



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 115th CONGRESS, SECOND SESSION

Vol. 164

WASHINGTON, FRIDAY, SEPTEMBER 28, 2018

No. 161

Senate

The Senate met at 2 p.m. and was called to order by the Honorable JOHN BOOZMAN, a Senator from the State of Arkansas.

PRAYER

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

Let us pray.

Infinite Spirit, Creator of Heaven and Earth, the sea, and all that lives in it, thank You for the gift of another day. We praise You that You are the same yesterday, today, and forever. Remind us of the foolishness of seeking security apart from You.

Bless our lawmakers. Protect them in their work as You give them Your peace. Be for them a light in the darkness and a shelter from life's storms. Lord, give them the wisdom to make decisions that will bring glory and honor to Your Name.

We pray in Your great 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 senior assistant legislative clerk read the following letter:

U.S. SENATE,

PRESIDENT PRO TEMPORE,

Washington, DC, September 28, 2018.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN BOOZMAN, a Sen-

ator from the State of Arkansas, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. BOOZMAN 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.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized.

Mr. WICKER. Mr. President, I suggest the absence of a quorum.

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

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

NOMINATION OF BRETT KAVANAUGH

Mrs. MURRAY. Mr. President, like millions of people across the country, I watched the hearing yesterday with a mix of so many strong emotions.

First, I watched Dr. Ford with tears in my eyes. She was so brave, so compelling, so real. The memories that she recounted—the memories that she will never forget—were heartbreaking: the living room, the stairs, the bedroom, the music turned up loud, the bed,

Brett Kavanaugh drunk and on top of her, the feeling she had when he covered her mouth to stop her from screaming, the raucous laughter between Brett Kavanaugh and Mark Judge.

She remembered the way she felt it then and told it now: two boys laughing and having a good time while a scared 15-year-old girl lay pinned down on a bed, worried that she may die; the bathroom, listening for Brett and Mark to leave, hearing them bounce off the walls as they went back downstairs; leaving the house; the sense of relief that she escaped; and something anyone who has been a 15-year-old girl can understand, not wanting to tell her parents that she had been at a house with no adults, older boys, and beer. It was gutting.

Dr. Ford spoke for herself, but she was channeling the voice of millions of women and survivors across the country who are too often ignored, interrupted, bullied, or swept aside.

She was an inspiration, and I hope every one of my colleagues watched her speak and answer questions. She made it clear she was not there because she wanted to be but because she felt she had to be. She shared her story not because she wanted to create a spectacle or embarrass anyone but because she felt it was her civic duty to share what she knew about Judge Kavanaugh with the people making the decision about whether or not he should be on our Nation's highest Court.

The Republicans on that committee were too afraid to ask her anything themselves, but she did an amazing job keeping her composure under cross-examination by the prosecutor Republicans hired to question Dr. Ford on their behalf, and Dr. Ford made it clear over and over, politely but firmly, that she welcomed an investigation. She opened up herself to questions and scrutiny. She took a polygraph.

She remembered some details that further investigation could help expand

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



Printed on recycled paper.

S6367

on, like seeing Mark Judge at the supermarket a few weeks later, and she seemed not to be able to understand why nobody was digging into these details that could help uncover even more.

She said she came to be helpful. She wants to be more helpful. She did her job as a U.S. citizen, and she was simply asking for Senators to do theirs.

Then, I watched Judge Kavanaugh, and, frankly, I was appalled and dismayed by the rage on his face; the sense of entitlement he displayed; refusing to answer questions, sneering at Senators while he demanded they answer his questions; the outrage that he was even being questioned about an issue like this after all he has done for his country; not an ounce of contrition; not a modicum of shame; the attempts over and over to turn this away from the substance, the allegations from women against him, and the facts that could shine a light on them, and toward attacks on the process and a political party; the continued falsehoods and evasions and things he said that just are not credible, from his claims that he never got blackout drunk and had memory lapses during a night of drinking, despite everything we have heard from people who know him and everything we have heard from him and about him in the past about his younger days, to his claim that he and Dr. Ford didn't "travel in the same social circles," when we know that is just not true—he has said before that he was good friends with Holton-Arms girls, and we know Dr. Ford dated a good friend of Judge Kavanaugh, who introduced the two of them—to his absolutely false claims that the committee had already received all the evidence it needs, which as a judge, he knows is simply not the case, and on and on.

But the most striking thing to me was this—and this is something I hope every Senator pays close attention to because I know it is what people across the country saw vividly and repeatedly—and that is the fact that Judge Kavanaugh so clearly does not want an investigation. He does not want the facts to come out. He doesn't want other witnesses to be brought in who, if he is telling the truth, could corroborate his story and help clear his name.

He certainly doesn't want anyone to hear from the other two women who have come forward with their experiences regarding him and sexual assault and who are willing to come and testify under oath.

He wants to rush through this as quickly as he can with as little information as possible coming out. Is that how someone acts if they truly have nothing to hide? Is this how someone behaves if they truly want to clear their good name? Is this what someone truly innocent of everything he is being accused of would do?

I want to close by setting aside what I thought of the hearing yesterday for just a minute. I believe Dr. Ford. I

thought she was telling the truth. But I want to set that aside to make one more point because maybe some of my colleagues watched that hearing yesterday and didn't see it the same way I did. Maybe they saw that hearing and thought Dr. Ford was credible, and they also thought Judge Kavanaugh was credible. Maybe they thought: This is a he said, she said, and I just don't know whom or what to believe.

Here is my message to those colleagues of mine. Yesterday's hearing does not have to be the final word. There is absolutely no rush—none, zero. We have an opportunity to take a breath and slow down and let this process work the way it is supposed to.

The 11 Republicans on the Judiciary Committee may have scrambled to rush this through their phase, but we do not have to follow suit here in the Senate. We can have the FBI investigation. We can continue our own investigations. We can bring in additional, relevant witnesses in the most appropriate ways or hold additional hearings.

I know we all want this to be over. Trust me, I wish we didn't have to go through this, but we simply cannot allow a Supreme Court Justice to be jammed through like this right now. It would be a disgrace. It would damage the integrity of the Supreme Court, and it would shred whatever integrity we have left here in the Senate.

So I say to those colleagues: Even if you hate how this process has gone so far, even if you wish this had been done differently and that the information had come out about these allegations sooner, even if you think this was bungled completely, even if you want to point fingers and blame Democrats for that—fine, but we are right here, right now. We are facing one of our most important jobs as Senators, laid out in article II, section 2 of our Constitution, to provide advice and consent on Supreme Court nominations.

We can litigate how this went later. I am sure there are ways it could have gone better. We can figure that out. We should figure that out so we can do better next time, but we should not—we cannot—let anger and pique over process and politics cloud what is clearly the right thing to do here.

I hear there are conversations going on in the Judiciary Committee right now about slowing down and starting investigations. I am hopeful that those end up leading us to being able to do our jobs. No one should want those allegations hanging out there or should want the investigations to happen and information to come out while he is on the Court.

Let's slow down. Let's learn more. Let's not put a man on the Supreme Court with these allegations swirling around him while we still have the opportunity to clear this up and get it right.

Finally, I want to say one more thing right now to women and survivors who are angry, who are dispirited, who have

reached out to me and told me they are shocked; they are crying; they are in disbelief. To them, I say we all have a right to these tears, but we all have a duty not to give up. I am not giving up. I am not going to give up this fight of making sure that women who bravely come forward are not ignored, swept under the rug, or silenced by powerful men. I know that I stand with millions and millions of women and men across the country who are watching the U.S. Senate very closely right now and that they are not going to give up either.

I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. ERNST). Without objection, it is so ordered.

NOMINATION OF BRETT KAVANAUGH

Ms. HIRONO. Madam President, these are the remarks I would have given at this morning's Judiciary Committee markup after the perfunctory and dismissive way the chairman treated the minority members of the Judiciary Committee. I walked out in protest. Here are the remarks I would have given at the committee markup.

I am in disbelief that we are here today voting on Brett Kavanaugh's nomination to the Supreme Court. Outrageous does not begin to describe the present circumstances. Yesterday we heard from Dr. Christine Blasey Ford, who spoke with genuine and raw emotional power about being sexually assaulted by Brett Kavanaugh. Even though it was more than 30 years ago, her memory of the assault was clear and vivid. This kind of recall is typical of sexual assault survivors. She was sincere and authentic. She was 100 percent credible, and I believe her.

By contrast, Brett Kavanaugh came to this committee and refused to give us straight answers. He would not call for an FBI investigation. He repeatedly stated that the other people who were at the gathering where Dr. Ford was attacked had "rebutted her testimony." That is not true. His alleged accomplice in the attack, Mark Judge, claimed he didn't remember—a far cry from rebutting her statement. He claimed he didn't remember, refused to testify, and then went into hiding. Patrick Smyth and Leland Keyser said they simply don't remember—again, hardly a rebuttal.

Dr. Ford said yesterday:

I don't expect that P.J. and Leland would remember this evening. It was a very unremarkable party. It was not one of their more notorious parties, because nothing remarkable happened to them that evening.

In fact, even though she doesn't remember, Leland Keyser said she believes Dr. Ford's account.