in the heavenly bodies around them. What might be the dark star that is causing the peculiar behavior of the Senate in willfully disabling its own power and authority with respect to nominations for circuit courts of appeals? What could explain the otherwise inexplicable dismantling of our own tradition and our own authority in this area?

I submit that there is a $17.9 million donation that was brought to bear on the nomination of Judge Garland—the obstruction of that nomination—and the subsequent nomination of Judge Gorsuch from one donor. One anonymous donor put nearly $18 million into an effort to manipulate that process. That is not what has gone wrong with the Courts of Appeals, but it is a signal of powerful political interests out there seeking control over judicial nominees. For what other reason would an individual donor anonymously spend nearly $18 million? That is just one donor. There is plenty of anonymous money flowing into operations that seek to get specific types of people into robes.

My concern is that it is the power of special interests that is the dark star that is causing the Senate to undergo this deformation of its traditions—this relinquishment of our individual power as Senators and our group power as a branch of government.

It is special interest power that is driving this. There are special interests, such as the gun lobby, that would like to be able to go into a court and know that they have a judge who is predisposed in their favor. There are special interests, such as anti-choice groups, that would like to go into court and know that they have a judge who is predisposed in their favor. The actual very dark money forces that are meddling in our politics are desperate to show up in court when the question of dark money is litigated and have a judge who they know is predisposed in their favor.

There are business interests that seek to disable, diminish, and hobble courts and juries, and provide people home cooking arbitration alternatives to their constitutional right to go to court and to face a jury of their peers. They are very interested in seeing to it that when they appear in court on those issues, they have a judge who they believe is predisposed in their interests.

I cannot think of another reason why the Senate, as an institution, after all this time, would unilaterally disable itself, would unilaterally emasculate itself with respect to the role of the selection of our circuit court of appeals nominees.

I think this is a day that we will come to regret because that first step to get Judge Brennan confirmed may seem very attractive and appealing to a great many of my colleagues, but once you have crossed that Rubicon with that first step, there is no path that I can see that protects the right of individual Senators to assert an interest in a specific seat or a number of seats on the circuit courts of appeals.

I think we have more or less taken an irrevocable step toward nationalizing the appointments of all circuit court of appeals nominees, and we will look back on this day and say: What fools we were.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Mr. President, I want to start by thanking my colleague from Rhode Island for both his powerful analysis of the influence of money on the selection of our judicial nominees and also for his point about the blue slip and the implications of what this means for an independent judiciary.

He has been a strong voice on this for a long time, and I think his speech on it was extraordinary and something that I hope everyone listens to and pays attention to.

We are facing an unprecedented attack on our courts. This week, once again, Senator MCCONNELL has scheduled confirmation votes on a slate of extremist judicial court nominees—nominees who have demonstrated that they are not committed to the principles of equal justice under law. In this administration, Senate Republicans have been working at breakneck speed to jam our courts with pro-corporate, narrowminded elitists who will tilt the scales of justice in favor of the rich and powerful and against everyone else. They are willing to bend and break and change every rule in the book to do it.

Their latest strategy is to ignore the blue slip. For over a century, home-State Senators have played a critical role in the judicial confirmation process by using something called a blue slip to determine whether a judicial nomination should move forward. The Senate Judiciary Committee has historically refused to move forward on a nomination without a blue slip from both home-State Senators. In fact, during the Obama administration, Senate Republicans insisted on maintaining that rule, refusing to move forward on any judicial nominee who did not secure blue slips from both home State Senators. They even stretched the rule beyond all reasonable bounds to stop fairminded, mainstream nominees from being confirmed. But now that Donald Trump is in the White House, Republicans have changed their tune. In order to force extremist nominees onto our courts, they are willing to toss the blue slip right out the window.

Michael Brennan, President Trump's nominee to serve on the Seventh Circuit Court of Appeals, is just the latest example. Even though Mr. Brennan did not receive a blue slip from both home-State Senators, Senate Republicans moved forward on his nomination. Perhaps the ultimate irony is that when President Obama nominated another candidate to fill this very same seat, Mr. Brennan penned a strong defense of Senator JOHNSON's decision to withhold his blue slip. Now that the shoe is on the other foot, those principles have magically disappeared.

Let's be clear here. There are plenty of reasons for any Senator to be concerned about Mr. Brennan's fitness to serve on the Federal bench. I will just mention a few.

Mr. Brennan has mocked millions of hard-working women who have faced sexism and obstacles to advancement.

He has dismissed the idea of a glass ceiling.

Mr. Brennan has defended a Wisconsin law that added unnecessary barriers to women who were seeking access to abortion, even in the case of rape or incest.

Mr. Brennan supports criminal sentencing policies that slap low-level offenders with long jail sentences and exacerbate the problem of mass incarceration in America.

And it gets worse. Mr. Brennan believes that it is A-OK for judges to refuse to follow binding court precedent when the judge just thinks it is incorrect. Now, that is extreme.

But Senate Republicans have shown that they just don't care. They are willing to do whatever it takes to hand over our courts to moneyed interests.

NOMINATION OF THOMAS FARR

There are many other radical nominees who are also in line. I want to take some time to talk about one of them, but I think it is important to explain just what is at stake here.

In 2015, I was honored to join thousands of marchers to commemorate the anniversary of Bloody Sunday. On that chilly March morning 53 years ago, hundreds of nonviolent voting rights advocates, including many poor and rural African Americans who had been systemically shut out of the political process, joined together to march 54 miles from Selma to Montgomery to demand equal access to their constitutional right to vote. As they crossed the Edmund Pettus Bridge, the marchers, including my friend Congressman JOHN LEWIS, came face-to-face with a wall of State troopers armed with billy clubs. The troopers had one message for the marchers: Turn back. Don't fight this fight. It is not worth it.

Fully aware that they were putting their lives on the line, the protesters decided it was worth it. They held their ground. As the protesters fell to their knees to pray, they were brutally attacked by the State troopers.

As television footage and pictures of the brutality that day ricocheted across America, the country was forced to grapple with an ugly truth: In a country that is supposed to be a beacon of democracy, many citizens had systematically been stripped of the fundamental right to vote.

The march set in motion the signing of the Voting Rights Act of 1965—a landmark law that banned racially discriminatory voting practices. I wish I could say the fight for voting rights ended that day—the day President

Johnson signed that law—but it didn't. Even today, powerful forces combine to strip Americans of their lawful right to vote. States have passed restrictive voter ID laws, purged voting rolls, limited opportunities to register, and erected other barriers to the political process, all with the same goal—to make sure that people who wouldn't vote for them wouldn't get a chance to vote at all.

Federal courts have been on the frontlines of that battle. Citizens have sought justice by asking the courts to strike down laws that make it harder for people of color, low-income people, the elderly, disabled, or others to vote. The judges who sit on those courts have one duty—to uphold equal justice under law.

The Senate must determine whether Federal judicial nominees are prepared to meet that obligation. Thomas Farr, the nominee for the Eastern District of North Carolina, clearly fails that test. Instead of standing up for the rights of all people to vote, Mr. Farr has been the go-to lawyer for powerful interests who have worked to stop people of color and marginalized groups from exercising their right to vote.

Among the most appalling parts of Mr. Farr's resume is his work for Jesse Helms, the former U.S. Senator and shameless bigot. Helms made his views on civil rights and equal treatment clear. He opposed renewal of the Voting Rights Act. He led opposition to commemorate the birthday of Martin Luther King, Jr., as a holiday. He called LGBTQ individuals ''disgusting, weak, and morally sick wretches.'' He supported the apartheid regime in South Africa.

Senator Helms led some of the most blatantly racist political campaigns in modern history. For example, to drive down Black turnout, his campaign mailed over 100,000 postcards to homes in predominantly Black neighborhoods threatening that those individuals could be criminally prosecuted if they voted. Helms's most infamous campaign ad was a television spot that showed White hands crumpling up a job application, with an announcer saying that the person needed that job, but it was taken by a minority.

These ugly appeals to racism were a core part of Helms's campaign, and Mr. Farr was right by his side, serving as Helms's campaign lawyer. But Mr. Farr's troubling record doesn't end there. In recent years, he has played a central role in resisting anti-discrimination efforts in North Carolina.

In 2013, the Supreme Court dismantled a key part of the 1965 Voting Rights Act in its Shelby County v. Holder ruling, making it easier for States to enact discriminatory voter laws. After Shelby County, North Carolina's Republican-led legislature wasted no time in restricting voting rights, searching for ways to make it harder for African Americans in the State to vote.

North Carolina legislators requested data about voting practices broken down by race, identified laws that helped African Americans vote, and went about gutting each one of them. In just 3 legislative days, the State legislature rammed through an omnibus voter suppression bill. The bill included a voter ID provision that specifically excluded IDs that African Americans disproportionately used. It eliminated the first week of early voting. It ended same-day registration. It eliminated out-of-precinct voting. It stopped preregistration for 16- and 17-years-olds. These were all—every one of them—practices that helped boost African-American voter turnout.

The bill was challenged in court by faith groups, by civil rights groups, and by the U.S. Government. Where was Thomas Farr? Where was he? He was on the other side, defending the discriminatory law. The Federal appeals court rejected Mr. Farr's argument. It concluded that the North Carolina Legislature had intentionally discriminated in passing its voting laws, targeting African Americans with ''surgical precision.''

That case represents just one of many times Mr. Farr has defended powerful interests who discriminate against and harass those who are less powerful. I will mention a few more.

When North Carolina redrew its district lines in a way that diluted the votes of African Americans, Mr. Farr defended it. When Avis, a car rental company, was sued for discriminating against African-American customers, Mr. Farr was there once again defending discrimination.

Time after time, Mr. Farr has defended racial discrimination. He has also defended discrimination against workers, discrimination against women, and discrimination against LGBTQ individuals. For example, Mr. Farr defended an employer who created a toxic work environment for female employees, instructing them to wear skirts to attract clients, commenting that women belonged in the home instead of the workplace, and telling one woman that he would help her pick up her panties from the floor. He defended the discriminatory North Carolina law that prevents transgender men and women from using the bathrooms that reflect their gender identity.

Anyone paying attention to judicial nominations knows that powerful interests are working to capture our courts. They have been having a field day in this administration. I have come before this Chamber on many occasions to oppose radical, pro-corporate nominees handpicked by those powerful interests. Thomas Farr is one of those radical, pro-corporate nominees. He is one of them, but he has set himself apart even from the many terrible nominees the Trump administration has forced through the Senate because Mr. Farr has directly worked to dismantle one of the most precious and fundamental rights of our democracy—the right to vote.

In a State that is over one-fifth African American, the Eastern District of North Carolina has never had an African-American Federal district judge—not a single one. The Senate held up two thoroughly qualified African-American women for this same seat—two women who would have sailed through the Senate if they had gotten a vote, but they were held up so that a Republican President could fill the vacancy. And now President Trump has nominated someone who has spent much of his career defending discrimination against African Americans. Talk about rubbing salt in the wound.

Equal justice under the law is a cornerstone of American democracy, but that promise cannot be fully realized if we allow individuals like Mr. Farr to secure lifetime positions on our courts. Someone who thinks that States should be able to make it harder for Americans to vote based on the color of their skin or the likelihood that they will vote for a particular political party should be automatically disqualified from a Federal judgeship.

I urge my colleagues to vote no on Mr. Farr's nomination. The integrity of our courts is at stake.

Thank you.

The PRESIDING OFFICER. The Senator from Arizona.

UNANIMOUS CONSENT REQUEST—H.R. 1551

Mr. FLAKE. Mr. President, I rise today to fulfill a promise to continue to advocate for a solution that will address the critical issues of securing the border and protecting young immigrants impacted by an uncertain future—those who are part of the DACA Program.

Last month, I again offered legislation to extend the DACA Program for 3 years and to provide 3 years of increased funding for border security—a so-called 3-for-3 program. I think this is a way we can reach a compromise on this issue that will do two important things—one, provide much needed funding to secure the border. Being from a border State like Arizona, I can certainly understand that. We need a more secure border. We need additional resources, including barriers, technology, and manpower, and this legislation would provide that. At the same time, it would provide protection for those kids—numbering about 800,000 and many more eligible as well—who face an uncertain future because we haven't been able to extend or to make permanent this program.

By the way, these are kids who were brought across the border through no fault of their own when their average median age, I think, was about 6 years old. It is not their fault that they were brought here this way. For all intents and purposes, they are American—everything without the papers. Many of them have now graduated from college and face an uncertain future in the job market. Many of them are in school looking to continue that education. Many of them serve in our military. We have to do right by them and do what is good for the country, as well, and I think this legislation would do that.