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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, the source of our joy, thank You for hearing our prayers, for Your mercy is unending. Strengthen our lawmakers that they may grow in grace and increase in their knowledge of You. Give them courage to cry out against injustice, to lift burdens, and to break fetters. May they strive to transform dark yesterdays into bright tomorrows. Lord, remind them that Your favor has a lifetime guarantee. Use our Senators as instruments of Your glory. May Your peace go with them as they see to do Your will on Earth, even as it is done in Heaven.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mrs. HYDE-SMITH). The majority leader is recognized.

NOMINATION OF BRETT KAVANAUGH

Mr. MCCONNELL. Madam President, the President of the United States made a superb choice. He chose to fill a place on the Nation's highest Court with one of the Nation's brightest legal minds. Brett Kavanaugh brings unimpeachable academic credentials as a

student at Yale and a lecturer at Harvard. He carries over a decade of experience ruling from the Nation's most consequential circuit court. Along the way, he has earned the admiration and praise of his peers—legal professionals with all manner of judicial and political philosophies—for his professional abilities and his experience, as well as qualities that simply go beyond his resume.

Nevertheless, the instant Judge Kavanaugh was announced, far-left groups and some of our own Democratic colleagues in the Senate started pushing the same old scare tactics. More than a week before the nomination, one Democratic Senator explained on cable news that President Trump's nominee, whoever it was, would threaten "the destruction of the Constitution, as far as I can tell." The President hadn't even named his selection, and already our entire system of government was on its last legs? Give me a break. This Senator, by the way, serves on the Judiciary Committee.

One leftwing group had an angry press release all ready to go for whoever the nominee would be, but after Judge Kavanaugh's nomination was announced, they forgot to fill in his name. They had the press release ready with a big blank there, and they forgot to fill in the name. They wound up decrying all the terrible things that would happen if we confirmed the President's "nomination of blank to the Supreme Court," and they sent it out. That kind of says it all—fill-in-the-blank opposition.

Our Democratic friends have learned Judge Kavanaugh's name by now, but the hysterical attacks haven't gotten any less desperate or any more sensible. No sooner are these silly attacks launched than they are beaten back by the facts.

One of the flavors of the week was the outlandish claim that in law review articles he wrote 10 or 20 years ago, Judge Kavanaugh supposedly said that

sitting Presidents cannot be held accountable under the law. Some far-left special interests claimed he said that. So did some congressional Democrats. It was the perfect conspiracy theory, catnip for their far-left base. The only problem was, it wasn't true. People who have actually looked at these articles note that Judge Kavanaugh "does not reach legal conclusions on issues" of Presidential accountability. If anything, he seems to arrive at the opposite conclusion of what has been alleged.

Professor Noah Feldman of Harvard Law School observed that "from a legal and constitutional perspective," Judge Kavanaugh "wasn't saying that the courts should find that the President shouldn't be investigated" or held accountable; "to the contrary." To the contrary. Professor Feldman observes that Judge Kavanaugh's logic would seem to imply that any President is open to being investigated and held accountable under the law. Here is how Professor Feldman finished his debunking of this unfair attack. This is what he said: "Trying to oppose him on logically backward grounds doesn't serve anyone's interests."

The Washington Post Fact Checker jumped on the Democrats' mischaracterization. It explained that Judge Kavanaugh's scholarly articles actually contained "a mainstream view" on this constitutional question. They blasted the Democratic rhetoric as "an extreme distortion of what he has written."

Let me sum that up. According to the Washington Post, it is Judge Kavanaugh's analysis that is mainstream. It is the distortions of his record by congressional Democrats and far-left special interest groups that are extreme.

We have a word for blatantly misrepresenting the record and character of a judicial nominee in order to achieve a political objective. We call it an attempt to Bork the nominee. It refers to how Judge Robert Bork was

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



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slandered in the 1980s, when people both inside and outside the Congress blatantly and shamelessly distorted his record to claim he would do terrible things if confirmed to the Supreme Court.

It is actually in the dictionary now, literally. Judge Bork's last name is in the Merriam-Webster Dictionary as a verb. This is what "Bork" means: "to attack or defeat (a nominee or candidate for public office) unfairly through an organized campaign of harsh public criticism or vilification." To be Borked is now in the dictionary. It is completely unfair vilification.

Looking back, most people agree now that this episode was grossly unfair, insulted the intelligence of the American people, and stained the history of the U.S. Senate.

Jeffrey Rosen was a Democrat who worked in Senator Biden's office on the Democrats' side during that episode. Here is what he wrote a few years ago:

I remember feeling that the nominee was being treated unfairly. Senator Edward Kennedy set the tone with a demagogic attack. . . . Bork's record was distorted beyond recognition. . . . It [was] bad for the country.

This was a man named Jeffrey Rosen—a Democrat—who worked in Senator Biden's office during this episode.

Here is what a lawyer who helped lead the anti-Bork effort wrote just last year:

I regret my part in what I now regard as a terrible political mistake.

He was seized with guilt after all these years of having participated in this Borking. Because of that episode, he goes on, "we have undermined public confidence in the judiciary."

There is widespread and bipartisan agreement that trying to Bork judicial nominees is harmful to our Democratic process and to our judiciary.

Judge Kavanaugh's impressive record, impeccable credentials, and his enormous, bipartisan fan club of judicial peers and legal scholars all attest to the outstanding service he would render on the Supreme Court. I am glad that outside fact checkers are already swatting down Democrats' desperate attacks on his nomination.

In a breaking-news bombshell report just last night, we learned that Judge Kavanaugh enjoys America's pastime. Investigative reporters scoured his financial disclosures and learned that he and his friends buy tickets to baseball games and that he pays his bills. As you can see, there is still plenty of silliness to go around.

I urge every one of my colleagues to treat Judge Kavanaugh's record truthfully and treat the confirmation process with the respect that it and this institution in which we serve deserve. We need to act like a responsible United States Senate going through a confirmation process to the United States Supreme Court.

WORK OF THE SENATE

Mr. MCCONNELL. Madam President, on another matter, while Judge

Kavanaugh's nomination has filled the headlines this week, the Senate has continued to attend to important business. Yesterday, the Senate voted to proceed to conference with the House on the first three of this year's appropriations bills. I understand the conferees are planning to meet as soon as today. The day before, we voted to go to conference on this year's Defense authorization bill. Soon, we will do the same with respect to the farm bill.

I am proud that we are continuing to deliver on our commitment to bring regular order back to the appropriations process, along with attending to the needs of our Armed Forces and confirming more of the President's nominees. Let's keep this momentum going. I hope the collaborative, bipartisan approach that Chairman SHELBY, Senator LEAHY, and our subcommittee chairmen have brought to the appropriations process will continue to characterize our progress on the floor as well. With continued hard work and steady cooperation, we can achieve our shared goal of funding our government through the regular appropriations process.

JOB GROWTH

Mr. MCCONNELL. Madam President, on one final matter, the evidence keeps mounting that with Republicans at the helm in the White House, the House, and the Senate, the American people are enjoying what amounts to the most pro-worker, pro-opportunity economic moment in recent history.

Already in 2018, the number of Americans who say it is a good time to find a quality job has risen to its highest level in at least 17 years of data on record. The jobs report released last week showed, in June, that the rate of hire throughout the United States hit an 11-year high.

Interestingly, American workers voluntarily left their jobs at the highest rate in 17 years. What that means—and I would like to drill down on that point for a moment—is that during the Obama administration, we heard a great deal of talk from our Democratic friends about a phenomenon they called job lock.

The idea was that many workers were trapped in jobs that did not pay enough or did not take full advantage of their skills because there weren't enough open opportunities to justify taking the leap and looking for a better position.

Republicans agreed with our Democratic colleagues that we could build a better economy for middle-class workers. We just didn't think tax increases and massive new regulations were the way to do it. Now, following a year and a half of Republican policies, including historic tax reform, the voluntary quit rate has hit a 17-year high. Workers now feel free to climb up the ladder and move on to bigger and better things.

I have just one more data point: This economy is thriving, and the Repub-

licans' bold agenda is helping to make it happen.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the Ney nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Paul C. Ney, Jr., of Tennessee, to be General Counsel of the Department of Defense.

The PRESIDING OFFICER. The Senator from Maryland.

ANNAPOLIS MASS SHOOTING

Mr. CARDIN. Madam President, I rise today to discuss a topic far too many of my colleagues have also had to face—yet another fatal mass shooting in their State. This time it was in Annapolis, MD, in our State capital.

Exactly 2 weeks ago, on June 28, at about 2:30 p.m., a 38-year-old man who had a longstanding spurious grudge against the Capital Gazette newspaper made good on his sworn threats. He entered the newspaper offices, headed to the newsroom, and by the time he was done, he had shot and killed five employees of this community newspaper.

The Capital Gazette is the local paper of record in Annapolis. It is one of the oldest, continuously published newspapers in the United States. It traces its roots back to the Maryland Gazette, which began publishing in 1727, and to the Capital, which was founded in 1884.

This loss of life is personal to so many in Annapolis and around our State. You need to understand that the Capital Gazette is as much a part of the fabric of Annapolis as the State government it covers. It is perhaps embodied in Thomas Jefferson's famous quote: "Were it left to me to decide whether we should have a government without newspapers or newspapers without government, I should not hesitate a moment to prefer the latter."

Just 2 weeks ago, a man with a shotgun—a man who had made known his threats against this paper—purposefully entered the building which houses the Capital Gazette and killed people.

Let me take a moment to mourn those lost and to thank the first responders who first appeared on the scene literally 60 seconds after the first 911 call. Location means everything in