right to cast a vote, and will not be turned away at the ballot box because of an artificial barrier.

Believe me, there are lots of ways to catch fraud and corruption in the voting system in the State of Washington because it is based on your signature. Have we had people make mistakes in

the system? Yes. They have been caught or corrected.

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

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

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

He has called the decision in *Roe v. Wade* “a colossal mistake” and has cast 86 anti-choice votes, including a vote against protecting abortion providers and their patients from anti-choice violence. Washington State has one of the strongest statutes in the country for protecting a woman's right to choose. It was something we did before the national law. It is something many people in my State feel strongly about, and, yes, in the past, we have experienced violence at clinics.

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

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

My colleague voted against the Lilly Ledbetter Fair Pay Act, which amended the Civil Rights Act of 1964 so that gender-based pay disparity claims could be heard in court. This is also something of great concern to many Americans, not just women. It is a concern to men as well, because men want

their wives to make the salary they deserve, to make certain their family has the income it deserves.

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

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

That issue in and of itself, along with the amount of domestic violence that women face in the United States of America, is something that needs constant vigilance and constant attendance in order to fight against. I don't know all the reasons he did not support that legislation, but I know one aspect. He opposed language in the Violence Against Women Act allowing tribes to prosecute nontribal members who commit domestic violence against tribal members on reservation land. That is right. People were coming onto Indian reservations across our country. In Washington State, we have 29 recognized tribes. On those sites, people were committing crimes of domestic violence but, because of a loophole, weren't being prosecuted. There were unbelievable amounts of violence.

The last administration came up with a way to work together to make sure that those crimes were prosecuted. It is as if the Federal system couldn't affect all the activity that was happening, but it could work in concert with local law enforcement officials to come up with a way to make sure that women, who were being abused just because they were Native American on a tribal reservation, would get their fair justice.

I do have concerns about these issues as they relate to tribal sovereignty, to the issues of domestic violence and, particularly, domestic violence that is happening in Indian Country.

I also want to bring up an issue I think my colleague from Oregon brought up, which is something I don't know that all of our colleagues agree on, but I am here to advocate for my State; that is, the nominee in his testimony said that he would leave to the States the question of legalizing and regulating marijuana in this administration.

In the past, he has refused to respect the rights of States that have democratically chosen to legalize marijuana for medical or recreational use. This is an important subject for us in the Pacific Northwest because we had a previous Attorney General who, after we had passed medical marijuana laws, tried to shut down our medical clinics.

This was years before we passed legislation allowing for the legalization of marijuana by the broader public, not just medical marijuana.

We have seen an Attorney General who has aggressively pursued this medical use, and now we have concerns, as our State and several other States have legalized marijuana, about how this Attorney General is going to treat those actions.

We hope that this past record is not a reflection of the future and how he plans to treat individuals, but I know my colleague from Hawaii was here earlier and mentioned several cases of individuals in his State who needed that medical attention, who needed that product, who were given great comfort in their medical treatments by having access to that.

Is that now all in question? Is that something that Americans who have resided in States that have taken this action now have something to fear from the next Attorney General?

I know that there were many discussions in the confirmation hearing, and that there are concerns today relating to the issue of a ban on Muslims entering the United States. I will not go into great detail here, but will say that it is clear that the State of Washington has an opinion about this and that our State Attorney General and our Governor are trying to represent that viewpoint in the judicial process.

It is important to me that we get these issues right because I want to protect the civil liberties of individuals, and I see a path forward for us to be tough on these cases; that is, the true cases of terrorist activity. I say that because Washington had a case in 1999 of an individual who entered the United States at Port Angeles, WA. He had come from Algiers, and then when he got to France, he cooked up a new identity. When he left France and went to Canada, he cooked up another identity, and then he arrived at the U.S. border from Canada on a boat with explosives and a plan to either blow up the Space Needle or travel to LAX and blow up the LAX Airport.

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

In fact, they did. They opened the trunk of his car, and as they did, he ran, and with good reason because they saw a car full of explosive materials in the trunk. That so-called Millennial Bomber was caught. Since then, I have been an advocate for using biometrics as a standard for us pushing visa waiver countries for letting people into their country, as Mr. Ressam did travel, as I said, from Algiers to France, cooking up a new identity, and then France to Canada, and Canada to the United States, each time cooking up an identity.

But if we had cooperation with these countries on biometric standards; if we had implemented those biometric standards, and pushed those countries that give access to our country through the Visa Waiver Program, we would be a lot further down the road in finding those individuals who mean to do us harm.

We need cooperation by these other countries and the best techniques and standards to help us. That is far different than denying access to individuals, for example, from the Somali community that is a very big refugee community in our State. As I said, I will leave it to our Washington attorney general and our Governor to continue to pursue that effort.

I have heard from many Washingtonians who are concerned about this nomination. I heard from a young woman from Yakima, WA, who said she was flabbergasted by this nomination, that 'if he was deemed inadequate during the days that Strom Thurmond was in office, why now is he adequate?'

I heard from a constituent in central Washington who said: 'I am a transgender and gay, and much of the time I worry about my rights as a U.S. citizen, whether they'll be revoked despite the fact that my family has fought in every war in the U.S. since the Civil War. I am worried that legislation would be implemented that would dehumanize me and other LGBT community individuals, and that doesn't align with the nominee's religious beliefs.'

So these are concerns my constituents have, and I have to agree with them, that our nominee's record leaves question about his ability to fervently advocate on behalf of these individuals, given his record and history in the past. And I know that my colleague, the ranking member from the Judiciary Committee, has been out here on the floor, going in detail about the questioning that happened during the committee process on all sorts of issues, as it relates to women's rights and reproductive choice, and how we are going to continue to move forward to make sure these individuals are protected.

So, to me, my constituents are loud and clear. They want these civil liberties protected. They want an Attorney General who is going to make sure that those civil liberties are fought for and respected every day and are going to get equal protection under the law.

Here are some additional excerpts from the letters of our concerned constituents.

KS from Yakima, WA, a concerned constituent, writes: 'I am simply flabbergasted that Jeff Sessions was chosen to be our Attorney General. If he was deemed inadequate in the days when Strom Thurmond was in office, then he's certainly inadequate in 21st century America. As you are politicians, I shouldn't have to remind you of this, but I'm going to anyway. One, America was built by immigrants from

all over the world, on top of an already diverse nation of the First Peoples. Two, there are over 300 languages spoken in the U.S., nearly half of which are indigenous. Three, people have had to fight tooth and nail against discrimination based on their race and ethnicity, and the fact that so many are still doing to that today is extremely worrisome. Four, it's been our legally protected right since 1967 to marry and have a family with someone of a different race. Five, it's only been our legally protected right to marry and have a family with someone of the same gender since 2015. Six, my generation, the Millennials, is the most diverse of any in American history. Since 2000, 40 percent of all children have been born to multiracial families. And those children will be eligible to vote before you know it. The ones born in 2000 will likely have a lot to say come the midterm election. This America cannot, should not, MUST NOT have an attorney general who thought the Klan was too liberal. He has no place at a school crosswalk, let alone leading the most powerful nation in the free world. PLEASE do not let this happen!"

SL from Wenatchee, WA, writes: "He has repeatedly shown within his career that he clearly sees the LGBTQ+ community as something that is acceptable to discriminate against. Most notably is his support of the Defense of Marriage Act. This worries me very deeply since I am Transgender and gay. Much of the time I worry that my rights as a US citizen will be revoked, despite the fact that my family has fought in every war in the US since the Civil War. I am worried that he would allow legislation to be law that would dehumanize me and other LGBTQ+ individuals because it doesn't align with his apparent religious beliefs. He also seems to not hold much issue with civil rights as long as they don't go 'too far.' Additionally, his continual stance against immigrants could have a distinct impact on my city and community. We have a large Hispanic and Mexican population, many of them around the neighborhoods where I live. The many years I've lived here I've found our multicultural community to be hard working and not the 'evil' that Trump is adamant to make them out to be. I do not feel reassured if he becomes the Attorney General that he would stand up to Trump and fairly support these marginalized individuals in the Department of Justice."

JH from Seattle, WA, writes: "I trust that you will protect and stand for the ideals of our country and vote no to the appointment of Jeff Sessions as Attorney General. The job of the Justice Department is to protect all people, and to enforce the laws of the land to do so. Sessions has not in word or deed demonstrated he is capable of doing so. Even while awaiting confirmation, he is supporting discrimination against LGBTQ people by his support of the FADA. I expect any person confirmed

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

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

this time, consider the future of our country, consider the rights guaranteed in the bill of rights. The choice then is easy, nay for Sessions, yay for thoughtful, accountable and tempered governance."

Betsy from Waldron, WA, writes: "Please oppose the appointment of Jeff Sessions as Attorney General. He is opposed to basic civil rights for all people and he cannot be put in charge of protecting those same rights. Please do not compromise with Trump or try to compromise as if he were a normal president. Please oppose, blockade, filibuster, and refuse to go along with Trump's plans to tear our country apart. I am relying on you to be our first wall of defense against this terrifying man."

RaGena from Spokane, WA, writes: "As a constituent I urge you to oppose the confirmation of Senator Jeff Sessions as Attorney General of the United States. His voting record as senator and the content of his speeches to the Senate do not inspire confidence in his ability to discharge the responsibilities of the Attorney General's office in keeping with role of the Department of Justice in contemporary American society. His responses to the Judiciary Committee raised further, serious concerns. All this, coupled with the reasons for his failure to be confirmed as a federal judge decades ago, suggest that he is not the person for this job."

DH from Tacoma, WA, writes: "I am writing to express my strong opposition to the nomination of Jeff Sessions as Attorney General. Everything I know about this man makes him uniquely unqualified for the post. He has not supported equal rights of minorities and has supported vote suppression as a means to reduce the effect of minority votes. In the attorney general seat, Sessions will be able to make decisions that will negatively affect the daily lives of some of our most vulnerable citizens. Please reinforce my belief in you as a leader and vote no on Jeff Sessions for attorney general."

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

AM from Seattle, WA, writes: "I am a criminal defense attorney in Seattle. I write to ask you to vote against confirming Jeff Sessions as United States Attorney General. Under the Obama administration, many inroads have been made into remedying the harms of mandatory minimum drug sentencing and other forms of drug sentencing reform. Additionally, states like Washington have been allowed to sell marijuana, legal under state law, without

fear of federal prosecution. Finally, the Obama administration made good use of the civil rights division to assist in reforming police departments engaged in improper policing practices, such as Seattle. I have no confidence that Jeff Sessions will continue to support any of these policies. Please do not vote to confirm him.”

LB from Seattle, WA, writes: “Please block Jeff Sessions from becoming Attorney General. The idea of having a racist attorney general is appalling. We need to improve race relations in this country and in our law enforcement officers, especially. I am 41 and feel like the race relations in this country had been improving steadily throughout my life, at least on the west coast. It’s very scary to me that this new administration has to brought to light all the issues that still remain but to be a great country we cannot be a divided one and with half our population being minorities this appointment seems like a huge huge step in the wrong direction.”

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

MY from Edmonds, WA, writes: “I am writing to urge you to continue due diligence on the appointment of Jeff Sessions as attorney general. I do not believe the political commercial I just saw trying to paint him in a wonderful light and asking people to contact senators to urge confirmation. I continue to have concerns about what he will do to lessen voter rights and other issues under his authority. The advertisement did not change my opinion and I feel it’s just full of alternative facts. Please continue to ask tough questions on all of these appointments.”

RR from Bellingham, WA, writes: “Please do not consider Jeff Sessions for Attorney General. His views, clearly displayed over the course of his career, are the antithesis of what our country stands for around the world. The United States has been a bastion of freedom, truth and inclusiveness. Sadly, those qualities are rapidly disappearing, faster than one thought possible, under the Trump administration. ALL of our citizens are entitled to equality under the law. All of our citizens are entitled to live freely regardless of their race, religion, lack of religion, gender or sexuality. Jeff Sessions is dangerous. He will dismantle civil rights laws, allow racial profiling, support laws that prevent access to voting and encourage the abuse of the LGBT community. Please vote no.”

I also know there are letters from many organizations that also have op-

posed this nomination, and my colleague has talked about many of those, but the NAACP, civil and human rights organizations, the HRC, and the American Federation of State and County Municipal Employees have said they question the objectivity and sense of justice needed on these important issues.

I mentioned the Lilly Ledbetter Fair Pay Act and other issues of the Individuals with Disabilities Education Act, things that people are concerned that they get the fair attention and enforcement of law. I ask unanimous consent that these letters be printed in the RECORD.

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

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,
Washington, DC, February 7, 2017.

Re The NAACP Strongly Urges the U.S. Senate To Vote No on Sen. Jeff Sessions Nomination as Attorney General.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: On behalf of the NAACP, our nation’s oldest, largest and most widely-recognized grassroots-based civil rights organization, I strongly urge you to vote against Jefferson “Jeff” Beauregard Sessions III for Attorney General. Throughout this contentious debate, and through his past actions, his recorded words, and his voting record as a United States Senator, Sen. Sessions has demonstrated a clear disregard, disrespect, and disdain for the rights and needs of all American people. Senator Sessions possesses neither the political nor the moral temperament to serve as Attorney General.

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

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

Lastly, in a floor statement made earlier today, Senator Lindsey Graham suggested that the opposition of the national NAACP is out of step with the sentiments of Alabam-

ians. Nothing could be further from the truth. In fact, the President of the Alabama State Conference of NAACP Branches has been a leader in opposing this nomination. He was up here on January 9, 2017, to hear Senator Sessions’ testimony, a trip he took with busloads of NAACP Members who also opposed the confirmation. This was a day after he was arrested for sitting in on Senator Sessions’ office in Mobile as a means of protest in which he urged Senator Sessions to withdraw his nomination from consideration by the Senate.

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

Sincerely,

HILARY O. SHELTON,
Director, NAACP
Washington Bureau
& Senior Vice President for Policy and Advocacy.

THE LEADERSHIP CONFERENCE ON CIVIL AND HUMAN RIGHTS,
Washington, DC, December 1, 2016.

AN OPEN LETTER TO THE UNITED STATES SENATE

CIVIL AND HUMAN RIGHTS ORGANIZATIONS OPPOSE CONFIRMATION OF JEFF SESSIONS

DEAR MAJORITY LEADER McCONNELL, DEMOCRATIC LEADER REID, CHAIRMAN GRASSLEY, AND RANKING MEMBER LEAHY: On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 200 national organizations committed to promote and protect the civil and human rights of all persons in the United States, and the 144 undersigned organizations, we are writing to express our strong opposition to the confirmation of Senator Jefferson B. Sessions (R-AL) to be the 84th Attorney General of the United States.

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

In 1986, when then-U.S. Attorney Sessions was nominated by former President Ronald Reagan to serve as a judge on the U.S. District Court for the Southern District of Alabama, the Republican-controlled Senate upheld its constitutional duty, undertaking a careful and comprehensive review of his record at that time. The Judiciary Committee was presented with compelling evidence that then-U.S. Attorney Sessions had a deeply troubling record as an opponent of civil rights enforcement, a champion of voter suppression tactics targeting African

Americans, and a history of making racially-insensitive statements. This record included warning an African-American colleague to be careful about what he said “to white folks,” and speaking favorably about the Ku Klux Klan, as well as his prosecution of three African-American voting rights activists on dozens of charges that were promptly rejected by a jury.

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

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

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

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

Hate Crimes and LGBT Rights: Senator Sessions opposed the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, even though a unanimous Supreme Court had long ago upheld a similar state law in *Wisconsin v. Mitchell* (1993). This is particularly disturbing at a time when there have reportedly been more than 700 hate incidents committed in the weeks since the election. The next Attorney General must recognize that hate crimes exist, and vigorously investigate them.

In addition, on LGBT rights, Senator Sessions supported a constitutional amendment to ban same-sex marriage. He also opposed the repeal of “Don’t Ask Don’t Tell.”

Women’s Rights: Senator Sessions has consistently opposed legislation to advance women’s rights, notably opposing multiple efforts to address the pay gap, to protect women’s access to reproductive health services, which disproportionately affect low-income women and women of color, and to address the scourge of violence against all women. Specifically, Senator Sessions opposed the Lilly Ledbetter Fair Pay Act of 2009, enabling women to file ongoing pay discrimination claims, and has voted multiple times against consideration of the Paycheck Fairness Act. Senator Sessions also opposed Title X funding legislation, which supports

contraception, breast cancer screening and other health services for low-income women. In addition, Senator Sessions repeatedly voted to defund Planned Parenthood, and in 2014, he voted against S. 2578 to fix the Hobby Lobby decision by prohibiting employers from denying coverage of any health care service, such as contraception, required under federal law. Senator Sessions also opposed the reauthorization of the Violence Against Women Act in 2013, and when then-candidate Donald Trump was revealed in a 2005 video to have made comments bragging about physically forcing himself on women, Senator Sessions declined to condemn the remarks, even questioning whether the comments described sexual assault.

Criminal Justice Reform: Though Senator Sessions was a longtime supporter of eliminating sentencing disparities between crack and powder cocaine offenses, he has since been an ardent supporter of maintaining draconian mandatory minimum sentences. Recently, Senator Sessions helped to block broad-based, bipartisan efforts to reduce sentences for certain nonviolent drug offenses. He also opposed the President’s initiative to address disparities and restore fairness to the justice system through the use of his constitutionally granted executive clemency power. He criticized the Department of Justice’s Smart on Crime Initiative, which has focused on prosecuting fewer but “more serious” drug cases and over the last three years, has contributed to a 20 percent reduction in overcrowding in the federal Bureau of Prisons. Finally, Senator Sessions condemned the Department of Justice’s use of its powers to investigate law enforcement agencies accused of misconduct and a “pattern or practice” of violating civil rights, calling consent decrees that mandate reform following these investigations “an end run around the democratic process.”

Failing to Protect our Communities from Pollution and Climate Change: Climate change and environmental degradation disproportionately affect low-income families and communities of color. Senator Sessions has a long record of voting against protections for our clean air, water, and climate. Among his many anti-environmental votes, in 2015 he voted for the resolution to kill the clean power plan and for the Barrasso bill to deny protections for streams that provide drinking water for 113 million Americans. In 2012, he supported a resolution that would roll back protections from toxic mercury. America needs and deserves an Attorney General who will take into account the health and safety of all communities. Senator Sessions is not qualified in this regard and cannot be counted on to protect our air, water, and climate.

Rights of People with Disabilities: Senator Sessions opposed efforts to implement Alabama’s obligation to provide community-based services to individuals with disabilities who were needlessly institutionalized. In addition, he called the Individuals with Disabilities Education Act’s requirements to include children with disabilities in mainstream education “the single most irritating problem for teachers throughout America today” and “a big factor in accelerating the decline in civility and discipline in classrooms all over America.” This opposition to integration and inclusion is extremely concerning given the active role that the Justice Department plays in enforcing the Americans with Disabilities Act to enable people with disabilities to live independent lives, be full participants in their communities, and to be educated in neighborhood schools and regular classrooms. Senator Sessions also opposed ratification of the Convention on the Rights of Persons with Disabilities.

These aspects of Senator Sessions’ record are among those that led The Leadership Conference to believe that he should not be confirmed as our next Attorney General. At the very least, these issues must be fully aired and deliberated before each Senator makes a final decision with respect to his nomination—otherwise, the Senate’s constitutional duty to provide “advice and consent” would be reduced to a mere farce.

Given Senator Sessions’ record and public statements, the burden should be on him to prove to the Judiciary Committee, the Senate, and the American people—especially to communities of color and immigrant communities—that he can be trusted with the tremendous power of the U.S. Justice Department to enforce our nation’s civil rights and immigration laws with integrity, fairness, and a sense of justice.

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

This is notwithstanding our recognition that Senator Sessions’ record does include some positive actions. For example, the Southern Poverty Law Center, while expressing opposition to his confirmation, acknowledged that he was helpful in the Center’s successful effort to sue and bankrupt the Ku Klux Klan following its role in the 1981 lynching death of Michael Donald. The Leadership Conference also worked with Senator Sessions in an effort that culminated in the passage of the Fair Sentencing Act of 2010, which reduced racial disparities in federal cocaine sentencing provisions. While these actions are noteworthy, they do not change our conclusion that Senator Sessions’ overall record is too troubling for him to be confirmed as Attorney General.

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

Thank you for your consideration of our views. If you would like to discuss this matter further, please contact Wade Henderson, President and CEO, or Nancy Zirkin, Executive Vice President.

AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL EMPLOY-
EES,

Washington, DC, February 7, 2017.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: On behalf of the 1.6 million members of the American Federation of State, County and Municipal Employees (AFSCME), I am writing to express our strong opposition to the confirmation of Sen. Jeff Sessions as Attorney General of the United States. Sen. Sessions has a lengthy record of public service, but his record does not demonstrate that he possesses the objectivity and sense of justice needed to serve as the nation’s chief law enforcement officer.

Sen. Sessions has a troubling pattern of antipathy toward legal protections on which working families depend. He opposed the Lilly Ledbetter Fair Pay Act enabling women to challenge pay discrimination. He denounced the Individuals with Disabilities Education Act provisions that ensure that children with disabilities are included in mainstream education. He also opposed the

reauthorization of the Violence Against Women Act and the Shepard-Byrd Hate Crimes Act.

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

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

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

Sincerely,

SCOTT FREY,
Director of Federal Government Affairs.

NATIONAL NURSES UNITED,
Washington, DC, February 7, 2017.

Hon. MARIA CANTWELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR CANTWELL: We write on behalf of the more than 150,000 registered nurse members of National Nurses United to urge you to vote against the confirmation of Senator Jeff Sessions, President-elect Donald Trump’s nominee for Attorney General. Much has been said by many others against confirmation of this nominee, so we will be brief.

Our members work as bedside healthcare professionals in almost every state in the nation. We work in every hospital setting, from small rural facilities to large urban public health systems, in prominent research hospitals affiliated with prestigious public and private universities, as well as Veterans Affairs hospitals and clinics. We care for Americans on every point of the demographic spectrum, at their most vulnerable. We provide the best care we possibly can, without regard to race, gender, national origin, religion, socio economic circumstances, or other identifying characteristic. That is what caring professionals do. Unfortunately, that is not what Jeff Sessions has done in his role as a public servant. And to vote in favor of confirming him as the chief law enforcement officer of the United States would abdicate your responsibility to provide the oversight necessary to ensure that basic legal rights are enforced evenhandedly and for the protection of all people.

As Senate colleagues, you no doubt know Senator Sessions’ record as a lawmaker, as well as his record as the U.S. Attorney for the Southern District of Alabama and as the Alabama Attorney General. It was, of course, his record in the U.S. Attorney’s office and his many publicly verified racially insensitive comments that resulted in a majority of the Senate Judiciary Committee voting against confirmation for his nomination to be a U.S. District Court judge in 1986. This ‘no’ vote happened while the Judiciary Committee was majority Republican. Even Senator Howell Heflin, a fellow Alabamian, voted against him, citing “reasonable doubts” over whether he could be “fair and impartial.”

Senator Sessions has oft asserted that his comments over the years were taken out of context, or intended as humor. But his record tells the truth. Early in his career he charged civil right leaders (“the Marion Three”) with voting fraud related to their efforts to assist African American voters. The

fact that the defendants in that case were acquitted didn’t deter Mr. Sessions. Later, as Attorney General of Alabama, he initiated another voter fraud investigation involving absentee ballots cast by black voters that, again, resulted in findings of no wrong doing. During that same timeframe, he was criticized for declining to investigate church burnings, and he “joked” that he thought Ku Klux Klan members were “OK, until [he] learned that they smoked marijuana.”

Against that background, Senator Sessions aggressively interrogated Justice Sonia Sotomayor, the Court’s first nominee of Latino heritage. Further betraying a deep belief in natural division between racial groups, he grilled Justice Sotomayor about whether she could be fair to white Americans, despite her 17-year record as a jurist and having received the American Bar Association’s highest rating. And he expressed grave concerns that she would engage in judicial “empathy” on the high court, favoring persons of certain races or ethnicities over others. He then voted against her confirmation.

Senator Sessions’ prejudices are not only against people of color. As an organization representing a predominately female profession we are compelled to express our outrage that Senator Sessions defended Donald Trump’s statements about grabbing women by the genitals, by saying that such conduct would not constitute sexual assault. The fact that he took a different position during his Committee hearing is of no comfort. It only shows that he will say whatever he believes will help land him in the seat of power to determine whether, and against whom, to enforce our laws. His comments last fall dismissing President-elect Trump’s despicable treatment of women is consistent with his vote in 2013 against the Violence Against Women Act. As nurses, we see close up the devastating effects of domestic violence against our patients, and we are disturbed by Senator Sessions’ alleged concern that the protection of that statute should not extend to victims of violence on tribal lands.

Moreover, confirming Senator Sessions to the job of the top prosecutor would exacerbate our national crisis over race issues in policing and our criminal justice system. He personally blocked the Sentencing Reform and Corrections Act, a bipartisan effort spearheaded by Sens. Charles Grassley (R-Iowa), Mike Lee (R-Utah), and John Cornyn (R-Texas), and Speaker of the House Paul Ryan (R-Wis.). The fact that law enforcement leadership throughout the nation supported the reform effort made no difference to Senator Sessions. And unfortunately, his actions as U.S. Attorney for the Southern District of Alabama only further illustrate his indifference to this crisis. For example, drug convictions made up 40 percent of his cases when he served in that position—twice the rate of other federal prosecutors in Alabama.

Despite the current trend of focusing resources on violent crime, and away from outdated drug war policies, Senator Sessions continues to oppose any attempts to legalize marijuana and any reduction in drug sentences. As Attorney General, he could direct federal prosecutors throughout the country to pursue the harshest penalties possible for even low-level drug offenses, a step that would further exacerbate our national record of incarcerating non-violent offenders—the vast majority of whom could be successfully treated, at far lower cost to society, with appropriate healthcare treatment.

Nor should Senator Sessions be trusted to ensure equal access to voting rights. He has publicly called the Voting Rights Act “intrusive,” and has insisted that its proactive protections of racial minorities were no

longer necessary. This is especially disturbing as Senator Sessions voiced public support for voter-ID laws, while his home state recently tried to close over thirty DMV offices, many in majority-black areas, shortly after instituting strict voter-ID requirements. We are reminded of the words of Coretta Scott King in her letter opposing Jeff Sessions’ nomination to the federal district court in 1986: “The irony of Mr. Sessions’ nomination is that, if confirmed, he will be given a life tenure for doing with a federal prosecution what the local sheriffs accomplished twenty years ago with clubs and cattle prods.”

We will not attempt to address all the positions Senator Sessions has taken that are out of step with the reality of the difficult times we are in, but as nurses we must include our grave concern that as Attorney General he would not be vigilant in enforcing environmental protections. In a July 2012 Senate hearing on climate science, Senator Sessions dismissed the concerns about global warming expressed by 98% of climate scientists, and asserted that this is “[a] danger that is not as great as it seems.” These positions are frightening. Climate change is a public health issue that cannot be overstated. As nurses we have been seeing for some time increases in the frequency and severity of respiratory diseases such as asthma, bronchitis, and emphysema, as well as an increase in cancers and aggravation of cardiovascular illness. The effects of air pollution are particularly acute in pediatric patients. They have higher respiratory rates than adults, and consequently higher exposure. Our elderly patients are also especially vulnerable. Respiratory symptoms as common as coughing can cause arrhythmias, heart attacks, and other serious health impacts in geriatric patients. As global warming progresses, we are seeing sharp increases in heat stroke and dehydration, both of which are sometimes fatal.

In our disaster relief work through our Registered Nurse Response Network, we have been called upon to assist the victims of Hurricane Katrina and Super Storm Sandy—events that many scientists believe would not have been of the magnitude they were if not for rising temperature.

Current and future generations cannot afford to have a fox minding the hen house on the important issues of civil and criminal protections under the control of the Attorney General. We urge you to set aside your personal loyalty to Senator Sessions and evaluate honestly his record and fitness for this critically important job. We urge you to vote against his confirmation.

Sincerely,

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

Ms. CANTWELL. I also note that the National Nurses United, on behalf of 150,000 registered nurses, also urge the opposition to this nominee. And the record of this individual has made these individuals concerned about the resources and focus on crimes and actions that they see in their day-to-day lives.

They want to make sure they are going to work effectively in addressing these issues that they see through the health care system. All of these issues add up to a great deal of concern about this next vote that we are going to be taking.

We are not under the illusion that somehow, magically, the vote is going to turn out any differently than it did on the last nominee. Why are we here at 4:30 in the morning to talk about this? Why are we going to continue to pursue efforts, as the minority, to get time to discuss these nominees? We are going to do that because we have great concerns about their record. And, frankly, in the case of the next two nominees who are coming before us, we had specific questions asked about their actual actions and statements and the testaments before the Finance Committee. Instead of the majority answering those questions for us, they decided not to answer them and push the vote to the floor of the United States Senate.

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

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

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

As these nominees come right after this, my constituents in the State of Washington are feeling as if these nominees need to be questioned on how

they are going to uphold existing law and how they are going to implement and enforce existing law as it relates to these many issues. We are doing our best here. We would rather not do it at 4:30 in the morning. We would rather not do it at 4:30 in the morning, but we will do it at 4:30 in the morning if that is what it takes to get the airing on these issues and this amount of attention.

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

They may be the same struggles that our Nation has had, but we have made it through, and we want a law enforcement officer in the land to uphold the law, enforce it, and to fight for the civil liberties of these individuals.

So I go back to my opening comments about this. And that is that I truly believe that mark that was set in the Saturday night massacre is the mark we should always strive for. I happened to ask at the time, when I first got on the Senate, I sat on the Judiciary Commission for 2 years, and I asked Attorney General Ashcroft about these issues. I asked him specifically, if you become the Attorney General for the Nation—at this time we had a law that had been implemented, the roadless area rule. Even though it had become the force of law, would he enforce that, even though the new President wanted to overturn it? Because I wanted to get across this very issue: Are you working for the American people? Will you uphold the law if, in fact, that is the law of the country? At this point in time, Mr. Ashcroft hesitated about whether it did have the force of law but said that if it did have the force of law, he would certainly uphold it. Obviously, we saw a lot of Executive orders in the early days of the Bush administration trying to overturn many of these things, and we saw an Attorney General's office that stood by. Instead of defending these laws in court, basically they were effective at not implementing fighting them because basically they did a very poor job in the court process—or decided not to argue or to file on behalf of the existing law, as opposed to answering to the Senate of the United States.

So we have seen examples of this. We have seen examples of Attorneys Gen-

eral who are responding more to the President of the United States than upholding the laws of the land.

I think Americans—at least the Washingtonians who are writing me in record numbers, who are speaking out in record numbers, who are concerned in record numbers—want the laws on the book to be enforced, and they want the steps they are taking and making progress on as a State to also work in coordination with the next Attorney General.

I will be honest with people. I did not vote for the law to legalize marijuana in my State. I did not vote for it. I did not think that given some challenges and issues we had, it was the right thing to do. That is how I cast my vote. But more than 20 counties in our State, out of 39, voted for this law. It is not something that just Seattle did and it dominated the State, and there were just a bunch of people in Seattle who wanted to legalize marijuana; it was counties throughout our State. Some of our most rural counties voted for the legalization of that product.

In the ensuing years, we have had a good relationship with the Attorney General and the Department of Justice on how that law was going to continue to play out. So, as you can imagine, it is a much more integrated system now several years later. Several questions still remain about how this country is going to address that issue as a nation as a whole.

But right now, right now, we want to know we are going to have an Attorney General, and my obligation to a citizenry who has passed by initiative this decision is to make sure that I am looking for people here who are going to work with the State of Washington on that right that our State has to continue to move forward.

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

I again thank my colleagues for being out here and for all of the discussions we have had on these issues. We should not be afraid to have these discussions. We should not be afraid to think about how we are going to work not only across the aisle, as I have done with my colleague SUSAN COLLINS on those homeland security Court issues—we worked successfully with Jeh Johnson, the last Homeland Security director, to make sure that we were moving some of our airport border control issues to overseas airports. We were able to get that done in December

after the San Bernardino event and make sure that we are now working.

Why do we want them over there? Why do we want the border control and efficiency over there? Because then you can work more in coordination with law enforcement about who bad actors are before they reach the shores of the United States. By working with local law enforcement in those countries, we have better ways to find information about individuals we have concerns about. That is the best nexus for us, and so she and I have worked on that issue.

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

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

So I urge our colleagues on the other side of the aisle to think about what America now needs in moving forward on the protection of civil liberties. I hope that—I am sure it is tempting to want to reach and to do some of these issues in Executive orders.

I mentioned the other issues of government surveillance in the Pacific Northwest that the State of Washington for sure has concerns about. These are our issues.

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

I know my other colleagues will be showing up here shortly, but I just wanted to put an additional note in. If any of our colleagues on the other side of the aisle are up early and just happen to turn on the television, if that is one of the things they do in the morning—we asked our colleagues to give us ample time to debate on the Price and Mnuchin nominations. We can continue to do the all-night thing. We can. I feel for the floor staff and the people who are here all night and the extra strain

that it puts on the stenographers who are here and have been working around the clock. But what we want is to have a hearing on the issues we are concerned about. We want to be able to have these issues discussed not necessarily in the middle of the night but during the broad daylight so that we can engage the American people on what these choices are so that our colleagues on both sides of the aisle will hear from their constituents and will hear why these issues are so important.

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

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

I am a big proponent of changes in delivery system reform that have driven great efficiencies into the health care system. I think many of our colleagues don't know, for example, about a program that got people out of nursing homes and into community-based care; that a lot of States in the country that use this part of the Affordable Care Act now are driving more efficient health care services into those States—a lot of States that did not support President Obama, did not support the Affordable Care Act, but took the money from the Affordable Care Act and are now implementing a much better delivery system for those who are living longer and need assistance on health care.

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

Those individuals end up on Medicaid. If they end up on a Medicaid system that is based on nursing home care, the U.S. Government is going to be paying a lot more money for those services.

Those are all issues that we want to discuss with our colleagues, and we want to have an opportunity to do so during the next several days. We hope you will give us the ability to do that instead of holding all-night sessions—do that during the day—and give us ample time on those nominees and push those to next week so that we can have that discussion now.

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

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

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

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MURPHY. Mr. President, as I began last night at 4 in the morning—

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

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

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

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

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

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

We celebrate the legacy of Martin Luther King with a holiday every year in this country. In the pantheon of individual greatness in the United States of America, it doesn't get any higher than Martin Luther King. His widow wrote us a letter expressing her objections to the nomination of JEFF SESSIONS based upon the belief that he would not live up to the legacy of her husband and his work in civil rights.

Nothing could be more relevant to this discussion than the opinion of a member of Martin Luther King's family on whether or not this nominee was going to enforce appropriately, vigorously the civil rights laws of this Nation, and Senator WARREN was silenced.

Now, I don't know what the motive was, and it certainly would be inappro-

priate for me to guess at it. But the effect of the majority leader's action is to stifle debate, to make it less likely that Members of the Democratic minority will raise objections to Senator SESSIONS' nomination and record objections as to his conduct.

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

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

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

Now, I appreciate the fact that Senator MERKLEY was able to come down to the floor and read the full letter into the RECORD overnight. I appreciate the fact that Senator BOOKER was able to read into the RECORD testimony from another civil rights hero, JOHN LEWIS, without being similarly gaveled down for his conduct.

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

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

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

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

That decision made it vastly more difficult for the Federal Government to protect individuals from racial discrimination in voting. The Supreme Court effectively substituted their political judgment on the status of racism in America for the judgment of this Congress. Effectively, the Supreme Court was saying in that decision that in our belief, racism is no longer a problem in the way that it was when the Voting Rights Act was passed, and, thus, there is no longer an imperative for section 5 of the Voting Rights Act, which allows for the Federal Government to oversee the voting laws of a select number of counties with patterns of racial discrimination.

That was an absurd ruling.

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

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

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

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

witnessed and lived through decades of discrimination.

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

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

That is a radical idea. Why don't we think about that for a second. The Attorney General of the United States will make important decisions about the enforcement of immigration law in this country. Much of what happens in immigration policy happens in the Department of Homeland Security, but the Attorney General makes important decisions about upholding the law on immigration policy, and we are about to vote to confirm a Member of this body who has said that there should be an ideological test for admission to the United States and that you have to share our values. I don't know what that means, but the greatness of the United States is based on the fact that we have been able to bring people from a variety of different backgrounds, a variety of different value sets, a variety of different religions—bring them into this country and allow them to keep part of their heritage, part of their belief system from the places they came from, whether they be Ireland or England or China or Mexico, and then also assimilate into the whole and adopt part of this country's short history of tradition over the last 240 years. What makes America great is that we allow people to bring values different from ours into this country, which in turn strengthens our collective set of values. We are constantly challenging ourselves with new ideas, with new perspectives.

Senator SESSIONS has been an opponent of Delayed Action for Childhood Arrivals policy. This is commonly referred to as DACA—the idea that if you are a child who came to this country when you were very young, knowing nothing other than the United States, an American in name if not legal status, then you should be able to stay in this country. It is cruel and inhumane to take a young man or woman who came to this country when they were 3 or 4 years old and send them back to their country of birth, and I think Democrats and Republicans of goodwill generally agree, if not on the broad aspects of the pathway to citizenship,

that for these kids, these DREAMers as they call them, they should be able to stay in the United States. Senator SESSIONS has vigorously opposed this policy and many DACA-protected immigrants now fear deportation under a Department of Justice that is led by Senator SESSIONS.

His conduct tells us that he opposes protections for young men and women who know nothing other than the United States and want simply to have a shot with the American dream. That conduct is relevant to whether he is qualified to be Attorney General.

On criminal justice reform, Senator SESSIONS has personally blocked the Sentencing Reform and Corrections Act, which is a bipartisan effort spearheaded by Senators GRASSLEY, LEE, CORNYN, and Speaker of the House PAUL RYAN. As Attorney General, Senator SESSIONS will have the power to direct Federal prosecutors throughout the country to pursue the harshest penalties possible for even low-level drug offenses, a step that would further exacerbate our national record of incarcerating nonviolent offenders, the vast majority of whom can be successfully treated at far lower cost to society with appropriate health care treatment for their addiction or mental illness. Senator SESSIONS' conduct in this body has been to oppose efforts to try to treat with more compassion and commonsense offenders in this country who would be better served through treatment than through incarceration, so it is relevant to his nomination to be Attorney General where he will have broad discretion to lock up people for low-level offenses.

In Connecticut, we made the decision to divert people who are convicted of crimes but have serious mental illness or addiction into treatment. We have made the decision to reserve our prison system for the worst of the worst, mainly for violent offenders, for those who are convicted of serious crimes.

Connecticut has seen its prison population fall to a 20-year low. On September 3, 2016, the prison population in Connecticut dropped below 15,000 for the first time since January of 1997. At the same time, rates of reported violent crimes have plummeted in Connecticut. So the proof is in the pudding in my State. My State has reduced its prison population and at the same time has reduced its level of violent crime and many States can tell the same story. Yet we can predict through his record on the floor of the U.S. Senate that Senator SESSIONS may use his power as Attorney General to reverse that trend line and lock up more of my constituents, which I would argue will have an upward effect on the rates of violent crime. Why? Because those individuals, having gone through the process of incarceration and coming out unreformed, untreated, will be no less of a danger to society.

Finally, I want to talk about the issue of gun violence in this country. Obviously this is very personal to me,

still watching the community of Newtown spiral through ripples of grief associated with the trauma of December of 2012. Senator SESSIONS and I clearly have differences about the way in which the Federal Government should restrict the flow of firearms in this country.

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

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

The policy that Senator SESSIONS has backed and voted for in this body runs contrary to the statements that he has made. He has supported efforts to rob from the Department of Justice the ability to enforce the existing law on guns, yet he says when he gets there that he is going to use all efforts to enforce the law. Further, he has opposed efforts to give new tools to the Department of Justice to try to keep our streets safer. Shortly after Sandy Hook, he specifically debated on this floor legislation that would make it a Federal crime to traffic in illegal guns. I don't know how much less controversial you can get when it comes to gun policy. We all agree that you shouldn't

be able to walk into a store, buy guns, say they are for you, and then go out on to the streets and sell them to criminals. It happens all the time in our cities.

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

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

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

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

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

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

to be the chief law enforcement official in this country.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

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

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

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

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

The Washington Post reported: "The Senator lobbied for a 'shock-and-awe' period of executive action that would rattle Congress, impress Trump's base, and catch his critics unaware. . . ."

Senator SESSIONS' record in Congress and his history of standing against the constitutionally protected rights of millions of Americans is deeply troubling. These are issues that my office has heard from constituents across New Hampshire. As a resident from Merrimack wrote: "Pick a current civil rights issue and Sessions is on the wrong side of history."

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

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

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

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

I told him I had been a State senator.

He looked at me and said: Did you have anything to do with marriage equality passing?

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

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

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

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

Unfortunately, Senator SESSIONS' record and previous comments call into question whether he will enforce the Federal laws designed to promote equality and protect the LGBTQ community. Senator SESSIONS has been a vocal opponent of marriage equality, going as far as to label same-sex marriages as dangerous.

In 2004, he stated: “But I do believe that it is not disputable that adopting a same-sex marriage culture undermines and weakens marriage.”

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

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

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

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

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

Following Matt’s death, my husband, Dennis, and I worked for the next 11 years to garner support for the federal Hate Crimes Prevention Act. We were fortunate to work alongside members of Congress, both Democrats and Republicans, who championed the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act with the determination, compassion, and vision to match ours as the parents of a child targeted for simply wanting to be himself. Senator Jeff Sessions was not one of these members. In fact, Senator Sessions strongly opposed the hate crimes bill—characterizing hate crimes as mere “thought crimes.”

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

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

I agree with Judy Shepherd, and it is clear that Senator SESSIONS’ record

shows that he will not stand up for the rights of LGBTQ Granite Staters and Americans if he becomes Attorney General.

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

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

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

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

Planned Parenthood provides critical primary and preventive health care services to thousands of New Hampshire women, including preventive care, birth control, and cancer screenings. There are countless stories of women whose lives have been changed as a result of access to Planned Parenthood in my State.

A young woman named Alyssa in my State lost her health insurance. She was on her father’s health insurance. She was younger than age 26. Suddenly her father passed away, and then she had a medical emergency. She didn’t know where to go. Grieving for her father, she was also without health insurance. She turned to Planned Parenthood, and they were able to provide her the care that she needed.

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

Senator SESSIONS has voted six times to block patients from accessing health

care at Planned Parenthood health centers. Senator SESSIONS has stated that Planned Parenthood should not receive Federal funds for any services because, among the other health care services it provides, it provides the constitutionally protected care—abortion—that a woman needs when she decides she must terminate a pregnancy.

Senator SESSIONS has opposed women’s access to no-cost birth control that is now provided through the Affordable Care Act. SESSIONS even refused to condemn President Trump’s remarks in the “Access Hollywood” tapes released last year, saying that he did not characterize the behavior President Trump described as sexual assault.

He voted against the 2014 reauthorization of the Violence Against Women Act, which is critical for the investigation and prosecution of violent crimes against women. The Violence Against Women Act was signed into law by President Clinton in 1994 and has been reauthorized by bipartisan majorities in Congress in 2000 and 2005 and signed by President George W. Bush.

The idea that the Attorney General of the United States would not support his commonsense legislation to protect women from violence is unacceptable. As Governor, I also fought to expand economic opportunity for women and families.

We passed the New Hampshire Paycheck Fairness Act in New Hampshire, making sure that an equal day’s work gets an equal day’s pay.

I also strongly support efforts to expand paid family leave to ensure that workers are able to support their families during times of need at home.

I am troubled that Senator SESSIONS has worked to roll back the progress of equal pay. Senator SESSIONS voted against the Lilly Ledbetter Fair Pay Act and has consistently voted against the Paycheck Fairness Act.

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

One constituent wrote:

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

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

What is also appalling is Senator SESSIONS’ previous comments on IDEA. In 2000, Senator SESSIONS gave a speech

on the Senate floor suggesting that disciplinary problems in schools stemmed from IDEA. SESSIONS said:

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

He continued.

There is no telling how many instructional hours are lost by teachers in dealing with behavior problems. In times of an increasingly competitive global society, it is no wonder American students fall short. Certain children are allowed to remain in the classroom robbing the other children of hours that can never be replaced.

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

He added:

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

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

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

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

What a lesson for our children to learn that even if you have severe and debilitating physical disabilities that prevent you from speaking or typing or walking or eating in a typical way, you could be lighthearted and love your life. There are always challenges connected to including new students with

different learning styles, different behaviors. But because of IDEA, we have learned how to help those students cope and learn and adjust their behavior. And for anybody to suggest that it is the fault of people with disabilities, that it is their disability that is undermining our education, is appalling.

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

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

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

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

Senator Sessions has a long, well-documented history of active opposition to respect for the human rights of the American citizenry, particularly those of us who experience multiple marginalizations in our society. And as such, he is unfit for the office of Attorney General. It is abundantly clear to me, as a disabled woman, that his Justice Department would not support my equal protection under the law.

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

I also have concerns about Senator SESSIONS' voting rights record. Voting is our most fundamental right, and ensuring that everyone can exercise that right is critical to making our democracy successful. Everyone deserves representation and the opportunity to vote on who represents them.

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

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

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

A constituent from Tilton, NH, said:

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

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

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

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

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

For these reasons, I cannot support Senator SESSIONS to be the next Attorney General of the United States. I

urge my colleagues to vote no on this nomination.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

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

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

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

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

The letter goes on to talk about his votes particularly against the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act when it was added as an amendment to the 2008 Defense Authorization Act. He also talks about voting against the Violence Against Women's Act.

He continues:

The words of Leviticus 19:18: "Love your neighbor as yourself, guide us to stand up against bias, prejudice and discrimination."

We cannot place the responsibility of leading the Department of Justice, the federal agency directly responsible for ensuring equal protection, in the hands of someone whose record demonstrates insufficient commitment to key civil rights protections.

I urge you to oppose Senator SESSIONS.

Our country desperately needs an Attorney General who will reject discrimination in all forms. We need an Attorney General who will defend our civil rights and human rights—with no exceptions. We need an Attorney General who will not be afraid to challenge the President if an order is illegal or unconstitutional.

Senator SESSIONS has not made it clear that he would use his power as

Attorney General to stand up for the voiceless and the oppressed or to stand up to the President when he is wrong.

Already, in just the first weeks of this new administration, President Trump has begun to test the strength and limits of our Constitution. He has challenged the separation of powers. He has lashed out against the free press. He has singled out individual religions—and even individual judges.

Now, more than ever, we need an Attorney General whose commitment to defending our Constitution goes far beyond the commitment to any one particular President or political party. Would Senator SESSIONS challenge the President when he needs to be challenged?

During the Presidential campaign, when the tape was revealed of then-Candidate Trump bragging about groping a woman against her will, Senator SESSIONS said he thought it was a "stretch" to call it sexual assault. He said: "I don't characterize that as sexual assault."

We need an Attorney General who knows very clearly what sexual assault is, and who cares enough to prosecute it.

Senator SESSIONS has voted to make our gun background check system even weaker. He voted against limits on high-capacity magazines, and he opposed legislation to make interstate gun trafficking a Federal crime.

We need an Attorney General who will stand up for victims of gun violence and their families.

Throughout his career in the Senate, Senator SESSIONS has voted against or spoken out against important legislation so important to my constituents, including the Violence Against Women's Act, the Lilly Ledbetter Fair Pay Act, and the Voting Rights Act. These are important pieces of legislation that protect individuals from discrimination.

We need an Attorney General who will defend the rights of women, who will defend the rights of our communities of color, who will defend the rights of the LGBT community, and who will defend the rights of Muslim Americans, and all minorities.

We need an Attorney General who will fight every day for equal justice and equal protection under the law.

Senator SESSIONS has no record of doing that, and I have no reason to believe that he will do that as Attorney General. So I oppose Senator SESSIONS' nomination as Attorney General, and I urge my colleagues to do the same.

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

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

As your constituent and as a Reform Jew, I strongly urge you to oppose the nomination of Senator Jeff Sessions (R-AL) as U.S. Attorney General.

As the top law enforcement official in the country, the Attorney General has substan-

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

Senator Sessions has called the Voting Rights Act of 1965 'intrusive.' He vocally opposed the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act when it was added as an amendment to the 2008 Defense Authorization Act because it added sexual orientation and gender identity to the list of classes protected under federal hate crimes law. In addition, Senator Sessions joined 21 other senators to vote against the 2012 reauthorization of the Violence Against Women Act, which included new protections for immigrants and LGBTQ people. Finally, he staked out positions that put him far outside the mainstream as the Senate considered and passed comprehensive immigration reform legislation in 2013 and has expressed support for a religious test for entry into the country.

The words of Leviticus 19:18, 'love your neighbor as yourself,' guide us to stand up against bias, prejudice and discrimination. We cannot place the responsibility of leading the Department of Justice, the federal agency directly responsible for ensuring equal protection, in the hands of someone whose record demonstrates insufficient commitment to key civil rights protections.

I urge you to oppose Senator Sessions' nomination and to vote against his confirmation on the Senate floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

In the city in which I live, in Cleveland, we are under a consent decree today which already is improving relations between the police and the community. We saw it more than a decade ago in Cincinnati, where Mayor Cranley—then a member of the council and now the mayor—has worked with the community, as have others. We see more people of color in the police department, and we see better training for police. We see improved relations in that community, in large part because the community came together—police, community leaders, citizens—to make

for better relationships and better relations inside the community. The consent decree there made a huge difference in that city. The consent decree in Cleveland is making a difference there. That is partly the job of the Attorney General—to make sure the Department of Justice stays on course to do that.

When we think of leaders whom we need to improve police-community relations, to ensure Americans have access to the ballot, and to reform our criminal justice system, Senator SESSIONS is simply not that leader. It is not personal. I have worked with Senator SESSIONS on issues like trade. I actually told him that, if he had been nominated as the Trade Representative, I would have happily voted for him. But we have strong policy differences on the issues that directly fall under the role of the Attorney General.

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

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

Senator SESSIONS has a history of racial insensitivity, bias against immigrants, disregard for the rule of law, hostility to the protection of civil rights—exactly what we don't need in the Attorney General of the United States of America.

He condemned the Department of Justice's investigation of law enforcement agencies accused of violating civil rights. He voted against the Violence Against Women Act. One issue after another after another disqualifies him from being the Attorney General of the United States.

Senator SESSIONS is wrong on voting rights. I served as Secretary of State of Ohio in the 1980s. I take voting rights very seriously. I believe we should be doing everything we can to make it easier for Americans to vote. In those days, in the 1980s, during the Reagan years in Washington, in Ohio we had voter registration, voter outreach, aggressive enrollment of new people to vote, of young people, of people regardless of political affiliation, regardless of ideology, regardless of age and race and income. We encouraged people to vote. We had good cooperation from Republicans and Democrats alike in the legislature.

I even approached the McDonald's corporation and asked them to print tray liners. They put tray liners on every tray. You go to McDonald's and order food. So I asked them to print the voter registration form on tray liners. They printed a million registration-form tray liners, resulting in thousands and thousands of voter reg-

istrations—some perhaps with ketchup stains or mustard stains on them, but nonetheless voter registration forms that were accepted by local boards of elections.

Utility companies included voter registration forms in their bills. Newspapers printed them in their daily papers so people could tear them out, fill them out, and send them in.

That was what we did for aggressive voter outreach, supported by people across the political spectrum.

But Senator SESSIONS doesn't seem to agree with that kind of voter outreach. He has a history of supporting voter ID laws that make it harder to vote. He refused to disavow President Trump's false statement—provably false. Lots of people may believe it because President Trump said it, but it is a provably false statement that there were 3 to 5 million illegal votes in this past election—no evidence, just demagoguery, just lies. But Senator SESSIONS was unwilling to disavow his perhaps future boss's comments.

Do we want an Attorney General, chief law enforcement official that is going to let the President go out and make statements like that that are provably false? Call them what they are—lies from the President of the United States. Do we want an Attorney General who is simply going to brush those away and pay no attention?

Senator SESSIONS called *Shelby County v. Holder*, which gutted a key part of the Voting Rights Act of 1965, good news for the South, even though, overwhelmingly, Senators in both parties had voted to renew and reauthorize the Voting Rights Act. He called it good news for the South to weaken protections for people of color and others in voting rights.

Since that misguided decision, States across the country have passed new voting restrictions that would disenfranchise hundreds of thousands of Americans. As Senator SESSIONS apparently was celebrating by saying "good news for the South," Texas moved within 2 hours of the decision. Alabama, taking their cue from people like Senator SESSIONS, acted the next day to restrict voting rights. As soon as the Court moved in a way the Court hadn't moved in five decades, State after State began to restrict voting rights because they had license to, because they had a green light, because they now had legal authority—something they had not had in 50 years.

At least 17 States have passed new voting restrictions since the *Shelby County* decision, although my State wasn't covered by it. My State, shamefully, is one of those that has restricted voting rights, even though from the 1980s into the 1990s, people of both parties joined me in wanting to expand voting rights and make sure that everybody—regardless of disability, age, gender, race, nationality, or income—was able to vote.

We know who is hurt most by these laws, and there is political reason for

it. We know who is hurt most—it is African Americans, Latinos, young people, and seniors. It just happens to be the voters who potentially might vote against the far right, which has lobbied hard after the decision to scale back voting rights.

Senator SESSIONS called the Voting Rights Act intrusive. Tell that to Congressman LEWIS, who was beat up walking across the Edmund Pettus Bridge in Selma, in Senator SESSIONS' State, who risked his life numbers of times, who was injured more, probably, than anybody in the civil rights movement, including in his home State of Alabama—Congressman LEWIS' and Senator SESSIONS' home State of Alabama.

Senator SESSIONS knows what happened to secure those voting rights for African Americans in his State. He was a young man at the time and saw what happened in the 1950s, and Rosa Parks and JOHN LEWIS in the 1950s and 1960s, and still he calls the Voting Rights Act intrusive.

I remember in my State, in 2004, people had to wait 6 hours in Greene County to vote, in Knox County people had to wait 9 hours to vote. The people who are penalized the most are not people of higher income, who tend to have a little more flexibility in their schedule and who can leave work during lunch, go vote, and go back to work. If they have to wait more than 30, 40, 50 minutes or an hour, they often can't do it. They have to pick up their kids where daycare is expensive, and we know that many of them give up and don't vote, which might just be the purpose of people behind the *Shelby County vs. Holder* decision.

In 1981, when signing an extension to the Voting Rights Act, President Reagan called the right to vote the crown jewel of American liberties. President Reagan said it is the crown jewel of American liberties. Senator SESSIONS called the Voting Rights Act intrusive.

A couple of extensions later, the Court pulled back with *Shelby County vs. Holder*. Keep this in mind. Sometimes these pass the Congress unanimously. President Reagan said it was the crown jewel of American liberties. The Attorney General-designee calls the Voting Rights Act intrusive.

We need an Attorney General who will use the full extent of his powers to protect the right to vote, not stand by as State after State attempts to suppress it. The Attorney General as a Senator has stood by while the President of the United States has simply lied about 3 to 5 million illegal voters.

The Attorney General-designee stood by and said nothing and was unwilling to criticize the President of the United States. I am concerned that when State after State attempts to suppress the vote and roll back voting rights, he will stand by and do nothing because he called the Voting Rights Act intrusive.

As to criminal justice reform, we need to reform our criminal justice

system and stop ruining the lives of far too many young Black men over non-violent offenses. Senator SESSIONS has opposed bipartisan efforts, and there have been a number of them and a number of courageous leaders in this body who have sometimes taken politically unpopular positions on criminal justice reform and done the right thing. Senator SESSIONS, however, has opposed bipartisan efforts in the criminal justice reform. At the outset of my speech, I mentioned Cleveland and Cincinnati, where it is a decade and a half later, and it has proven to be a success. In Cleveland, it is shaping up to be a success. He has called consent decrees that mandate reform of law enforcement agencies “an end run around the democratic process.”

Reform of law enforcement agencies in many ways means better police training, with real dollars and real effort put into that police training. Again, he calls all of this “an end run around the democratic process.” Senator SESSIONS blocked bipartisan efforts to reduce sentences for certain nonviolent drug offenses.

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

A Cleveland father who had waited 4 years to reunite with his 14-year-old son was forced to wait even longer when his refugee son was banned.

We are a nation that embraces refugees. My son-in-law, at the age of 10, was living in El Salvador with his family. His mother was a journalist. His mother was the target of threats to her life because of political violence in El Salvador. My son-in-law’s family came to the United States and was welcomed in this country. We welcome refugees who were victims, potential victims, or about to be victims of political violence or violence of any kind. That is what we are as a nation.

My son-in-law is married to our daughter. They now have a son who is not much more than 1 year old. He has been a terrific citizen of this country. He has contributed a lot. We know that when a great majority of refugees come here they build lives, they make a difference in the world, and they can live in a free, prosperous nation with opportunity.

I mentioned the Cleveland father. I mentioned my son-in-law. A doctor on her way to the Cleveland Clinic to help treat Ohioans was sent back. She now has returned to the United States, finally, after expensive legal issues, trauma, and all the things that happen

when somebody is pushed around by a system like that with an arrogant White House inflicting that kind of pain on her family.

The Iraqis who risked their lives to help American troops have been told: There is no place for you here.

Think about that. The first night after the Executive order, a translator from Iraq, an Iraqi, who had helped American troops and whose own life was threatened, knew he had to leave his country because a number of people targeted people who helped the Americans. He came here. He was handcuffed for hour after hour in a New York airport.

What message does that send to people who help Americans, who help the American Armed Forces around the world?

Students are prevented from coming to our State to learn and contribute in our great Ohio universities. We saw that in Ohio State. We are seeing that in other places. Judges across the country, appointed by Republican and Democratic Presidents, are striking down this order because it is not constitutional. It does not represent American values. It makes us less, not more, safe.

In 2015, Senator SESSIONS questioned Sally Yates in her confirmation to be Deputy Attorney General, asking her this question: “Do you think the Attorney General has the responsibility to say no to the President if he asks for something that is improper?”

Senator SESSIONS is asking an Obama nominee: “Do you think the Attorney General has the responsibility to say no to the President if he asks for something that is improper?”

He went on to say: “If the views the President wants to execute are unlawful, should the Attorney General or the Deputy Attorney General say no?”

That was a Judiciary Committee confirmation hearing for Deputy Attorney Sally Yates in 2015.

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

Senator SESSIONS, to his credit, was right to ask that question. Sally Yates, to her credit, gave the right answer, and when she was tested just last week, she stood by her word.

Senator SESSIONS has failed to assure the American people he will follow the law and uphold the Constitution—not simply follow the President of the United States, not blindly follow the President of the United States just because he is his boss. That is not the kind of Attorney General we want. That is not the kind of Attorney General we should vote to confirm today.

There is one last point. I watched the confirmation yesterday of the Secretary of Education. It was so clear to me, so clear to so many of my colleagues, and so clear to the American public that confirming this Secretary

of Education was an unprecedented historical move. The Vice President came in and broke the tie, 51 to 50. Two Republicans stood up and voted against the Secretary of Education-designee, showing great courage.

What was so evident was the overwhelming opposition to her. Our mail, phone calls, and emails were 200 to 1 against her confirmation. It was that way everywhere in the country. In Senator’s office after Senator’s office, we were all hearing much, much more opposition to her than support.

I sensed the fear among my Republican colleagues that voting against a Trump nominee put their political lives at risk; that they all knew that President Trump would tweet about their vote, would call them names, would attack them, would sic his political allies on them. A number of my colleagues were scared, and they knew that voting against her confirmation—even though I know a number of colleagues wanted to vote no on Betsy DeVos because she was singularly unqualified, one of the worst performances ever in a confirmation hearing. She knew so little about the issue of education and so little about the Department which she was charged to run. Nonetheless, they voted for her. Some voted for her for legitimate reasons in their mind: They like her ideology; they like her for-profit charter schools; they are anti-public education—all those things.

A number of colleagues, I am convinced, voted for her because they were afraid of what the President of the United States would do. You can’t run a country by being fearful of the President of the United States. I am afraid that in this Attorney General vote we are seeing some of the same fear from some of my Republican colleagues—about standing up to this President, which they will eventually do but they are unwilling to do it now. That is why we only have seen two Republican Senators—Senator MURKOWSKI and Senator COLLINS—vote no on any of these nominations.

I voted for about half of them. I voted against about half of them. I plan to vote against Congressman PRICE because he wants to raise the eligibility age of Medicare.

I think about the barber in Warren, the factory worker in Mansfield, the waitress in a diner in Findlay, and the manufacturing worker in Huber Heights. I know they shouldn’t be expected to work until they are 67 or even 70 to be eligible for Medicare. I will vote against him.

I will vote against Mr. Mnuchin, who lied to the committee, first about a \$100 million investment he had, which he forgot about. It is an understandable problem. Of course, people forgot about \$100 million investments they have. And he lied to the committee about some of the things he did at OneWest.

A whole host of these nominees simply aren’t qualified, and their ethics

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

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

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

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

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

Since the *Shelby* decision, more than half of the so-called preclearance States have implemented restrictive voting laws—some as soon as the very next day after the decision was handed down. And over 800 polling places in preclearance States alone have been closed since the decision. So on this issue, it is a basic difference of opinion.

I think *Shelby* was decided the wrong way, and Senator SESSIONS believes it was decided the right way. That is a fundamental disagreement. I have real concerns about an Attorney General who would have that position or that

point of view on that case. I don't know for sure what he would do as Attorney General. I can't predict that, but I can certainly raise concerns about that decision.

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

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

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

I think the last thing we need in the United States of America is more restrictive voter ID laws. We should be hoping we can expand the opportunity for people to vote. Where there are barriers erected, knock them down. Where there are impediments to the right to vote, push through them or put in place strategies to overcome them.

Again, I think that is just the basic difference between Senator SESSIONS and me, in terms of our approach to voter ID laws. We had a searing experience in Pennsylvania, which left a lasting impression on the people of our State.

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

There are certain jobs in government—I had one of them in State gov-

ernment. I was elected as a State auditor general in Pennsylvania. I served two terms. In that job, for example, at the State level, the most important quality or metric by which you are judged is your independence. You are either independent or not. And if you are independent, you can do auditing investigations that demonstrate that independence. Then you are doing what the people expect.

At the Federal level, even though the Attorney General is appointed by a President, I also believe the Attorney General has to demonstrate independence every day, in every decision, in every interaction with our government or with citizens across the country. I hope that JEFF SESSIONS can do that, were he to be confirmed. I have some doubts, not only based upon the recent campaign statements made, but I also have some significant concerns in light of what has happened recently.

I would hope, and I think every American has a reasonable expectation, that any Attorney General will be totally independent when it comes to basic questions of law and justice, even if they agree with the President on a number of issues. I have some doubts in the case of this nominee.

So independence is a significant concern across the country. We have had a long debate in this country. Part of it, I think, came to closure a couple of years ago in the Supreme Court with regard to marriage equality. That worked its way through the courts, as well. I was in support of, and happy about, the decision the Supreme Court made on marriage equality.

It is another basic difference that I have with the nominee for Attorney General. Once again, I think that is one of those basic issues that divides the parties. It doesn't mean you can't work together. It doesn't mean you can't have a good relationship. But I would hope that the Attorney General of the United States, of either party, would make sure that decision as it relates to marriage equality would be enforced and that it would be the subject of some praise or at least some rhetorical support for the outcome in that case.

I think the country took a step in the right direction, where every American, whether they are gay or lesbian or bisexual or transgender, was finally accorded the full measure of respect, the full measure of inclusion, when it came to the issue of marriage. That is another basic disagreement that we have.

We don't know what the outcome of this confirmation vote will be. I think we have some sense of it, but regardless of the final outcome, these differences will remain. We have to be honest about basic, fundamental differences, and that is one of the reasons we have a confirmation process. That is why we have advice and consent. That is why we have hearings and hundreds, if not thousands, of questions because each of these nominees is granted enormous power. In some instances—unlike Senator SESSIONS—but

in some instances, they are appointed to positions where they will have substantial impact on people's lives for years. Tens of millions of Americans' lives will be impacted by their decisions, so they should have to go through a thorough vetting process and a very rigorous ultimate confirmation process because they are being accorded great power, and they are servants of the people. They have to remember that is what their job is: to be servants.

I know some want to shorten or truncate or make easier this path to confirmation for all of these Cabinet nomination positions. I think the people expect a thorough vetting, and we are still in the midst of that with regard to several of these positions.

So I just wanted to outline my objections—or I should say disagreements with—Senator SESSIONS. I will be voting no on his nomination.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. UDALL. 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. UDALL. Mr. President, I rise today in opposition to the confirmation of Senator JEFF SESSIONS to be the Attorney General.

It is never easy to oppose a President's cabinet nominees, especially when one is your Senate colleague. I generally think the President should be able to assemble his team.

But with this President, we are in uncharted territory. President Trump doesn't want to hire a team that will represent the American people.

Many of the nominees are billionaires who are out of touch with the struggles of average Americans, and many of them have shown great disdain for the very agencies they will lead.

People like Betsy DeVos, who is a billionaire with zero experience in public schools, has been selected to run the Education Department.

People like Scott Pruitt, who has been nominated to be head of the Environmental Protection Agency, which he is sued many times.

When the people nominated to the President's cabinet are intent on dismantling the very agency they are nominated to run, our Constitutional role of advise and consent takes on new importance.

But the position of Attorney General is unique. The nominee requires even more scrutiny. The Attorney General is our Nation's chief law enforcement officer with enormous power to either advance—or roll back—our constitutional protections.

Perhaps Senator SESSIONS said it best during the confirmation hearing for Sally Yates to be Deputy Attorney General.

In that hearing, Senator SESSIONS said, "You have to watch out because people will be asking you to do things you just need to say 'no' about."

He then asked Ms. Yates, "Do you think the Attorney General has the responsibility to say no to the President if he asks for something that is improper?"

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

And that is why I cannot vote to confirm Senator SESSIONS. I don't have the faith that he will tell President Trump no when the situation requires it.

But I have even less faith that the President will listen. Sally Yates told him no—she refused to let the Justice Department defend the President's misguided travel ban. She was fired for doing exactly what the position of Attorney General requires.

And when Acting AG Yates said his travel ban was wrong, the President didn't simply relieve her of her position. Instead, he put out a press release attacking her personally. Sally Yates had served the country for almost three decades as a career prosecutor and Justice Department attorney. She deserved the president's respect, regardless whether he agreed with her.

Time and time again, President Trump has shown that he will not tolerate dissent. You are either with him or—in his mind—you are wrong. And you become the enemy. President Trump has put the "bully" back into the bully pulpit.

He frequently—and publicly—lashes out against those who express different views. And more dangerously, he lashes out at the institutions that are the fabric of our democracy.

This weekend he attacked a Federal judge who ruled against his travel ban. Rather than respecting the rule of law, and the coequal judicial branch, he once again took to Twitter personally denigrate the federal judge who dared rule against his policy—Federal judge who was appointed by George W. Bush.

President Trump disparages the free press at every opportunity. Any article or story that is critical of his policies is now dubbed "fake news." Members of the press are punished for coverage of the administration that he deems negative. He said he wants to weaken libel laws so it is easier for him to sue the press.

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

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

But it is far from clear that Senator SESSIONS will be that independent

voice within the Department of Justice the American public needs.

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

In an email to the Post Senior Strategist Stephen Bannon said that throughout the campaign, Senator SESSIONS "has been the fiercest, most dedicated, and most loyal promoter in Congress of Trump's agenda, and has played a critical role as the clearinghouse for policy and philosophy to undergird the implementation of that agenda. What we are witnessing now is the birth of a new political order. . . ."

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

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

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

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

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

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

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

When Mr. SESSIONS exercised his duties as U.S. attorney in Alabama under

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

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

Similarly, in the words of our former colleague Senator Ted Kennedy, he was "a disgrace to the Justice Department," the Department which Mr. SESSIONS will lead if he is confirmed.

I would like to read into the RECORD today the letter from Mrs. King, which supports her opinion of Mr. SESSIONS' lack of commitment to justice for all and leave this for my colleagues here today to assess in considering his nomination.

To me, the letter she wrote back on March 19, 1986, goes right to the heart of what we are debating here on the Senate floor. What we are debating is our voting rights and whether we will have, for the next 4 years or 8 years, an Attorney General who is going to enforce the laws, particularly with regard to voting rights.

I first ask unanimous consent to have the letter printed in the RECORD.

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

THE MARTIN LUTHER KING, JR. CENTER FOR NONVIOLENT SOCIAL CHANGE, INC.,

Atlanta, GA, March 19, 1986.

Re Nomination of Jefferson B. Sessions, U.S. Judge, Southern District of Alabama Hearing, March 13, 1986

Hon. STROM THURMOND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

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

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

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

Sincerely,

CORETTA SCOTT KING.

Mr. UDALL. This letter is dated on March 19, 1986. It is a letter from Coretta Scott King, The Martin Luther King, Jr. Center for Nonviolent Social Change. This is at the top of the letter-head. She is writing a letter to Strom Thurmond, and she says:

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

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

There is a carbon copy of this to Senator Joe Biden. This happened in March of 1986.

Coretta Scott King is speaking out against JEFF SESSIONS, who was at the time a U.S. attorney, and he was going to be promoted as a Federal judge. We all know the history—he was not promoted as a Federal judge.

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

Mr. Chairman and members of the Committee:

Thank you for allowing me this opportunity to express my strong opposition to the nomination of Jefferson Sessions for a federal district judgeship for the Southern District of Alabama. My longstanding commitment, which I shared with my husband, Martin, to protect and enhance the rights of Black Americans, rights which include equal access to the democratic process, compels me to testify today.

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

The Voting Rights Act was, and still is, vitally important to the future of democracy in the United States. I was privileged to join Martin and many others during the Selma to Montgomery march for voting rights in 1965. Martin was particularly impressed by the determination to get the franchise of blacks in Selma and neighboring Perry County. As he

wrote, "Certainly no community in the history of the Negro struggle has responded with the enthusiasm of Selma and her neighboring town of Marion. Where Birmingham depended largely upon students and unemployed adults to participate in nonviolent protest 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 one day." Martin was referring, of course, to a group that included the defendants recently prosecuted for assisting elderly and illiterate blacks to exercise that franchise. In fact, Martin anticipated from the depth of their commitment 20 years ago, that a united political organization would remain in Perry County long after other marchers had left. This organization, the Perry County Civil League, started by Mr. Turner, Mr. Hogue, and others, as Martin predicted, continued "to direct the drive for votes and other rights." In the years since the Voting Rights Act was passed, Black Americans in Marion, Selma, and elsewhere have made important strides in their struggle to participate actively in the electoral process. The number of Blacks registered to vote in key Southern States has doubled since 1965. This would not have been possible without the Voting Rights Act.

However, Blacks still fall far short of having equal participation in the electoral process. Particularly in the South, efforts continue to be made to deny Blacks access to the polls, even where Blacks constitute the majority of the voters. It has been a long uphill struggle to keep alive the vital legislation that protects the most fundamental right to vote. A person who has exhibited so much hostility—

Here she is talking about JEFF SESSIONS—

to the enforcement of those laws, and thus, to the exercise of those rights by Black people, should not be elevated to the Federal bench.

The irony of Mr. Sessions' nomination is that, if confirmed, he will be given life tenure for doing with a federal prosecution what the local sheriffs accomplished 20 years ago with clubs and cattle prods. Twenty years ago, when we marched from Selma to Montgomery, the fear of voting was real, as the broken bones and bloody heads in Selma and Marion bore witness. As my husband wrote at the time, "it was not just a sick imagination that conjured up the vision of a public official, sworn to uphold the law, who forced an inhuman march upon hundreds of Negro children; who ordered the Rev. James Bevel to be chained to his sickbed; who clubbed a Negro woman registrant, and who callously inflicted repeated brutalities and indignities upon nonviolent Negroes peacefully petitioning for their constitutional right to vote."

Free exercise of voting rights is so fundamental to American democracy that we 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.

The actions taken by Mr. Sessions in regard to the 1984 voting fraud prosecutions represent just one more technique used to intimidate Black voters and thus deny them this most precious franchise. The investigations into the absentee voting process were conducted only in the Black Belt counties where blacks had finally achieved political power in the local government. Whites had

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

In these investigations, Mr. Sessions, as U.S. Attorney, exhibited an eagerness to bring to trial and convict three leaders of the Perry County Civil League, including Albert Turner, despite evidence clearly demonstrating their innocence of any wrongdoing. Furthermore, in initiating the case, Mr. Sessions ignored allegations of similar behavior by whites, choosing instead to chill the exercise of the franchise by blacks by his misguided investigation. In fact, Mr. SESSIONS sought to punish older black civil rights activists, advisors, and colleagues of my husband, who had been key figures in the civil rights movement in the 1960s. These were persons who, realizing the potential of the absentee vote among Blacks, had learned to use the process within the bounds of legality and had taught others to do the same. The only sin they committed was being too successful in gaining votes.

The scope and character of the investigations conducted by Mr. Sessions also warrant grave concern. Witnesses were selectively chosen in accordance with the favorability of their testimony to the government's case. Also, the prosecution illegally withheld from the defense critical statements made by witnesses. Witnesses who did testify were pressured and intimidated into submitting the "correct" testimony. Many elderly blacks were visited multiple times by the FBI who then hauled them over 180 miles by bus to a grand jury in Mobile when they could more easily have testified at a grand jury twenty miles away in Selma. These voters, and others, have announced they are now never going to vote again.

I urge you to consider carefully Mr. Sessions' conduct in these matters. Such a review, I believe, raises serious questions about his commitment to the protection of the voting rights of all American citizens and consequently his fair and unbiased judgment regarding this fundamental right. When the circumstances and facts surrounding the indictments of Al Turner, his wife, Evelyn, and Spencer Hogue are analyzed, it becomes clear that the motivation was political, and the result frightening—the wide-scale chill of the exercise of the ballot for blacks, who suffered so much to receive that right in the first place. Therefore, it is my strongly-held view that the appointment of Jefferson Sessions to the federal bench would irreparably damage the work of my husband, Al Turner, and countless others who risked their lives and freedom over the past twenty years to ensure equal participation in our democratic system.

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

We still have a long way to go before we can say that minorities no longer need to be concerned about 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 competent that those selected as federal judges will be able to judge with fairness others holding differing views.

I do not believe Jefferson Sessions possesses the requisite judgment, competence, and sensitivity to the rights guaranteed by the federal civil rights laws to qualify for appointment to the federal district court. Based on his record, I believe his confirmation would have a devastating effect on not only the judicial system in Alabama, but also on the progress we have made everywhere toward fulfilling my husband's dream that he envisioned over twenty years ago. I therefore urge the Senate Judiciary Committee to deny his confirmation.

I thank you for allowing me to share my views.

Now this was a letter that Coretta Scott King wrote—I just finished reading it—in March 1986. We know the results of that. After the testimony was taken, JEFF SESSIONS, because of his record at the time, was not allowed to become a Federal judge. Today, the issue that we have before us, the issue we have before us is, is he fit to be our Attorney General of the United States, based on his overall record, and this is part of the record.

When the majority leader comes to the floor and strikes the words of ELIZABETH WARREN for just reading parts of this letter, he is not allowing the full record to be before the American people, and he is not allowing a full debate to occur in this Chamber. That is really what this is about today. Are we going to, as a Senate, where we have debate, we have open debate, cut off that debate? Are we able to say things about one another—and especially in this case. This just isn't a debate from one Senator to another.

As to Senator WARREN, in which it was said she impugned the integrity of Senator SESSIONS. Senator SESSIONS is in a different category here today. Senator SESSIONS is seeking the office of U.S. Attorney General. This is the most important law office in the land—the most important law enforcement office. This is an office where you can be active and go out and file civil rights cases, you can protect voting rights, you can do numerous things. This is an awesome responsibility. So this should be part of the RECORD, and I believe it is very important that we put it in the RECORD, that we talk about it, and then we look at the whole picture.

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

President Trump doesn't want to hire a team who will represent the Amer-

ican people. Many of the nominees are billionaires who are out of touch with the struggles of average Americans, and many of them have shown great disdain for the very agencies they will lead. People such as Betsy DeVos, a billionaire with zero experience in public schools, selected to run the Education Department. As we all know, yesterday, we saw what happened; two courageous Republicans—LISA MURKOWSKI and SUSAN COLLINS—voted against Betsy DeVos. In an unprecedented move, the Vice President of the United States had to come and sit where the President of the Senate is and cast the tie-breaking vote in order to get her through. I think we are going to look back on that as a sad day for public education because she sure doesn't stand up for public education.

People such as Scott Pruitt to be head of the Environmental Protection Agency, which he sued many times.

When the people nominated to the President's Cabinet are intent on dismantling the very Agency they are nominated to run, our constitutional role of advise and consent takes on a new importance.

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

The other important role of the Attorney General is to make sure the President is obeying the law. In this case, we have a real problem here. Within the first couple of weeks, the courts are calling the President in and telling him he is issuing Muslim bans and other orders and that he is violating the law. So we need an Attorney General who is going to stand up for what the law is, not be political and not be ideological.

Perhaps Senator SESSIONS said it best during the confirmation hearings for Sally Yates to be Deputy Attorney General. In that hearing, Senator SESSIONS said: "You have to watch out, because people will be asking you to do things you just need to say 'no' about." That is his full quote there.

When he asked Ms. Yates, "Do you think the Attorney General has the responsibility to say no to the President if he asks for something that is improper?" That is the standard we are looking at—pretty tough standard—speaking truth to power, the Attorney General to the President of the United States.

I completely agree with Senator SESSIONS that the Attorney General has the responsibility, the duty to tell the President no when he is wrong. That is why I cannot vote to confirm Senator SESSIONS. I don't have the faith that he will tell President Trump no when the situation requires it, but I have less faith that the President will listen.

Sally Yates told the President no. She refused to let the Justice Department defend the President's misguided

travel ban. She was fired for doing exactly what the position of Attorney General requires.

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

Time and again, President Trump has shown that he will not tolerate dissent. You are either with him or in his mind you are wrong, and you become the enemy. President Trump has put the bully back into the bully pulpit. He frequently and publicly lashes out against those who express different views, and more dangerously, he lashes out at the institutions that are the fabric of this democracy. This weekend he attacked a Federal judge who ruled against his travel ban, rather than respecting the rule of law and the coequal judicial branch. He once again took to Twitter to personally denigrate the Federal judge who dared rule against this policy—a Federal judge who was appointed by George W. Bush.

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

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

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

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

The Washington Post reports that Senator SESSIONS not only agreed with the President's flurry of extreme Executive orders but that he wanted the President to go further and faster.

In an email to the Post, senior strategist Stephen Bannon said that throughout the campaign, Senator SESSIONS “has been the fiercest, most dedicated, most loyal promoter in Congress of Trump's agenda and has played a critical role as the clearinghouse for policy and philosophy to undergird the implementation of that agenda. What we were witnessing now is the birth of a new political order.”

Stephen Bannon. This is an amazing quote, a contemporary quote from the

President's top strategist. Everybody who is now talking in the press—and there are a lot of leaks out of this White House—say Steve Bannon is the puppeteer. He is the one telling Trump what to do. It is absolutely clear, of all the people in the White House, this is the guy who has the most clout, and it is a debate for all whether he is the puppeteer in telling the President what to do.

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

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

Loyalty is a valued characteristic in politics, but the Nation's chief law enforcement officer must be independent, first and foremost.

I hearken back to when Senator SESSIONS and I were both attorneys general back many years ago, and I remember assuming that role at the State level. It is an awesome role because early on in my administration they brought me cases where Democrats who were in the State legislature were violating the law, and they said: They are violating the law. They said they are violating the law. We have to enforce the law, and I did, and we prosecuted people in my own party.

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

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

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

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

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

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

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

TRUMP'S HARD-LINE ACTIONS HAVE AN INTELLECTUAL GODFATHER: JEFF SESSIONS
(By Philip Rucker and Robert Costa)

In jagged black strokes, President Trump's signature was scribbled onto a catalogue of executive orders over the past 10 days that translated the hard-line promises of his campaign into the policies of his government.

The directives bore Trump's name, but another man's fingerprints were also on nearly all of them: Jeff Sessions.

The early days of the Trump presidency have rushed a nationalist agenda long on the fringes of American life into action—and Sessions, the quiet Alabamian who long cultivated those ideas as a Senate backbencher, has become a singular power in this new Washington.

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

And despite many reservations among Republicans about that worldview, Sessions—whose 1986 nomination for a federal judgeship was doomed by accusations of racism that he denied—is finding little resistance in Congress to his proposed role as Trump's attorney general.

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

The author of many of Trump's executive orders is senior policy adviser Stephen Miller, a Sessions confidant who was mentored by him and who spent the weekend overseeing the government's implementation of the refugee ban. The tactician turning Trump's agenda into law is deputy chief of staff Rick Dearborn, Sessions's longtime chief of staff in the Senate. The mastermind behind Trump's incendiary brand of populism is chief strategist Stephen K. Bannon, who, as chairman of the Breitbart website, promoted Sessions for years.

Then there is Jared Kushner, the president's son-in-law and senior adviser, who considers Sessions a savant and forged a bond with the senator while orchestrating Trump's trip last summer to Mexico City and during the darkest days of the campaign.

In an email in response to a request from The Washington Post, Bannon described Sessions as “the clearinghouse for policy and philosophy” in Trump's administration, saying he and the senator are at the center of Trump's “pro-America movement” and the global nationalist phenomenon.

“In America and Europe, working people are reasserting their right to control their own destinies,” Bannon wrote. “Jeff Sessions has been at the forefront of this movement for years, developing populist nation-state policies that are supported by the vast and overwhelming majority of Americans, but are poorly understood by cosmopolitan elites in the media that live in a handful of our larger cities.”

He continued: “Throughout the campaign, Sessions has been the fiercest, most dedicated, and most loyal promoter in Congress of Trump's agenda, and has played a critical role as the clearinghouse for policy and philosophy to undergird the implementation of

that agenda. What we are witnessing now is the birth of a new political order, and the more frantic a handful of media elites become, the more powerful that new political order becomes itself.”

Trump, who is never shy about showering praise on his loyalists, speaks of Sessions with reverence. At a luncheon the day before his inauguration, Trump singled out someone in the audience: “the legendary Jeff Sessions.”

Trump said in an email to The Post that Sessions is “a truly fine person.”

“Jeff was one of my earliest supporters and the fact that he is so highly respected by everyone in both Washington, D.C., and around the country was a tremendous asset to me throughout the campaign,” Trump wrote.

Sessions helped devise the president’s first-week strategy, in which Trump signed a blizzard of executive orders that begin to fulfill his signature campaign promises—although Sessions had advocated going even faster.

The senator lobbied for a “shock-and-awe” period of executive action that would rattle Congress, impress Trump’s base and catch his critics unaware, according to two officials involved in the transition planning. Trump opted for a slightly slower pace, these officials said, because he wanted to maximize news coverage by spreading out his directives over several weeks.

Trump makes his own decisions, but Sessions was one of the rare lawmakers who shared his impulses.

“Sessions brings heft to the president’s gut instincts,” said Roger Stone, a longtime Trump adviser. He compared Sessions to John Mitchell, who was attorney general under Richard M. Nixon but served a more intimate role as a counselor to the president on just about everything. “Nixon is not a guy given to taking advice, but Mitchell was probably Nixon’s closest adviser,” Stone said.

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

Sessions has also been leading the internal push for Trump to nominate William H. Pryor Jr., his deputy when Sessions was Alabama’s attorney general and now a federal appeals court judge, for the Supreme Court. While Pryor is on Trump’s list of three finalists, it is unclear whether he will get the nod.

In his senior staff meetings, Trump talks about Sessions as someone who “gets things done,” calmly and without fanfare, said Kellyanne Conway, the White House counselor.

“He does it in a very courtly, deliberative manner,” she said. “There’s never a cloud of dust or dramatic flourish.”

Newt Gingrich, a former speaker of the House and informal Trump adviser, said, “Sessions is the person who is comfortable being an outsider to the establishment but able to explain the establishment to Trump. There is this New York-Los Angeles bias that if you sound like Alabama, you can’t be all that bright, but that’s totally wrong, and Trump recognized how genuinely smart Sessions is.”

Sessions was especially instrumental in the early days of the transition, which was taken over by Dearborn after a purge of New Jersey Gov. Chris Christie’s associates. Sessions became a daily presence at Trump Tower in New York, mapping out the policy agenda and making personnel decisions.

Once former New York mayor Rudolph W. Giuliani was out of consideration for secretary of state, Trump considered nominating Sessions because he was so trusted by

the inner circle, including Kushner, although Sessions’s preference was to be attorney general, according to people familiar with the talks.

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

Sessions has installed close allies throughout the administration. He persuaded Cliff Sims, a friend and adviser, to sell his Alabama media outlet and take a job directing message strategy at the White House. Sessions also influenced the selection of Peter Navarro, an economist and friend with whom he co-authored an op-ed last fall warning against the “rabbit hole of globalism,” as director of the National Trade Council.

Sessions’s connections extend into the White House media briefing room, where press secretary Sean Spicer took the first question at his Jan. 24 briefing from a journalist at LifeZette, a conservative website run by Laura Ingraham, a Trump supporter and populist in the Sessions mold. The website’s senior editor is Garrett Murch, a former communications adviser to Sessions.

Another link: Julia Hahn, a Breitbart writer who favorably chronicled Sessions’s immigration crusades over the past two years, was hired by Bannon to be one of his White House aides.

More mainstream Republicans have been alarmed by Sessions’s ascent. John Weaver, a veteran GOP strategist who was a consultant on Sessions’s first Senate campaign and is now a Trump critic, said Sessions is at the pinnacle of power because he shares Trump’s “1940s view of fortress America.”

“That’s something you would find in an Allen Drury novel,” Weaver said. “Unfortunately, there are real consequences to this, which are draconian views on immigration and a view of America that is insular and not an active member of the global community.”

Inside the White House and within Sessions’s alumni network, people have taken to calling the senator “Joseph,” referring to the Old Testament patriarch who was shunned by his family and sold into slavery as a boy, only to rise through unusual circumstances to become right hand to the pharaoh and oversee the lands of Egypt.

In a 20-year Senate career, Sessions has been isolated in his own party, a dynamic crystallized a decade ago when he split with President George W. Bush and the business community over comprehensive immigration changes.

In lonely and somewhat conspiratorial speeches on the Senate floor, Sessions would chastise the “masters of the universe.” He hung on his office wall a picture of He-Man from the popular 1980s comic book series.

As he weighed a presidential run, Trump liked what he saw in Sessions, who was tight with the constituencies Trump was eager to rouse on the right. So he cultivated a relationship, giving Sessions \$2,000 for his 2014 reelection even though the senator had no Democratic opponent.

“Sessions was always somebody that we had targeted,” said Sam Nunberg, Trump’s political adviser at the time.

In May 2015, Nunberg said, he reached out to Miller, then an adviser to Sessions, to arrange a phone call between Trump and the senator. The two hit it off, with Trump telling Nunberg, “That guy is tough.”

The next month, Trump declared his candidacy. In August of that year, Sessions joined Trump at a mega-rally in the senator’s home town of Mobile and donned a “Make America Great Again” cap. By January 2016, Miller had formally joined the campaign and was traveling daily with the can-

didate, writing speeches and crafting policies.

“Senator Sessions laid a bit of groundwork . . . on matters like trade and illegal immigration,” Conway said. “It was candidate Trump then who was able to elevate those twin pillars in a way that cast it through the lens of what’s good for the American worker.”

As Trump kept rising, so did Sessions.

“It’s like being a guerrilla in the hinterlands preparing for the next hopeless assault on the government,” said Mark Krikorian, executive director of the Center for Immigration Studies, a conservative research institute. “Then you get a message that the capital has fallen.”

Mr. UDALL. Thank you.

With that, I will yield the floor momentarily, and I may be back in a minute or two.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. UDALL. 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. UDALL. Mr. President, as I reflect on the nomination of JEFF SESSIONS to be Attorney General, one of the things that hits me is, when we look at the broad scope of how America has been moving forward in the last 100 years, the three big movements that have changed America have been the civil rights movement; the women’s rights movement—women’s suffrage, women’s rights, women wanting freedom over their choices on reproductive rights; and then conservation and environmental rights, which have kind of changed everything since Teddy Roosevelt and Franklin Roosevelt and my father and Uncle Mo Udall, who served in the Congress.

I grew up believing civil rights was something that was moving us forward, was inclusive, and was something where we really cared about every person.

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

Both he and my Uncle Morris Udall were at the University of Arizona in the lunchroom. Way back in the 1940s, the lunchroom was segregated so the Black students had to eat outside under the trees. They couldn’t eat inside. My father and Mo had a friend, a young man by the name of Morgan Maxwell. Morgan still is a good friend of the family, and I am good friends with his son who lives in New Mexico.

Morgan was sitting out under the tree, and Mo and my father went over and said: We want you to have lunch with us. They took him through the line at the University of Arizona. The

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

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

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

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

I know my colleague Senator HIRONO is here.

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

Those civil rights are things you grow up with. They are things you want to move forward with. That is why I rise today to say I am deeply disturbed about what Coretta Scott King said about JEFF SESSIONS in 1986 when he was going to be promoted. As U.S. attorney, he chilled the free exercise of vote by Black citizens. That is how he carried out his responsibilities.

I think if you look at the whole history here, he is not fit to be Attorney General, and that is why I am going to vote no, and I urge everybody to vote no.

I see my great colleague from Hawaii, Senator HIRONO, here. She may want to speak. Others may come in.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

Mr. BROWN. 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. BROWN. Mr. President, it is a sad day for our democracy when the words of Coretta Scott King are not allowed on the floor of the U.S. Senate. I wish to share those words with you today in their entirety.

Dear Senator Thurmond:

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

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

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

Sincerely,

Coretta Scott King.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

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

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

The Attorney General is the American people's lawyer, not the President's, and the job requires the Attorney General to stand up to the President as the people's lawyer.

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

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

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

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

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

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

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

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

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

Nominee Yates said:

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

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

Senator SESSIONS said:

You have to watch out, because people will be asking you to do things you just need to say no about. Do you think the Attorney General has the responsibility to say "no" to

the President if he asks for something that is improper? If the views of the President are unlawful, should the Attorney General or the Deputy Attorney General say no?

Yates' response:

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

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

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

During his confirmation hearing, I pressed Senator SESSIONS for a commitment to vigorously protect every citizens' right to vote, particularly with regard to section 2 of the Voting Rights Act, which safeguards Americans from discriminatory voting laws.

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

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

I also asked Senator SESSIONS whether he would honor the Department of Justice's consent decrees, some 20 of them, that address police misconduct and enhance accountability. Senator SESSIONS did not adequately assure me that as Attorney General, he would uphold these amendments. In fact, he left the door open for renegotiating these agreements. I pressed Senator SESSIONS for a commitment to defend *Roe v. Wade* in Federal court and to enforce laws that guarantee the constitutionally protected women's right to choose. Senator SESSIONS refused to disavow his past comments that *Roe v. Wade* was one of the worst Supreme Court cases ever decided and, in his view, not based on the Constitution, when, in fact, the majority decision had a constitutional basis.

Should the Supreme Court be presented with a case that provides them the opportunity to overturn *Roe v. Wade*, I asked Senator SESSIONS, would he instruct the Solicitor General to argue for the overturning of *Roe v. Wade*? He said that was a hypothetical

and did not respond. Senator SESSIONS' view on *Roe v. Wade* is clear. Would anyone be surprised if, as Attorney General, he would support overturning *Roe v. Wade* given that opportunity?

In addition, in one of his first actions, the President reinstated a ban on foreign aid to health providers abroad who discussed abortion. This vow would compromise the health care of millions of women in places where the need is greatest. Taking the President's lead, I seriously question whether his Cabinet nominees, including the Attorney General nominee, will protect a woman's right to choose.

I want to turn again to the topics of President Trump's Executive order, basically banning Muslim immigration, because our next Attorney General will likely weigh in on this, as well as other immigration cases. In fact, the Justice Department is already in Federal courts right now defending President Trump's Muslim ban. So while there is an argument being made that this really is not a Muslim ban, I say, you can call a duck a chicken, but if it looks like a duck, quacks like a duck, walks like a duck, it is a duck. That is what this Executive order is, a Muslim ban.

Sadly, stoking fears in minorities and immigrants is a tragic but undeniable part of our Nation's history, and this fear has been used to justify the terrible treatment of minorities from Native peoples to slaves, to immigrants who helped build our country. In 1882, decades of incitement against Chinese immigrants resulted in the passage of the Chinese Exclusion Act, an immoral law that banned all Chinese immigration. This law, and others that followed, created a culture of fear that culminated in the mass internment of Japanese Americans during World War II.

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

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

During the Judiciary Committee's markup on this nomination, I read the full text of President Ronald Reagan's remarks in 1988, apologizing for the internment. I would like to read some of the excerpts.

I do see the majority leader here. Would you like me to yield?

Mr. McCONNELL. Mr. President, I say to the Senator from Hawaii, I have

a very short statement, if I could do that.

Ms. HIRONO. I assume I will be able to resume my comments after the majority leader's statement?

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

Ms. HIRONO. Thank you.

The PRESIDING OFFICER. The majority leader.

Mr. McCONNELL. Mr. President, we came together yesterday to confirm Betsy DeVos as Secretary of Education so she could get to work improving our schools and putting students first.

We will come together to confirm TOM PRICE as Secretary of Health and Human Services so he can get to work helping to provide relief from ObamaCare and stabilizing the health care markets.

We will come together to confirm Steve Mnuchin as Secretary of the Treasury, too, so he can get to work continuing the President's efforts to relieve the regulatory pressure on America's economy and American job creation.

We will also come together later today to confirm a new Attorney General. We all know our colleague from Alabama. He is honest. He is fair. He has been a friend to many of us on both sides of the aisle. It has been tough to watch all this good man has been put through in recent weeks. This is a well-qualified colleague, with a deep reverence for the law. He believes strongly in the equal application of it to everyone.

In his home State, he has fought against the forces of hate. In the Senate, he developed a record of advocacy for crime victims but also for the fair and humane treatment of those who break our laws, both when they are sentenced and when they are incarcerated.

JEFF SESSIONS has worked across the aisle on important initiatives. He is, in the words of former Democratic Vice-Presidential Candidate Joe Lieberman, "an honorable and trustworthy person, a smart and good lawyer, and a thoughtful and open-minded listener," someone who "will be a principled, fair and capable Attorney General."

Our colleague wants to be Attorney General for all Americans. Later today, we will vote to give him that chance, and I will have more to say about our friend and colleague at that time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. I would like to resume my remarks.

Mr. President, I want to read some excerpts from President Ronald Reagan's remarks in 1988, apologizing for the internment of Japanese Americans.

More than 40 years ago, shortly after the bombing of Pearl Harbor, 120,000 persons of Japanese ancestry living in the United States were forcibly removed from their homes and placed in makeshift internment camps. This action was taken without trial, without jury. It was based solely on race, for these 120,000 were Americans of Japanese descent.

Yet we must recognize that the internment of Japanese Americans was just that: a mistake. For throughout the war, Japanese Americans in the tens of thousands remained utterly loyal to the United States. Indeed, scores of Japanese Americans volunteered for our Armed Forces, many stepping forward in the internment camps themselves.

The 442nd Regimental Combat Team, made up entirely of Japanese Americans, served with immense distinction to defend this Nation, their Nation. Yet back at home, the soldiers' families were being denied the very freedom for which so many of the soldiers themselves were laying down their lives.

The legislation that I am about to sign provides for a restitution payment to each of the 60,000 surviving Japanese Americans of the 120,000 who were relocated or detained. Yet no payment can make up for those lost years. So, what is most important in this bill has less to do with property than with honor. For here we admit a wrong; here, we reaffirm our commitment as a nation to equal justice under the law.

President Reagan's words powerfully demonstrated the wrongness of the internment, but just after this Presidential election, a top Trump surrogate said that the Japanese internment should be used as "precedent" for a Muslim registry. And a Supreme Court Justice, Justice Scalia, in 2014, warned that a civil rights atrocity similar to the internment of Japanese Americans could happen again. Justice Scalia explained his thinking with the Latin phrase that means: "In times of war, the laws fall silent." Justice Scalia in 2014, went on to say:

That is what was going on—the panic about the war, and the invasion of the Pacific and whatnot. That's what happens. It was wrong, but I would not be surprised to see it happen again—in times of war. It's no justification, but it is the reality.

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

Senators LINDSEY GRAHAM and JOHN McCAIN issued a joint statement, which I would like to read in whole because I very much admire the position they took. In their joint statement they said:

Our government has the responsibility to defend our borders, but we must do so in a way that makes us safer and upholds all that is decent and exceptional about our Nation.

It is clear from the confusion at our airports across the nation that President Trump's Executive order was not properly vetted. We are particularly concerned by reports that this order went into effect with little to no consultation with the Departments of State, Defense, Justice, and Homeland Security.

We should not stop green-card holders from returning to the country they call home. We should not stop those who have served as interpreters for our military and diplomats

from seeking refuge in the country they risked their lives to help.

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

Ultimately, we fear this Executive order will become a self-inflicted wound in the fight against terrorism. At this very moment, American troops are fighting side-by-side with our Iraqi partners to defeat ISIL.

But this Executive order bans Iraqi pilots from coming to military bases in Arizona to fight our common enemies.

Our most important allies in the fight against ISIL are the vast majority of Muslims who reject its apocalyptic ideology of hatred.

This Executive order sends a signal, intended or not, that America does not want Muslims coming into our country.

That is why we fear this Executive order may do more to help terrorist recruitment than improve our security.

That is the end of the joint statement by Senators McCAIN and GRAHAM. I read the statement and I cannot but admire our two Senators for making the statements. I cannot overstate the fearful message that President Trump is sending by pursuing this ban on Muslims.

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

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

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

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

There are two separate issues. No. 1, this is the Senate. The American people expect from us a vigorous debate on

the important issues facing this country. I think all of us are aware that issues of civil rights, issues of voter suppression, issues of criminal justice reform are enormous issues that people from one end of this country feel very strongly about. Those are issues that the next Attorney General of the United States will be dealing with.

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

It comes at a time when we have a President who has initiated, and I hope it will not stand, a ban on Muslims entering the United States of America. We have a President who refers to a judge who issues a ruling in opposition to the President as a so-called judge, which tells every judge in America that they will be insulted and marginalized by this President if they dare to disagree with him.

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

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

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

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

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

This is from Coretta Scott King:

Mr. Chairman and Members of the Committee:

Thank you for allowing me this opportunity to express my strong opposition to the nomination of Jefferson Sessions for a

federal district judgeship for the Southern District of Alabama. My longstanding commitment which I shared with my husband, Martin, to protect and enhance the rights of Black Americans, rights which include equal access to the democratic process, compels me to testify today.

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

The Voting Rights Act was, and still is, vitally important to the future of democracy in the United States. I was privileged to join Martin and many others during the Selma to Montgomery march for voting rights in 1965. Martin was particularly impressed by the determination to get the franchise of blacks in Selma and neighboring Perry County. As he wrote, "Certainly no community in the history of the Negro struggle has responded with the enthusiasm of Selma and her neighboring town of Marion. Where Birmingham depended largely upon students and unemployed adults to participate in nonviolent protest of the denial of the franchise, Selma has involved fully 10 per cent of the Negro population in active demonstrations, and at least half the Negro population of Marion was arrested on one day." Martin was referring of course to a group that included the defendants recently prosecuted for assisting elderly and illiterate blacks to exercise that franchise. In fact, Martin anticipated from the depth of their commitment 20 years ago, that a united political organization would remain in Perry County long after other marchers had left. This organization, the Perry County Civil League, started by Mr. Turner, Mr. Hogue, and others, as Martin predicted, continued "to direct the drive for votes and other rights." In the years since the Voting Rights Act was passed, Black Americans in Marion, Selma, and elsewhere have made important strides in their struggle to participate actively in the electoral process. The number of Blacks registered to vote in key Southern states has doubled since 1965. This would not have been possible without the Voting Rights Act.

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

The irony of Mr. Sessions' nomination is that, if confirmed, he will be given life tenure for doing with a federal prosecution what the local sheriffs accomplished twenty years ago with clubs and cattle prods. Twenty years ago, when we marched from Selma to Montgomery, the fear of voting was real, as the broken bones and bloody heads in Selma and Marion bore witness. As my husband wrote at the time, "it was not just a sick imagination that conjured up the vision of a public official, sworn to uphold the law, who forced an inhuman march upon hundreds of Negro children; who ordered the Rev. James Bevel to be chained to his sickbed; who

clubbed a Negro woman registrant, and who callously inflicted repeated brutalities and indignities upon nonviolent Negroes, peacefully petitioning for their constitutional right to vote."

Free exercise of voting rights is so fundamental to American democracy that we 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.

The actions taken by Mr. Sessions in regard to the 1984 voting fraud prosecutions represent just one more technique used to intimidate Black voters and thus deny them this most precious franchise. The investigations into the absentee voting process were conducted only in the Black Belt counties where blacks had finally achieved political power in the local government. Whites had been using the absentee process to their advantage for years without incident. Then, when Blacks, realizing its strength, began to use it with success, criminal investigations were begun.

In these investigations, Mr. Sessions, as U.S. Attorney, exhibited an eagerness to bring to trial and convict three leaders of the Perry County Civil League including Albert Turner despite evidence clearly demonstrating their innocence of any wrongdoing. Furthermore, in initiating the case, Mr. Sessions ignored allegations of similar behavior by whites, choosing instead to chill the exercise of the franchise by blacks by his misguided investigation. In fact, Mr. Sessions sought to punish older black civil rights activists, advisors, and colleagues of my husband, who had been key figures in the civil rights movement in the 1960's. These were persons who, realizing the potential of the absentee vote among Blacks, had learned to use the process within the bounds of the legality and had taught others to do the same. The only sin they committed was being too successful in gaining votes.

The scope and character of the investigations conducted by Mr. Sessions also warrant grave concern. Witnesses were selectively chosen in accordance with the favorability of their testimony to the government's case. Also, the prosecution illegally withheld from the defense critical statements made by witnesses. Witnesses who did testify were pressured and intimidated into submitting the "correct" testimony. Many elderly blacks were visited multiple times by the FBI who then hauled them over 180 miles by bus to a grand jury in Mobile when they could more easily have testified at a grand jury twenty miles away in Selma. These voters, and others, have announced they are now never going to vote again.

I urge you to consider carefully Mr. Sessions' conduct in these matters. Such a review, I believe, raises serious questions about his commitment to the protection of the voting rights of all American citizens and consequently his fair and unbiased judgment regarding this fundamental right. When the circumstances and facts surrounding the indictments of Al Turner, his wife, Evelyn, and Spencer Hogue are analyzed, it becomes clear that the motivation was political, and the result frightening—the wide-scale chill of the exercise of the ballot

for blacks, who suffered so much to receive that right in the first place. Therefore, it is my strongly-held view that the appointment of Jefferson Sessions to the Federal bench would irreparably damage the work of my husband, Al Turner, and countless others who risked their lives and freedom over the past twenty years to ensure equal participation in our democratic system.

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

We still have a long way to go before we can say that minorities no longer need to be concerned about 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.

I do not believe Jefferson Sessions possesses the requisite judgment, competence, and sensitivity to the rights guaranteed by the Federal civil rights laws to qualify for appointment to the federal district court. Based on his record, I believe his confirmation would have a devastating effect on not only the judicial system in Alabama, but also on the progress we have made everywhere toward fulfilling my husband's dream that he envisioned over twenty years ago. I therefore urge the Senate Judiciary Committee to deny his confirmation.

I thank you for allowing me to share my views.

That is the letter of Coretta Scott King, one of the great leaders of our civil rights movement, who, along with her husband and many others, finally managed to get passed the Voting Rights Act of 1965.

That is it. That is the letter Senator ELIZABETH WARREN wanted to communicate to other Members of the Senate as part of the discussion as to whether JEFF SESSIONS should become our next Attorney General.

Let me say that I will vote against JEFF SESSIONS for a number of reasons, but the idea that in the United States Senate, the same exact letter that I just read and the American people have heard it—was there some kind of vicious personal attack?

This is a letter written by one of the leaders of the civil rights movement, expressing strong concerns about JEFF SESSIONS before the Judiciary Committee in 1986, opposing his nomination

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

I think Leader MCCONNELL owes Senator WARREN an apology, and I believe it is unconscionable and outrageous that Senator WARREN not be allowed to participate in the discussion about whether JEFF SESSIONS becomes our next Attorney General.

There is a great fear in this country right now, starting at the White House, where we have a President who has issued a ban on Muslim visitors coming into this country. There is a fear that we have a President who denigrates a judge as a “so-called judge” because this judge issued an opinion in disagreement with the President, that we are moving in a direction which is un-American, which is moving us toward an authoritarian society.

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

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

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

The PRESIDING OFFICER. The Senator from Virginia.

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

Mr. SANDERS. Thank you very much.

Mr. WARNER. Mr. President, I also rise today to voice my concerns about Senator JEFF SESSIONS to serve as U.S. Attorney General. While I respect Sen-

ator SESSIONS’ public service, I cannot and will not support his nomination.

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

Senator SESSIONS’ long record of opposing bipartisan, commonsense policies relating to voting rights, anti-discrimination, domestic violence, and criminal justice reform leads me to conclude that he is not the right person to serve as Attorney General.

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

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

The bipartisan legislation, the Voting Rights Advancement Act, was introduced last Congress and would serve to once again protect our Nation’s hard-fought equal access to the ballot. I was proud to cosponsor this bill and remain committed to working with my colleagues to put a fair process in place that ensures our elections are open to all. Senator SESSIONS unfortunately opposed this legislation.

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

He opposed the Employment Non-Discrimination Act, which codifies protection for LGBTQ Americans, and denies the reality that too many of our LGBTQ neighbors still face down discrimination and hatred every day.

While nearly two-thirds of the Senate voted for the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act in 2009, Senator SESSIONS stated this instead: “I’m not sure that women or people with different sexual orientations face that kind of discrimination. I just don’t see it.”

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

The third area is the Violence Against Women Act. In 2013, Senator SESSIONS voted against reauthorizing the Violence Against Women Act. This

landmark legislation, originally drafted in 1994, provides crucial protections and resources for the investigation and prosecution of violent crimes against women. The 2013 reauthorization bill updated those programs within the Department of Justice and extended resources and protections to additional populations, such as those in same-sex relationships. That bill passed with the support of a large bipartisan majority in the Senate, including a majority of the Republican caucus. However, Senator SESSIONS opposed the entire bill due to concerns about one provision in the legislation related to domestic violence against Indians on tribal lands.

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

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

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

Finally, on the question of independence, I am concerned that Senator SESSIONS won’t be sufficiently independent to execute the responsibilities of Attorney General effectively. Doing this job the way our Founding Fathers intended requires a certain level of impartiality to fully and independently enforce our laws and protect the rights of the disenfranchised. Senator SESSIONS has said achieving this level of neutrality means saying no to the President sometimes.

This is one area in which I agree with my colleague and very much want to

take him at his word; however, given his vocal, partisan support for President Donald Trump and his refusal to commit in his confirmation hearing to fully enforce certain laws, I am not convinced that Senator SESSIONS is fully prepared to faithfully execute this new set of responsibilities with the amount of independence that the job demands.

Again, I stress that the main duties of serving as Attorney General include enforcing our Nation's laws and by doing so, protecting the civil rights of all Americans. That is the most basic tenet of being Attorney General. Given Senator SESSIONS' long record of opposing many of these fundamental laws that protect civil rights and equality for all, I have grave concerns about him fulfilling and taking this position.

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

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SULLIVAN). The Senator from Minnesota.

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

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

I know Senator SESSIONS. He and I have served on the Judiciary Committee together since I joined the Senate back in 2009, and I have a good relationship with Senator SESSIONS. I respect him as a colleague. But as anyone who has observed Senator SESSIONS or me in a Judiciary Committee hearing could probably tell you, he and I have very different views about many of the issues that he stands to influence as Attorney General, particularly matters of equal justice. So once the President announced his nomination and after Senator SESSIONS submitted his material to the committee, I reviewed his background carefully, and I paid special attention to how he described his work on civil rights. I noticed some discrepancies in the way he described his involvement in civil rights cases filed during his time as U.S. attorney. Those discrepancies stood out to me, and they didn't just stand out because civil rights is an issue I care about personally or because it is an issue I know Senator SESSIONS and I have disagreed about in the past; the discrepancies caught my attention because the information seemed to misrepresent the nominee's record, and that is something Senator SESSIONS himself promised not to do.

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

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

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

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

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

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

I know Senator SESSIONS, and I know his record on voting rights. He is no champion of voting rights. He has called the Voting Rights Act "intrusive" and complained about States with a history of discrimination being subject to preclearance. But here his questionnaire seemed to tout his personal involvement in three voting rights cases and one desegregation case. It seemed to me that, given his

previous experience before this committee and given the concern the civil rights community had expressed about his nomination, perhaps the transition team or others managing Senator SESSIONS' nomination had attempted to revise some of his history and recast him as a civil rights champion.

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

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

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

Senator SESSIONS' reply mirrored answers he provided in a supplement to his initial questionnaire. In that supplement, which he filed 2 weeks after his initial questionnaire, the nominee clarified that his role was to "provide support for" DOJ attorneys. He said he "provided assistance and guidance" and "cooperated" with DOJ lawyers—not quite "personally handled," if you ask me. I suspect that is why he felt the need to file the supplement.

It is also worth noting that all four of the civil rights cases at issue—the ones at issue here—had either concluded or were still active back when Senator SESSIONS first appeared before the Judiciary Committee in 1986. But 30 years ago, when he submitted his questionnaire, which also asked him to list the "ten most significant litigated matters which [he] personally handled," Senator SESSIONS did not list a single one of these four cases—not a single one. I wonder what changed between 1986 and now that caused these four civil rights cases to take on new significance for the nominee. Look, the fact of the matter is that Senator SESSIONS simply did not personally handle the civil rights cases that his questionnaire indicates he personally handled. His questionnaire overstates his involvement in these cases and the supplement he filed makes that perfectly clear. As I said, in the Judiciary Committee, Senator SESSIONS would not have tolerated that kind of misrepresentation, and no Member of this body should either. Senator SESSIONS said in 2009:

We're are not going to misrepresent any nominee's record. . . . They'll be entitled to

explain the charges against them. That doesn't mean I'll accept their explanation or agree with it.

And neither do I.

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

I questioned Senator SESSIONS about voting rights during his hearing. I asked him about an extraordinary claim by the then President-elect. In late November, President-Elect Trump tweeted: "In addition to winning the electoral college in a landslide, I won the popular vote if you deduct the millions of people who voted illegally." Let me repeat that: "the millions of people who voted illegally."

Let's be clear. President Trump lost the popular vote by 2.86 million votes—the popular vote for the President. He is the President of the United States, but he lost the popular vote by 2.86 million votes. When he says, "I won the popular vote if you deduct the millions of people who voted illegally," he is saying that at least 2.86 million people voted illegally.

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

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

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

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

But, in my questioning, none of this seemed to bother Senator SESSIONS. I suppose that shouldn't come as a surprise, because another thing that

didn't seem to bother Senator SESSIONS was the speed with which States previously covered by the Voting Rights Act, covered by preclearance, moved to restrict voting rights after the Supreme Court's Shelby County decision. He and I discussed this at his hearing. I pointed out that after Shelby County, States moved quickly to enact new restrictions, but he didn't seem concerned.

We discussed North Carolina, which enacted restrictions that the Fourth Circuit eventually described as targeting African Americans with "almost surgical precision"—targeting African Americans with almost surgical precision to make it harder for them to vote, to suppress their vote, which suppressed African-American votes in the 2014 election. So this had happened.

But it didn't seem to bother Senator SESSIONS. All he said was "every election needs to be managed closely and we need to ensure that there is integrity in it, and I do believe we regularly have fraudulent activities occur during election cycles."

Now, let's be clear. Claims of apocryphal voter fraud are used to justify voter suppression. Claims of bogus fraud are exactly what States cite when they enact laws designed to keep certain people from voting.

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

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

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

Think about how basic and fundamental this is. It is all the words that are said here on the floor, they are said by people who won elections. I won an election by 312 votes. Every vote is important. To suppress votes, to surgically target a race of people, how fundamentally wrong is that? It should make us shiver. It should, I would

hope, clarify to my colleagues why there is so much fear in this country, when a man who is President of the United States says there are 3 million to 5 million votes fraudulently cast. I wonder how he got 3 million. Could it possibly have anything to do with the fact that he lost the popular vote by 2.86 million? How did he bring that figure out of the air?

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

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

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

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

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

In 2014, a comprehensive study examined elections over 14 years, during which more than 1 billion ballots were cast, and they found just 31 incidents of in-person fraud, but that didn't stop President Trump. Never let the truth get in the way of a good story. He again claimed that he won the popular vote and continued to claim it and asked for an investigation.

This is so profoundly disturbing. I ask my colleagues, doesn't it bother you?

The President went on to tweet about this "major investigation into VOTER FRAUD, including those registered to vote in two states, those who are illegal, and even, those registered to vote who are dead, and then (and many for a long time)."

I know on my deathbed, which I hope is many, many years from now, surrounded by my family, my grandchildren, and hopefully my great-grandchildren, if they say: Grandpa, Great-grandpa, any last wishes, I would say: Yes, I want to, before I leave this world, “slip my mortal coil,” or whatever Shakespeare said; I want to make sure that I unregistered to vote because I was a U.S. Senator and I wouldn’t want to commit voter fraud, so, please, somebody, call the county clerk. I am too weak to do that.

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

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

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

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

Do you think the Attorney General has a responsibility to say no to the President if he asks for something that is improper? A lot of people have defended the Lynch nomination, for example, by saying: Well, he will appoint somebody who is going to execute his views. Well, what is 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 responded: Senator, I believe the Attorney General or the Deputy Attorney General has an obligation to follow the law and the Constitution, to give their independent legal advice to the President.

As everyone here should agree, that is exactly what Ms. Yates did last week—I think it was last week. These weeks seem long. This Nation owes her a debt of gratitude. She did exactly

what Senator SESSIONS asked if she would do, but I fear Senator SESSIONS has not demonstrated that he is capable of fulfilling that obligation, and his record, as demonstrated by the fact that he did not discuss these claims with the President, suggests that he is simply not willing to speak truth to power.

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

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

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

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

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

During this hearing and in his responses to written questions, Senator

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

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

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. SCHUMER. Mr. President, we here in the Senate have a tradition of mutual respect among our fellow Senators. We have a spirit of comity. It is a tradition that I hold in high esteem.

Last night that tradition was violated, and the Senate went in a very bad direction. I believe my Republican colleagues were far too zealous in trying to enforce that tradition and in doing so were guilty of the exact same thing they were trying to police.

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

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

reading a letter from Coretta Scott King—that was too much.

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

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

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

While the Senator from Massachusetts has my Republican colleagues up in arms by simply reciting the words of a civil rights leader, my Republican colleagues can hardly summon a note of disapproval for an administration that insults a Federal judge, tells the news media to “shut up,” offhandedly threatens a legislator’s career, and seems to invent new dimensions of falsehood each and every day.

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

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

Every Member on the other side of the aisle ought to realize that what they did to Senator WARREN was selective enforcement. It was the most selective enforcement of a rarely used

procedure to interrupt her, to silence her, and it was the only violation of the spirit of mutual respect and comity in this body that occurred last night.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. CORNYN. Mr. President, I ask unanimous consent that following the prayer, the Senator from Nevada be recognized for such time as he shall consume, and then I be recognized.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

PRAYER

Pursuant to rule IV, paragraph 2, the hour of 12 noon having arrived, the Senate having been in continuous session since Monday, the Senate will suspend for a prayer by the Senate Chaplain.

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

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

Strengthen the hearts of our lawmakers against temptations and make them more than conquerors in Your love. Lord, deliver them from all depression of spirit and free their hearts to give You zealous, active, and cheerful service. May they vigorously perform whatever You command, thankfully enduring whatever You have chosen for them to suffer. Guard their desires so that they will not deviate from the path of integrity.

Lord, strengthen them with Your almighty arms to do Your will on Earth, even as it is done in Heaven.

We pray in Your mighty Name. Amen.

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

REPEALING OBAMACARE

Mr. HELLER. Madam President, I want to take a few moments to discuss an issue, one that is on everybody’s mind; that is, the status of ObamaCare. Congress has taken the first step to repeal ObamaCare. I was in the House of Representatives when ObamaCare was passed into law. I opposed the law five times while I was in the House before it was passed with zero bipartisan, zero Republican support and was signed into law by the President.

I opposed ObamaCare because I feared that this law would increase costs, make it harder for patients to see a doctor, increase taxes on the middle class, increase taxes on seniors, and hurt the economy.

Over the last 7 years, all of these fears have become a reality. A new Congress and a new administration have heard the people’s response loud and clear, and that response is that we must repeal ObamaCare. Repealing ObamaCare means repealing all of the taxes that go with it—not part of them, not some of them, but all of them.

ObamaCare increased taxes on hard-working Americans by \$1.1 trillion. Higher taxes lead to more money being taken out of the pockets of hard-working families. Health care costs have increased to a degree where I have heard from Nevadans across the State, of all ages and backgrounds, all with similar concerns.

What I wish to do is take a moment to read an email that I received just last week from a 13-year-old boy who lives in Las Vegas. He said:

I wanted to write an email to express my concerns about Obamacare and hopefully persuade you in making a change.

My family used to have health insurance until ObamaCare kicked in and forced my family to drop our insurance since it tripled the cost and wasn’t affordable. We are getting penalized now for not having insurance.

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

Going back to the young boy, he said:

Since then we have had medical bills piling up. This is an issue with a lot of people and I don’t know a lot about policies but I do know that something needs to change for the good of the people.

I’ve heard President Donald Trump will be addressing this issue. I just hope you will represent Nevada in favor of getting rid of ObamaCare.

I can assure my constituents back home in Nevada, and especially this young man who is advocating for his family, that I am committed to repealing ObamaCare. This young man’s parents had employer-sponsored health care coverage that took care of their family when they needed medical care. And as a result of ObamaCare, the costs were too high to afford the health insurance they had.

One of the biggest drivers of cost increases on the middle class is the 40-percent excise tax on employee health benefits, better known as the Cadillac tax. In Nevada, 1.3 million workers who have employer-sponsored health insurance plans will be hit by this Cadillac tax. These are public employees in Carson City. These are service industry workers on the Strip in Las Vegas. These are small business owners and retirees across the State.

We are talking about reduced benefits, increased premiums, and higher deductibles. When I first started working on this issue, I knew the devastating impact this tax would have on Nevadans, but also in order to get anything done, we needed a bipartisan effort to reduce this tax and to eliminate it.

I recruited a good friend by the name of Senator MARTIN HEINRICH from New