

That was Chairman GRASSLEY.

So we have one side that is handling these sensitive matters with dignity, with professionalism, by the book, and we have another side that chose to sit on allegations and keep them secret until they were leaked to the press—the same side as the Democratic leader's, who had already made up his mind mere hours after Judge Kavanaugh was chosen and said: "I will oppose him with everything I've got." Well, apparently so.

Look, the American people know that sexual misconduct is gravely serious. They expect this to be treated seriously and addressed promptly. That is precisely what Chairman GRASSLEY has done and is doing. But the American people also insist that vague, unsubstantiated, and uncorroborated allegations of 30-plus-year-old misconduct—where all the supposed witnesses either totally deny it or can't confirm it—is nowhere near grounds to nullify someone's career or destroy their good name. Justice matters. Evidence matters. Facts matter.

Let's look at one of the supposed witnesses, Ms. Leland Keyser. She is not a friend of Judge Kavanaugh's. In fact, she says she doesn't even know him. Rather, she is a longtime friend of Professor Ford's. What does Ms. Keyser say about the allegations? Through her lawyer, she says that she "does not know Mr. Kavanaugh and she has no recollection of ever being at a party where he was present, with, or without, Dr. Ford." In other words, she backs up Judge Kavanaugh's statement.

Look, this is America here we are talking about. We are supposed to uphold fairness and a presumption of innocence. Everyone deserves better than this—not just Judge Kavanaugh; everyone deserves better than this.

I was surprised and disappointed by the recent statements on television from some of my Democratic colleagues, including one statement this weekend that Judge Kavanaugh is not owed the presumption of innocence. One of our Democratic colleagues said Judge Kavanaugh is not owed the presumption of innocence, because they disagree with his judicial philosophy. That is not a standard we want to set in America.

No matter how loudly my Democratic colleagues try to say otherwise, we have never been and do not wish to be a society in which a single, uncorroborated allegation—disputed by everyone who supposedly has some knowledge of it—can float out across decades and wield veto power over somebody's life.

Judge Kavanaugh is an immensely bright and qualified nominee. We have heard from legal experts and scholars that he is one of the fairest and most brilliant jurists anywhere in our country. We have heard from hundreds of character witnesses from his high school days to the present who vouch for his character and his integrity.

Yet the need for a fair process runs even deeper than Judge Kavanaugh

himself. As he wrote in his own letter to Chairman GRASSLEY yesterday, the weaponization of unsubstantiated smears—that is what we have here, the weaponization of unsubstantiated smears—"will dissuade competent and good people of all political persuasions from service."

This isn't what Members want the Senate to be. This isn't what Americans want our society to be. So I look forward to hearing from both Dr. Ford and Judge Kavanaugh under oath this Thursday morning. I am glad we will be able to hear testimony from both. Then I look forward to an up-or-down vote on this nomination right here on the Senate floor.

THE WEEK'S BUSINESS

Madam President, on an entirely different matter, as I noted yesterday, the Senate continues to make progress on critical national priorities. We are restoring the regular order appropriations process; we are securing common-sense reforms to infrastructure policy and the longest authorization of FAA in over 35 years; and, this week, we are confirming more of the President's well-qualified nominees. Yesterday, the Senate voted to confirm Jackie Wolcott as the U.S. Representative to the International Atomic Energy Agency and to the United Nations in Vienna. Today, we turn to consider the nomination of Peter A. Feldman to be a Commissioner of the Consumer Product Safety Commission.

I urge each of our colleagues to join me in voting to confirm Mr. Feldman and in continuing to process nominees for vital roles in the executive branch.

TAX REFORM

Madam President, on one final matter, for months, we have heard the firsthand accounts of American workers and job creators who have felt the immediate impacts of the Republicans' pro-growth, pro-opportunity agenda.

We have heard from working parents who have received raises and special bonuses as a result of once-in-a-generation tax reform. We have heard from small- and medium-sized business owners who have been able to make larger investments in their workers, facilities, and products, thanks to increased regulatory certainty. With every new job created and every pay raise passed along, we have seen that these stories are not disconnected anecdotes. Rather, they are part of larger trends in an American economy that is reaching new heights.

For example, here on the floor, I have highlighted small businesses in Montana and the ways they are using tax reform savings to drive their local economies forward—how Stricks Ag has awarded worker bonuses and how Thompson River Lumber has invested in new equipment. Well, earlier this month, Governor Bullock and the Montana Department of Labor released a report that that suggests the State's economy is showing signs of wide-reaching prosperity. In other words, the stories my colleagues and I have

been hearing for months are no fluke. In the last year, Montana's entrepreneurs founded nearly 3,000 new enterprises, and according to Governor Bullock, the employment rate is the lowest it has been in over a decade in Montana.

Over the past year and a half, this united Republican government has implemented a bold, pro-growth agenda to help create the conditions for Montana's workers and job creators to write this new chapter. The signs we are seeing today are truly remarkable, but they shouldn't come as a surprise, for the trends we are seeing across the country today are exactly what this united Republican government had in mind when we passed generational tax reform. They are exactly what one of Montana's Senators had in mind when he voted to deliver it. What a shame that the other Senator joined Senate Democrats in lockstep opposition.

These days, the ball is in the American people's court. They will keep taking it and running with it—creating jobs and new prosperity all across our country. Here in Congress, the Republicans will keep working hard to help them do it.

The ACTING PRESIDENT pro tempore. The assistant Democratic leader.

Mr. DURBIN. Madam President, what is the business before the Senate?

The ACTING PRESIDENT pro tempore. The Senate is considering the Feldman nomination.

Mr. DURBIN. Thank you.

Madam President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NOMINATION OF BRETT KAVANAUGH

Mr. DURBIN. Madam President, plow through this nomination. That is what the Republican majority leader said over the weekend, that we are going to plow through this nomination of Brett Kavanaugh for the Supreme Court. It doesn't sound to me like a recipe for fairness, and it certainly doesn't sound like a recipe for getting to the truth. Plow through. That was what the Republican majority leader said the Republican majority would do.

When this all started, I was surprised when a spokesperson for President Trump—Kellyanne Conway, who is not noted for her moderation—made what I thought was a very moderate and thoughtful statement at the beginning of the consideration of Dr. Ford's charges. She said that we are neither going to ignore nor insult Dr. Ford. I thought that was a good standard. Unfortunately, since she has said that, neither the President nor many Republican leaders have lived up to it.

I really come to this as a member of the Senate Judiciary Committee who is trying to think about the gravity of the situation and what is fair. In this situation, we have Dr. Ford's coming forward. I have thought long and hard and have talked to many of my staffers

and friends back home about her motivation. What in the world does she have to gain by putting herself and her family through this? What is at the end of it for her?

I can't see any positives other than the satisfaction that she is pursuing what she believes to be true. She is exposing herself to ridicule, harassment, and attack even by the President of the United States in his tweets. Her family is in danger, and they have had to move out of their home. Her computers have been hacked, and she has had to engage attorneys and get into lengthy negotiations with Republicans in the Senate just for a chance to come and tell her story. This woman had a family and a life and was well respected by her colleagues and the people in her community. It has been turned upside down.

Why? What is in this for Dr. Ford? What is she trying to achieve here?

The more I have thought about it, the more I have concluded that she just believes it is so critically important for the American people to hear her story and understand what she believes to be true about this nominee. So I come to this, certainly, with an open mind in terms of her presentation.

When I hear the Republican leader come to the floor and talk about her situation, he zigs and zags. In one moment, he sounds like he is sympathetic to Dr. Ford and to what she has been through and calls for fairness. Then, before he catches a breath, he calls her charges an unsubstantiated smear.

I would say to my colleague from Kentucky that he can't have it both ways. He can't be respectful of Dr. Ford and of the reason she comes to Washington and then dismiss and discredit everything she has said as a smear. He just can't have it both ways, but he has tried for 2 straight days.

He argues that this situation that we face has been carefully choreographed by the Democrats.

There is the old cliché by Will Rogers: "I don't belong to any organized political party—I am a Democrat." It, certainly, applies to this situation because this has been an unusual development.

Senator DIANNE FEINSTEIN receives a letter from Dr. Ford through a Member of Congress, ANNA ESHOO. When she receives the letter, it reads at the top "confidential," that she doesn't want her identity to be disclosed.

Senator FEINSTEIN told me and others over and over again that she felt duty bound not to victimize Dr. Ford, who claimed to have been victimized already. She tried to find a way to get to the bottom of this—to establish whether Dr. Ford's charges were accurate. After weeks of trying, she came to the conclusion that she couldn't do it through the U.S. Senate and through the resources available to her. She spoke to Dr. Ford. She took the charges seriously. She was in communication with her attorneys. She tried her best to find a way to establish the

credibility of these charges before moving forward and was always constrained by Dr. Ford's admonition: Don't let my identity become public. That is why it took longer than it should have.

Now Senator MCCONNELL has come to the floor for 2 straight days and has somehow suggested that the Democrats leaked this letter to the press. Well, I don't have any knowledge of that whatsoever. I do know, as far as Senator FEINSTEIN was concerned, she was scrupulous in making certain that Dr. Ford's identity was protected as long as she wanted it protected. So I don't know what he is saying or whether he has information to back up these charges that he has made for 2 straight days on the floor.

I take a look at this situation, and I understand where we are today. The bottom line is that Dr. Ford had nothing to gain by doing this—nothing—and still has nothing to gain. Yet then there is one overriding fact here that Senator MCCONNELL continues to ignore. Let me take you back in history.

Twenty-seven years ago was the Clarence Thomas hearing. I was in the House at the time, but I read about it and followed it as most Americans did. On the very day that Senate Judiciary Committee Chairman Joe Biden received the letter from Anita Hill, which charged sexual misconduct against Clarence Thomas, Chairman Biden sent the letter to the President George H.W. Bush White House—to the White House Counsel, C. Boyden Gray. Then on that very day, C. Boyden Gray, the White House Counsel, ordered the Federal Bureau of Investigation to investigate the charges by Anita Hill.

There has been a lot of comment on whether that investigation had been adequate or preemptory. There has been a lot more comment on whether the following hearing had been fair, adequate, and not preemptory. Yet the fact is that the instinct of Joe Biden and the instinct of the George H.W. Bush White House was the same: Investigate it. Don't assume it is true, and don't assume it is false.

Now look at this case. Look at where we are today despite repeated requests to the White House and the Republicans for the Federal Bureau of Investigation to look into this matter. Despite repeated requests for them to ask the FBI to do this, they have refused. The Republicans have refused an investigation of the charges by Dr. Ford. Dr. Ford has called for the FBI to investigate her own charges. They have refused.

If they truly believed that there was no evidence, no witness to back up Dr. Ford's charges, wouldn't they, obviously, have called the FBI and said, "Do your job, and find what you can. We are confident, at the end, that Judge Kavanaugh will be exonerated"? Yet they have not. Despite all of the calls for fairness over and over again by Senator MCCONNELL, fairness would

dictate a nonpartisan investigative group like the FBI to look into this matter and come to conclusions, whatever they may be.

I listened as Senator MCCONNELL said this morning that justice matters. Evidence matters, he said. Facts matter, he said. I might add that an FBI investigation matters, too, because it would get to the bottom of all three of those things. Yet, the White House, the President, Senator MCCONNELL, and the Republicans have resisted this FBI investigation despite Dr. Ford's asking for it.

As far as the presumption of innocence, I listened to Senator MCCONNELL say that someone suggested that Judge Kavanaugh is not entitled to that. I disagree with whoever said that. Both Dr. Ford and Judge Kavanaugh are entitled to the presumption of innocence. The case has to be proven; the facts have to be shown as best they can.

I want to add something else too. I am troubled by what President Trump said over the weekend about Dr. Ford's charges—the suggestion that it has been so long that her charges are not credible, the suggestion that if they were truly credible, she would have told her parents what had happened that night in the bedroom and that her parents would have reported it to law enforcement, and we could have read the police reports.

That is not the real world when it comes to this kind of sexual harassment and sexual violence—not at all. It is the reason it took 40 years for altar boys in the Catholic Church to come forward and finally tell their stories. It is the reason many women who have been victims never come forward. It is hard. It is difficult. It is painful. It is divisive. Many of them step away from it and carry those memories for their lifetimes without ever telling anyone.

If you want to be fair to Dr. Ford, and if you want to be fair to the victims of sexual violence, harassment, and assault, then you have to acknowledge the obvious. This is something no one wishes on any member of their family, friend, or person they have met. In fairness, if it occurs, we should be sensitive to the fact that many don't want to come forward at all, and some only do it reluctantly much later.

I want a fair and open hearing this Thursday when both Dr. Ford and Judge Kavanaugh come before us. This is not a smear campaign, as far as I am concerned.

Dr. Ford, with nothing to gain, has stepped forward and told her story. She has subjected her family and her name to the kind of publicity no one would wish on their family, and she has done it because she believes the truth is important.

By the same token, Judge Kavanaugh is entitled to tell his story, and I hope he will. He will have to explain to this committee why he didn't call for a Federal Bureau of Investigation effort on his own behalf to establish the facts,

the evidence, and the witnesses, if there were any. He didn't, and that is a fact.

We also know this charge Senator MCCONNELL made that Senator SCHUMER made up his mind on the Kavanaugh nomination early in some respects is true. Senator SCHUMER announced his position on this nomination early, but if you have been listening to the speeches given by Senator MCCONNELL on the floor from the start, you certainly know where his vote has been. He says he is looking forward to hearing the testimony on Thursday. Well, clearly, he has made up his mind before he hears that testimony. So to fault Senator SCHUMER for taking a position on this nomination early, that he is ignoring the obvious—so did Senator MCCONNELL.

At this point, I will say we face an awesome responsibility. A nation divided politically, a nation where people have strong feelings on both sides in an effort to find the truth—I don't know what the legal standard is for this hearing. When it comes to criminal law, we certainly know the matter of probable cause, which leads to investigation and prosecution, and beyond a reasonable doubt to prove the guilt of someone. We know on the civil side there are different standards. No one has quite spelled out what our standard of proof is, but this much I know. No one—not any single American—is entitled to a seat on the Supreme Court. They have to come before the American people first and certainly the Senate, under the Constitution, and make their case for the advice and consent of the Senate to that nomination.

It is a lifetime appointment to the highest Court in the land. The person who fills that seat can make decisions which swing history one way or the other, decisions which affect justice and privacy and fairness in American life. For that reason, all of us—all the Members of the Senate, certainly the Senate Judiciary Committee—have to take it seriously. I am going to take this very seriously, and I hope Members on both sides of the aisle will.

I also will say this. Senator MCCONNELL followed up with his “plow through this matter” comment and told us: We will stay through the weekend, if necessary, to get this done. We have to get it behind us. We have to move on. Where was Senator MCCONNELL's sense of urgency when the vacancy was created by the death of Antonin Scalia? For almost a year, Senator MCCONNELL left that seat vacant in the hopes that a Republican would be elected President. The idea now of giving a few days to go through the evidence, to go through an investigation, to have a reasonable review of the record of Judge Kavanaugh is now pushed away. This has to be done, it has to be done this weekend, and that is it—why? Why the urgency, Senator MCCONNELL? Shouldn't we value fairness over urgency?

I ask Senator MCCONNELL: Set your “plow” aside for a few minutes, would

you? Take a look at the Senate, this deliberative body, and make sure that in fairness to both Dr. Ford and Judge Kavanaugh, we don't push this through, and we don't rush to judgment. Let us use our opportunity in the Senate and our responsibility in the Senate to treat our constitutional requirement seriously.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

Mr. SCHUMER. Madam President, yesterday the Republican leader began his speech with a quote of mine. Let me begin mine with a quote of his. “We're going to plow right through it.” That is Leader MCCONNELL: We are going to plow right through it. He was speaking to the Values Voter Summit about serious allegations of sexual misconduct by Supreme Court nominee Judge Kavanaugh. “We're going to plow right through it.” Does that sound like someone who is treating these allegations with respect and fairness and evenhandedness? Does it sound like someone who wants to get at the real facts no matter where they fall? Certainly not to me and not to the American people.

Then, yesterday, Leader MCCONNELL brought the debate to a new low by calling the allegations against Judge Kavanaugh a “Democratic smear job.” Never mind that Leader MCCONNELL has no evidence—no evidence whatsoever—that the recent allegations were contrived by Democrats. They were not. Never mind that Leader MCCONNELL has no evidence—no evidence whatsoever—that the events in question took place or didn't take place. It seems likely they did, but he has no evidence one way or the other because he will not even ask for an investigation of it.

He then unilaterally declared the accounts of multiple women to be “manufactured mud,” part of a partisan smear campaign. Let me address these comments directly that these allegations are part of a “Democratic smear job.”

First, these allegations did not originate with Democrats. These women came forward with principle and courage, knowing they would face abuse and lasting personal pain for doing so, but realizing they had an obligation to the country, they did so anyway.

Dr. Ford came forward and shared her story voluntarily and on her own initiative. She wasn't put up by a Democrat or Republican or anybody else. It came from her heart. The idea that these allegations were cooked up or in-

stigated or encouraged by Democrats in Congress is patently absurd and a real insult to the members of the Judiciary Committee and the Members of this Chamber. It is against the spirit, if not the letter, of our Senate rules.

Addressing the second part of MCCONNELL's claim, that is even worse. Democrats and Republican are always throwing charges at each other, but the idea that this is a smear job—whatever you think of the veracity of the allegations, it is shameful—shameful—to doubt the women's sincerity. To say they are making it up and to discredit their sincere testimony is nothing more than a partisan hit job.

For too long, people in positions of power have dismissed accounts made by women before any evidence could be brought forward as politically motivated or character assassination. We have come a long way in this country, and we have to be better than that—better than the low standard Senator MCCONNELL has set.

At a minimum, we must respect these women and Judge Kavanaugh by handling these allegations with the seriousness they deserve. Leader MCCONNELL owes an apology to Dr. Ford for labeling her allegations a “smear job.” Let me repeat that. Leader MCCONNELL owes an apology to Dr. Ford for labeling her allegations a “smear job,” and he should apologize to her immediately.

It is galling—galling—for the Republican leader, who has done more than maybe anyone else to politicize the Supreme Court nomination process, to make these trumped-up, hyperbolic charges of partisanship by Democrats.

It is a sad habit of Republicans to accuse the other side of doing what they, in fact, are doing. It happens over and over. That seems to be the case here, as Democrats have over and over urged the FBI to help investigate these allegations, to get to the bottom of it, to get to the truth, while Republicans block any investigation and plow right through with their nominee.

It is simple. If Leader MCCONNELL were truly concerned about these allegations being swept up in partisanship, he would join us in calling for an FBI background investigation, which can be performed quietly, soberly, quickly, and effectively, without fuss, without muss, and without any circus atmosphere. That is the way to get this done. The only reason it hasn't happened is that both the President and Leader MCCONNELL have blocked it, as well as Senator GRASSLEY. Don't they want the truth? They say they do, but their actions belie that because they will not even entertain a background check, which the FBI does over and over, to find out the facts. I think they are afraid of the facts.

Why doesn't Judge Kavanaugh call for an FBI investigation? He went on TV last night and said they are not true. If they are not true, he has nothing to fear from an FBI background investigation, and he should want it, no