



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 115th CONGRESS, SECOND SESSION

Vol. 164

WASHINGTON, WEDNESDAY, SEPTEMBER 26, 2018

No. 159

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable RAND PAUL, a Senator from the Commonwealth of Kentucky.

PRAYER

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

Let us pray.

Eternal God, in these challenging and unpredictable times, we look to You for guidance. You are the source of our strength and the center of our joy.

Remind our lawmakers that You are prepared to shower them with wisdom if they would only request it. Thank You for inviting our Senators to ask and receive, to seek and find, and to knock and open closed doors. Bless our legislators with productivity and progress for the glory of Your Name.

Today and always, let Your will be done on Earth as it is done in Heaven.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 26, 2018.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RAND PAUL, a Senator from the Commonwealth of Kentucky, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. PAUL thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session and resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Peter A. Feldman, of the District of Columbia, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 2019. (Reappointment)

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

NOMINATION OF BRETT KAVANAUGH

Mr. McCONNELL. Mr. President, tomorrow morning, the Senate and the American people will hear from Judge Brett Kavanaugh and Dr. Christine Blasey Ford under oath. We will hear sworn testimony from both of them regarding the allegation of 30-plus-year-old misconduct that Dr. Ford has raised.

It goes without saying, but it bears repeating: Sexual assault is completely abhorrent. Everyone deserves to be

safe. So I am glad Dr. Ford will be heard.

I would like to particularly thank Chairman GRASSLEY, who worked tirelessly to establish a fair process and a secure, comfortable setting for this to take place. He gave Dr. Ford the opportunity to testify in public or in private or to speak with investigators who would meet her anywhere she wished or to conduct the entire interview by phone. He has brought a patient professionalism to this process—one that stands in stark contrast to those on the other side of the aisle who self-describe as “Spartacus” and play to the television cameras. Dr. Ford will be heard, thanks to Chairman GRASSLEY and despite the irresponsibility of Senate Democrats, who ignored her allegation for weeks and then discarded her request for confidentiality and leaked it to the press.

Let me walk you through this again. The ranking Democrat on the Judiciary Committee received a letter from Dr. Ford all the way back in July in which she stated her allegation and asked for confidentiality. That was in July. The committee’s thorough review of Judge Kavanaugh was just getting started. There was ample time to vet this allegation in a serious and bipartisan manner that would have maintained confidentiality and honored Dr. Ford’s request for privacy.

All the Democrats needed to do was go through proper channels and share the information with their Republican colleagues so the committee could tackle it together, but that is not what Senate Democrats did. This is the Democratic caucus whose leader, my friend the senior Senator from New York, said just hours after Judge Kavanaugh was nominated that he would “oppose him with everything I’ve got.” This was just hours after the nomination. This is the Democratic caucus of which several Members preemptively announced fill-in-the-blank opposition to any nominee before

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



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Judge Kavanaugh had even been named. This is the Democratic caucus that spent all summer searching for reasons to delay, delay, delay this nomination. This was because there were not enough documents, because there were too many documents, because of unrelated headlines—you name it.

No, these Democratic colleagues did not treat Dr. Ford or her allegation with the seriousness and discretion she deserved. Apparently, they took no meaningful action for weeks with respect to her claim. Then, finally, at the eleventh hour, when its introduction was virtually certain to introduce further delay, they got it to the press. So much for Dr. Ford's request for confidentiality, I guess.

What lessons can we draw from all of this? If you write to the Senate Democrats in complete confidence about an extremely sensitive matter, you will soon wind up a household name. If you are a public servant whose confirmation those on the far left happen to oppose because they dislike the fact that you will interpret the law and the Constitution according to what they mean rather than what those on the far left wish they would mean, they will not hesitate to weaponize uncorroborated allegations and drag your name and your family right through the mud. That is what these guys will do to you—uncorroborated allegations, which Judge Kavanaugh has denied repeatedly in the strongest terms in public and to the Senate investigators, all under penalty of felony.

Let's not forget that Dr. Ford's account identifies three other supposed witnesses, and each of these individuals has denied participation in or recollection of any such event—also under penalty of felony in all cases. One of the alleged witnesses is a longtime friend of Dr. Ford's. She has stated not only that she does not recall any such party but that she doesn't even know Judge Kavanaugh. No corroboration. No supporting evidence before us. Just Dr. Ford's allegation.

By any normal standard of American justice, this is nowhere near enough to destroy someone's reputation or nullify one's career, but some of our colleagues are trying to move the goalposts.

The junior Senator from Delaware asserted recently on television that it is Judge Kavanaugh who bears the burden of disproving these allegations. Let me say that again. The junior Senator from Delaware said Judge Kavanaugh bears the burden of disproving these allegations. Guilty until proven innocent—in our country?

Similarly, the junior Senator from Hawaii has implied that Judge Kavanaugh does not deserve a presumption of innocence. The junior Senator from Hawaii has said that Judge Kavanaugh does not deserve a presumption of innocence because she does not agree with his judicial philosophy.

Just yesterday, the Democratic leader said that because we aren't in a

criminal courtroom, "there's no presumption of innocence or guilt here when you have a nominee before you." In America, somebody is saying that? Well, it will not surprise you to know the Democrats haven't always taken that position.

Back in 1991, when our friend Senator Joe Biden was chairman of the Judiciary Committee, he had this to say to Judge Clarence Thomas when the committee was evaluating an allegation against him.

Joe Biden said:

The presumption is with you. With me, the presumption is with you, and in my opinion it should be with you until all the evidence is in and people make a judgment.

That was the chairman of the Judiciary Committee, Joe Biden, during the Clarence Thomas proceeding.

My colleagues would do well to remember this commonsense principle. After all, this is America. Every American understands the presumption of innocence.

I am glad that Chairman GRASSLEY, his staff, and committee investigators have worked so hard to clean up this mess and put together a fair process. I am encouraged by the committee's choice of Rachel Mitchell, a career prosecutor with decades of experience in sensitive investigations, who was recognized with an award by Arizona's then-Democratic Governor, Janet Napolitano, to lend expertise to this important process.

It is time for Senators to hear from both Dr. Ford and Judge Kavanaugh under oath. Tomorrow, we will do just that. Then it will be time to vote.

TRIBUTE TO TOM HAWKINS

Now, Mr. President, on an entirely different matter, it is with great reluctance that I close by marking the recent departure of a trusted adviser, a loyal friend, and a true patriot from my leadership staff.

Tom Hawkins served as my national security advisor for over a decade. Over that time, he became a familiar face to so many around the Senate. In fact, while I told my staff I was waiting for a quiet day to offer a fulsome tribute to Tom's service here on the floor, I have to admit I was really just hoping one of my colleagues would convince him to stick around so I wouldn't have to.

Of course, for Tom, with his incredibly important portfolio and his diligence and dedication, there was really no such thing as a quiet day. Long after the lights went off here on the Senate floor, Tom was reviewing intelligence, conducting classified meetings, and making sure my colleagues and I were equipped to make serious decisions about our Nation's security and footing in the international system. It was impossible to walk away from a meeting with Tom and not grasp the serious, real-world consequences of our work. After all, he had lived them.

During his own decorated military career, Tom led marines in combat. He

understood firsthand the price of freedom. This was clear from his very first days on my staff. From those early months, in the heat of negotiations over a new strategy for our involvement in Iraq, I never doubted that Tom was tirelessly committed to the brave men and women in uniform who continue to serve our Nation—so tirelessly, in fact, that traveling with Tom and our military personnel abroad was a lot like traveling with our dear, late friend, Chairman John McCain—cover a lot of ground, meet a lot of people, and sleep when you get back home. As Tom moves on from the Senate, I sincerely hope that he will take a break from his grueling pace.

In fact, Tom, that is an order.

I know Tom's wife, Jennifer, and his daughters, Emily and Abigail, will back me up on that one. Very few people will ever know the full extent of Tom's service and his sacrifice, but believe me—America is safer and more secure for his efforts, and in the Halls of this institution, which he served so faithfully for so long, he will be sorely missed. Never once—not one time—did Tom put his personal views ahead of my own or his personal interests ahead of the best interests of our country. He was always faithful to me, to this body, and to our Nation. That was Tom—always faithful. To put it another way, *semper fidelis*.

On behalf of the Senate and the Commonwealth of Kentucky, our men and women in uniform around the globe, and the entire Nation, I thank Tom Hawkins again for his many years of patriotic service, and I extend our very best wishes for all that the future holds.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business.

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

NOMINATION OF BRETT KAVANAUGH

Mrs. MURRAY. Mr. President, I come to the floor to join my colleagues in lifting up the voices of women across the country who, right now, are being ignored, swept aside, and attacked, and in calling on our Republican colleagues to join us and do everything we can to make sure women are heard, listened to, and respected as we debate and deliberate over Judge Kavanaugh's nomination to the Supreme Court.

Recently, I was back home in Washington State to talk to my constituents about the Supreme Court nomination, and I met a woman named Caitlin, who bravely told me and others about her experience of being sexually assaulted.