

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.

In addition to making misleading statements—which is a pattern with Judge Kavanaugh—he accused Democratic Senators of coordinating a plot to sabotage his nomination. Clearly, he was speaking to an audience of one: President Trump. A nominee for the Supreme Court so rattled that he would buy into a vast conspiracy theory is astounding and dangerous. Let's not forget his exact words. Judge Kavanaugh said:

This whole two-week effort has been a calculated and orchestrated political hit fueled with apparent pent-up anger about President Trump and the 2016 election, fear that has been unfairly stoked about my judicial record, revenge on behalf of the Clintons, and millions of dollars in money from outside left-wing opposition groups.

With that nakedly political screed, Brett Kavanaugh showed us who he really is: a partisan political operative with an agenda—the very worry that kept him from confirmation to the DC Circuit for 3 years. His own words reinforced a concern that I and many of us here have that he cannot be a fair and impartial judge.

Setting aside the unvarnished political view—from a potential Supreme Court Justice, no less—the crux of the matter before us today is whether Dr. Ford was credible when she said that she is 100 percent sure that Brett Kavanaugh is the person who sexually assaulted her. On that issue, Brett Kavanaugh admitted, even without watching her testimony, that Dr. Ford did not play a part and was not part of any imagined partisan plot. So what we are left with is his own recognition that Dr. Ford has no political motive and no reason to lie. I challenge anyone who watched her testimony to claim that she did not tell us the truth.

Dr. Ford wasn't the only woman to come forward with an account of sexual misconduct against the nominee. Two other women have provided credible accounts that deserve real investigation. But whether it is one woman or three women, my Republican colleagues are letting nothing stop them from plowing through to get Brett Kavanaugh to the Supreme Court as soon as possible. Even before the committee had a chance to hear from Dr. Ford, Chairman GRASSLEY had already scheduled today's vote.

By voting to support this nominee, Republican colleagues are sending a message loud and clear: Sexual assault survivors should not come forward because we are not going to listen to you. They will not be believed, and their lives will be up-ended in the process. That is exactly what happened to Dr. Ford.

As far as I am concerned, there was never a serious effort by the committee to get to the truth. Today's vote signals to the men and boys in America that you can demean and assault women—especially if you are in a position of power and influence. There will be no consequences. It won't even prevent you from becoming a Supreme Court Justice.

Yesterday, accusations flew from the other side of the aisle about deliberate efforts to make up accusations and undermine Judge Kavanaugh's nomination, but Democrats didn't need to manufacture additional reasons to oppose Judge Kavanaugh's nomination. As I have maintained before, his record demonstrates a pattern of misstating the facts. He wasn't candid yesterday. He wasn't candid in his testimony to the committee when he testified at his 2004 and 2006 confirmation hearings or when he testified at his confirmation hearing for this nomination in 2018.

I also found his candor lacking in the judicial opinions and legal arguments he authored. For example, as my colleagues have talked about in the past, Judge Kavanaugh was not honest with the committee in 2004 and 2006 when asked about matters that he worked on, and his emails from the White House show that he was not honest about his awareness of receiving stolen documents from Manny Miranda. In a case I am familiar with—*Rice v. Cayetano*—he demonstrated what could only be called a deliberate misstatement of the facts that he presented to the U.S. Supreme Court. He had to have known that what he wrote about the politics and culture of Native Hawaiians was not true. He filed an amicus brief in that case, and at his hearing a few weeks ago, Judge Kavanaugh misstated the holdings of *Rice* and refused to correct his misstatement when I gave him a chance to clarify.

I will say that I am one of the few people in the Senate who attended the oral argument in *Rice*. I know what the Supreme Court based its decision on, and he totally misstated the Supreme Court's decision.

Advocates for our Native communities are stepping up and taking notice. The Council for Native Hawaiian Advancement and the Alaska Federation of Natives issued statements that strongly urge the Senate to reject the nomination of Brett Kavanaugh. They and other groups representing indigenous peoples have come forward to explain how Judge Kavanaugh's views of the rights of indigenous peoples are deeply flawed. These are the kinds of attitudes that he expressed in his amicus brief in *Rice v. Cayetano*.

Madam President, I ask unanimous consent that the following statements in opposition of Judge Kavanaugh's nomination or that criticize his views of indigenous people be printed in the RECORD. They are from the Department of Hawaiian Home Lands, the Office of Hawaiian Affairs, and the Alaska Federation of Natives.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF HAWAII,
DEPARTMENT OF HAWAII HOME LANDS,
September 18, 2018.
Statement of Hawaiian Homes Commission Chairman Jobie Masagatani on the Nomination of Brett Kavanaugh to Serve as a Justice on the U.S. Supreme Court

ALOHA CHAIRMAN GRASSLEY AND RANKING MEMBER FEINSTEIN: Having reviewed his writings and his statements in public proceedings, we find that Judge Kavanaugh neglected to recognize the history of actions by the United States government that has clearly established a trust responsibility not only on the part of the United States, but also the State of Hawaii for the lands that were set aside under Federal law in 1921 to provide for a permanent homeland for native Hawaiians (Hawaiian Homes Commission Act of 1920) and for the betterment of the conditions of native Hawaiians (Hawaii Admissions Act of 1959).

The Hawaiian Homes Commission Act set aside approximately 203,500 acres of land in what was then a Territory of the United States, the Territory of Hawaii, to assure that the indigenous, native people of Hawaii could be returned to their lands.

In the ensuing years, in the exercise of its constitutional authority, the U.S. Congress enacted more than 160 Federal laws designed to address the conditions of native Hawaiians. Additionally, upon its admission into the Union of States in 1959, the United States and the State of Hawaii agreed that the provisions of the Constitution of the State of Hawaii should reflect their respective responsibilities, including trust responsibilities, for the lands and resources designated to provide for the betterment of the conditions of native Hawaiians.

The lands and resources authorized under Federal law to be reserved for native Hawaiians in 1921 are today administered by the Hawaiian Homes Commission and the Department of Hawaiian Home Lands.

Our fiduciary duties and responsibilities to the beneficiaries of the Hawaiian Homes Commission Act are of paramount importance to existing and future generations of the indigenous, native people of Hawaii, to the State of Hawaii, and to the United States.

We cannot embrace nor endorse the views of those, like Judge Kavanaugh, who would deny our history, the Federal and State laws which have been enacted on the foundation of that history, including the right of the indigenous, native people of Hawaii to exercise self-determination under Federal law and policy.

STATE OF HAWAII,
OFFICE OF HAWAIIAN AFFAIRS,
September 24, 2018.

Re Nomination of Judge Brett Kavanaugh to the U.S. Supreme Court.

DEAR CHAIRMAN GRASSLEY AND RANKING MEMBER FEINSTEIN: The Office of Hawaiian Affairs (OHA) greatly appreciates this opportunity to provide comments regarding the nomination of Judge Brett Kavanaugh to be an Associate Justice of the United States Supreme Court. In particular, given that Supreme Court precedent pertaining to OHA has become the subject of questions during Judge Kavanaugh's nomination hearing, our agency is compelled to clarify the record as it pertains to our organization, our work to better the conditions of Native Hawaiians, and the rights and status of our beneficiaries as Indigenous people.

As Judiciary Committee Member Mazie Hirono indicated during Judge Kavanaugh's nomination hearing, Native Hawaiians are the original, first people of the Hawaiian Archipelago, who exercised sovereignty for at

least a thousand years prior to recorded contact with the Western world. Congress has acknowledged that “. . . prior to the arrival of the first Europeans in 1778, the Native Hawaiian people lived in a highly organized, self-sufficient, subsistent social system based on communal land tenure with a sophisticated language, culture, and religion.” The Native Hawaiian people established and maintained the Kingdom of Hawai‘i, first as a united monarchical government, and later as a constitutional monarchy, at all times under the leadership of a Native Hawaiian head of state.

Judge Kavanaugh’s description of the Rice decision may have left some Committee Members and observers with another impression. Senator Hirono asked the nominee about an amicus brief he submitted in Rice, as well as an op-ed he wrote for *The Wall Street Journal*, in which he argued that OHA’s very purpose was inconsistent with the principles and language of the U.S. Constitution. When asked to explain these views, Judge Kavanaugh stated that by a vote of 7–2, the majority of the U.S. Supreme Court had agreed with him, and that the Court found violations of both the Fourteenth and Fifteenth Amendments.

This is erroneous.

As stated earlier, the majority’s decision was limited to the manner in which OHA’s trustees were elected under the Fifteenth Amendment. To quote U.S. Supreme Court Justice John Roberts, then an attorney representing the State of Hawai‘i in the Rice case, “. . . the majority’s opinion was very narrowly written and expressly did not call into question the Office of Hawaiian Affairs, the public trust for the benefit of Hawaiians and native Hawaiians, but only the particular voting mechanism by which the trustees are selected.” In limiting its holding to OHA’s means of electing trustees, the majority chose not to adopt arguments and conclusions made by then-practicing attorney Brett Kavanaugh, with respect to OHA’s purpose and mission.

The extreme nature of Judge Kavanaugh’s arguments, both his examples and his conclusions, may have played a role in the majority’s failure to incorporate them in Rice. For example, he compared OHA’s mission of serving Hawaii’s Indigenous people to an interracial marriage ban to maintain white supremacy. He argued that allowing Native Hawaiians to elect their own trustees to manage their trust “. . . could usher in an extraordinary racial patronage and spoils system” of national consequence. Little explanation is given as to why treatment of the Indigenous people of Hawai‘i in a manner similar to the treatment of other Indigenous people in the United States would have such dramatic consequences. At the time of his writing, Judge Kavanaugh may not have been familiar with Congress’s clear legislative understanding that its relationship with Native Hawaiians is based on its recognition of Native Hawaiians as an Indigenous people and not based on race.

Through the process of the Committee’s review of a portion of Judge Kavanaugh’s writings during his time with the Bush Administration, we learned that he continued to hold and advance extreme views against Native Hawaiian rights after Rice. Disregarding the Court’s decision not to adopt his arguments against the constitutionality of Native Hawaiian programs, Judge Kavanaugh offered the same arguments as legal advice when reviewing administration testimony on legislation. Given his reported acknowledgement of his lack of exposure to Indigenous people’s law, it is concerning that he has held so tightly to arguments hostile to Native Hawaiians.

His past actions and the recent nomination hearing leave OHA with many doubts. We

sincerely hope that if a case concerning Native Hawaiian rights comes before Judge Kavanaugh’s court, be it the D.C. Circuit or the U.S. Supreme Court, he will look more closely at the facts before the court. Facts that include the actions that Congress, the Executive, and the State of Hawai‘i have all taken, within the framework of the U.S. Constitution, in recognizing the unique status of Native Hawaiians. During his hearing, Judge Kavanaugh acknowledged Congress’s “substantial” authority to deal with matters concerning Native people, though he offered few specifics beyond that statement. Judge Kavanaugh may find it interesting that in the years following Rice, Congress and the Executive have continued to pass legislation and establish programs to benefit Native Hawaiians, regularly with the acknowledgement of the legal and political relationship OHA has articulated throughout this letter.

In closing, OHA hopes that this letter has brought some clarity to questions raised as part of the process of considering Judge Kavanaugh’s nomination. OHA hopes that the Committee understands the need we feel to clarify the record about Rice, and to address certain arguments espoused by Judge Kavanaugh prior to his taking the bench, which are not only inaccurate, but threaten the rights and resources of the beneficiaries that OHA exists to serve. Until and unless Judge Kavanaugh is able to correct the aforementioned misunderstandings and misconceptions, should a case involving the rights or political status of Native Hawaiians come before him, perhaps a recusal would be in order. Finally, OHA wishes to bring to the Committee’s attention concerns voiced by American Indian and Alaska Native groups, who share our concerns with Judge Kavanaugh’s record on Native law.

Sincerely,

COLETTE Y. MACHADO,
OHA Board of Trustees Chair.

[From the Alaska Federation of Natives]

AFN OPPOSES KAVANAUGH APPOINTMENT

The Alaska Federation of Natives is the oldest and largest Native organization in Alaska. Our membership includes 186 federally recognized Indian tribes, 177 for-profit village corporations, 12 for-profit regional corporations, 12 not-for-profit regional organizations, and a number of tribal consortia that compact and contract to run federal and state programs. For over 50 years, AFN has been the principal forum and voice for Alaska Natives in addressing critical issues of law and policy, including the nomination of U.S. Supreme Court justices.

The federal judicial appointment and confirmation process is designed to thoroughly vet nominees. As such, we did not immediately weigh in on President Trump’s choice to replace retiring Justice Anthony Kennedy. However, the questions and colloquies that came out of Judge Brett Kavanaugh’s Senate Judiciary hearings last week have necessitated us taking a position. AFN joins our colleagues and friends across Indian country in strongly opposing Judge Kavanaugh for the Supreme Court because of, among other things, his views on the rights of Native peoples.

Judge Kavanaugh’s Position on the Indian Commerce Clause is Erroneous. Congress’ plenary power over Indian affairs is grounded in the Commerce Clause of the U.S. Constitution. The clause gives the Congress the power to “regulate commerce with foreign nations, and among the several states, and with the Indian tribes.” Judge Kavanaugh concedes this point. However, like Justice Clarence Thomas—the most senior justice on the Supreme Court, he challenges the clause’s application to affairs beyond trade.

This impacts Alaska Native tribes, corporations, organizations and consortia because their dealings with Congress presently extends to a host of federal programs concerning their members, resources and governments.

In the 2013 *Adoptive Couple v. Baby Girl* decision, Justice Thomas contested Congress’ authority to enact the Indian Child Welfare Act, reasoning the Indian Commerce Clause only provides federal authority over Indian trade. Because most federal laws concerning Indians lack a nexus to Justice Thomas’s narrow definition of trade, they would unlikely survive the scrutiny he urges. The result would be a wholesale reshaping of the body of law and policy that has governed Indian affairs for the past century and a half.

Legal observers tracking Judge Kavanaugh believe he is further to the right than Chief Justice John Roberts. Thus, he may agree with Justice Thomas that Congress only has plenary power to regulate direct commerce with Indian tribes, nothing more. Confirming a nominee with this viewpoint would be disastrous for Alaska, and would roll back the gains of self-determination and usher back in the losses of termination.

Judge Kavanaugh’s View of the Special Trust Responsibility is Misguided. The federal government has a special trust relationship with federally recognized Indian tribes. The relationship commands the highest moral and legal obligations, and is rooted in early federal-tribal treaties, the U.S. Constitution, federal statutes, and opinions of the U.S. Supreme Court. Judge Kavanaugh’s writings demonstrate a limited view of the federal government’s power to deal with Native peoples under this relationship. Specifically, he would only extend the special trust relationship to Indian tribes that have with his preferred history of federal dealings, including territorial removal and isolation. This, too, impacts Alaska since Alaska Native have a unique federal experience and few reservations were established.

During his Senate Judiciary Committee hearing, Judge Kavanaugh questioned the legitimacy of Native Hawaiian recognition, citing their different treatment by the federal government, and the fact that they do not live on reservations or enclaves. If he remains of the view that the special trust relationship only extends to Indian tribes with his brand of federal history, including territorial removal and isolation, he could very well rule that Congress lacks the authority to deal with Alaska Natives. This thinking could overturn much, if not all, of the Alaska Native Claims Settlement Act, as well as all other federal legislation and regulations addressing Alaska Natives, tribes, corporations and organizations. To confirm a nominee who does not understand or appreciate the position of Native Hawaiians, and who could weaken the special trust relationship Alaska Natives share with the federal government, would be imprudent.

Judge Kavanaugh’s Assessment of the Political Classification Doctrine is Troubling. The political classification doctrine announced in the 1974 *Morton v. Mancari* decision, that focusses on and Indian person’s membership in a federally recognized tribe rather than his or her ancestry to avoid strict scrutiny review of federal legislation and regulation that benefits Indians, would be extremely vulnerable if Judge Kavanaugh were to ascend to the Court. For the reasons outlined above, he would likely align himself with Justice Thomas on the issue, and the two of them would likely work to persuade their fellow justices that the relationship between an Indian person’s status politically and their race is open for interpretation. Judge Kavanaugh does not accept this well-

established legal doctrine. Confirming a nominee who is unable to grasp the necessity of federal programs based on the political classification doctrine, and articulate why they must be protected, would be unwise.

AFN strongly urges the U.S. Senate to vote against Judge Kavanaugh. The documents that have been released so far in relation to his nomination demonstrate how troubling his confirmation would be for Native peoples, particularly Alaska Natives and Native Hawaiians.

Ms. HIRONO. It is deeply troubling to have a Supreme Court nominee for a lifetime position who isn't candid with us about the facts or straight with us about the law.

In *Garza v. Hargan*, he did it again. In that 2017 case, he wrote a dissent in which he misapplied the law and treated the case as if it were about parental consent. It was not. The case, which was about whether a 17-year-old undocumented young woman could be released from immigration custody to have an abortion, did not involve the question of parental consent. But he sat there at his nomination hearing, and when I asked him about it, he said that was a case involving parental consent—a total misstatement of the issue in the case. In that case, this young woman had already received a proper judicial bypass from a Texas judge that allowed her to make her own decisions. So that had nothing to do with having to require parental consent; she had already overcome that. But that wasn't good enough for Judge Kavanaugh. He inserted his own views about legal issues not even present in the case. This is just one example of his outcome-driven approach to important cases before him.

At the hearing, I also asked him about the pattern that was revealed in his numerous dissents. In several of those cases, his own colleagues called him out for misrepresenting the facts and the law. Just last year, in *United States v. Anthem*, the majority said that Judge Kavanaugh “applies the law as he wishes it were, not as it currently is.” In a 2008 case, *Agri Processor v. NLRB*, the majority wrote that Judge Kavanaugh’s dissent “creates its own rule.” Instead of following Supreme Court rules, they said that Judge Kavanaugh’s dissent abandons the text of the applicable law altogether. It is pretty telling when your own colleagues on the court feel so strongly about your dissent that they will actually call you out on it.

When this nomination first came to the Senate, I was skeptical. I said that if the President’s nominee to the Supreme Court is anything like the nominees he has been sending to the lower Federal courts, I expect we will see a nominee handpicked by the Federalist Society and the Heritage Foundation intent on carrying out their rightwing ideology supported by the President. It turned out to be much worse than I imagined. Not only was the nominee someone who fit that description; it became clear that he was someone who lacked candor, credibility, and char-

acter. This has been displayed at every turn.

After hearing from Dr. Ford and Brett Kavanaugh yesterday, the editors of *America Magazine*—a well-respected Jesuit weekly—withdrawed. They originally endorsed Judge Kavanaugh. This group withdrew their endorsement of Judge Kavanaugh. They said:

While we previously endorsed the nomination of Judge Kavanaugh on the basis of his legal credentials and his reputation as a committed textualist, it is now clear that the nomination should be withdrawn.

If Senate Republicans proceed with his nomination, they will be prioritizing policy aims over a woman’s report of an assault.

Madam President, I ask unanimous consent that a portion of a copy of this article be printed in the *RECORD*.

There being no objection, the material was ordered to be printed in the *RECORD*, as follows:

[From *America Magazine*, Sept. 27, 2018]

THE EDITORS: IT IS TIME FOR THE KAVANAUGH NOMINATION TO BE WITHDRAWN
(By The Editors)

Dr. Christine Blasey Ford’s testimony before the Senate Judiciary Committee today clearly demonstrated both the seriousness of her allegation of assault by Judge Brett M. Kavanaugh and the stakes of this question for the whole country. Judge Kavanaugh denied the accusation and emphasized in his testimony that the opposition of Democratic senators to his nomination and their consequent willingness to attack him was established long before Dr. Blasey’s allegation was known.

Evaluating the credibility of these competing accounts is a question about which people of good will can and do disagree. The editors of this review have no special insight into who is telling the truth. If Dr. Blasey’s allegation is true, the assault and Judge Kavanaugh’s denial of it mean that he should not be seated on the U.S. Supreme Court. But even if the credibility of the allegation has not been established beyond a reasonable doubt and even if further investigation is warranted to determine its validity or clear Judge Kavanaugh’s name, we recognize that this nomination is no longer in the best interests of the country. While we previously endorsed the nomination of Judge Kavanaugh on the basis of his legal credentials and his reputation as a committed textualist, it is now clear that the nomination should be withdrawn.

Ms. HIRONO. In addition, Robert Carlson, president of the American Bar Association, the ABA, issued a letter urging the Judiciary Committee of the Senate to not vote on Judge Kavanaugh’s nomination until there is an FBI investigation into Dr. Ford’s account of sexual assault. The ABA explained that “deciding to proceed without conducting an additional investigation would not only have a lasting impact on the Senate’s reputation, but it will also negatively affect the great trust necessary for the American people to have in the Supreme Court.”

I agree. Brett Kavanaugh does not have the credibility, candor, character, or, I would say, as we saw yesterday, the temperament to be on the Supreme Court. His presence on the Court under this kind of cloud will weaken the Court. I cannot support this nomination.

I would like to end the remarks I would have given at the markup but am giving on the floor now. I would like to say that my colleague Senator JEFF FLAKE has said that he would not be able to vote on the confirmation of Judge Kavanaugh without an FBI investigation into the current allegations. I support that. I have no idea whether the Republican leadership is going to allow a timeout for that kind of investigation to occur—an investigation that I and other Democratic members of the Judiciary Committee have been calling for, for what seems like months.

Of course, I would want an FBI investigation to be thorough. I do not want some kind of a peripheral investigation to give cover to Senators who are wavering. I would want an investigation by the FBI to be thorough, to be real, to provide us with the kind of information that we need to make a determination as to the credibility, candor, and character of Judge Kavanaugh.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Madam President, the Judiciary Committee had an extraordinary meeting this morning, and each of us spoke at some length about our reservations or support for the nomination of Brett Kavanaugh to be a U.S. Supreme Court Justice. At the end of that meeting, as we were about to take a vote, Senator JEFF FLAKE, our colleague, announced his decision that he would request and seek a 1-week extension of the vote so there could be an FBI investigation of some of the unanswered questions that still very seriously and urgently demand responses in fact and evidence.

That is a very promising and important step. It has to be a real investigation, not a sham or show. It has to be penetrating and impartial, which the trained professionals of the FBI can do.

I have a lot of confidence that the FBI will do its job and answer those very serious and urgent questions.

The answers are all the more pressing after the extraordinary hearing we held yesterday at the Judiciary Committee. The entire Nation watched as two people told their stories; two very, very different stories and also told in very, very different ways, but let’s be very clear. The roles of these individuals and their responsibilities were also very different.

Judge Brett Kavanaugh came before us for a job interview. He has no right to be on the U.S. Supreme Court. It is a privilege of extraordinary magnitude and significance. The position is one of the most important in our country—a lifetime appointment to the highest Court in the land.

Our responsibility in the Judiciary Committee is not to approve just anyone for that job. We should be seeking the best person, a person of intellect and integrity and temperament who will be fair and impartial, objective, and considerate.

I concluded well before the hearing yesterday—it is no secret—that I would oppose Judge Brett Kavanaugh for the U.S. Supreme Court.

My opposition was based on his extreme ideological views and judicial philosophy which were amply demonstrated at the previous hearing we had with him. My concern is, he would be a fifth vote to cut back or even overturn *Roe v. Wade* and stop women from making decisions about when they will become pregnant or have children; stop people from marrying and exercising their right to do so with the person they love; cutting back on consumer rights and workers' rights and environmental objectives; and permitting an imperial Presidency—a President who could decide unilaterally that he believes the law is unconstitutional, and therefore it should not be enforced, meaning that laws protecting millions of Americans who suffer from pre-existing conditions like diabetes and heart disease, cancer, mental illness, and, yes, pregnancy would go unprotected, and other rights under the Affordable Care Act. An imperial Presidency giving the power of that kind of unilateral authority is an anathema.

What we saw yesterday went beyond views on substantive issues, and I will be very blunt. What we saw was a man filled with anger, even rage, and self-pity, someone of arrogance, highly intensely partisan, and someone, in my view, temperamentally unfit for the U.S. Supreme Court. In fact, I fear his rancor and animus, his partisan bitterness, which came across so clearly and explicitly in his reference to a leftwing conspiracy; Democrats organized to fight him and dredge dirt to destroy his family, a conspiratorial view of the world that is not only factually totally false but also deeply dangerous and unprecedented in anything we have ever heard from any nominee for any judicial position as long as I have been here and I believe unprecedented also in the Senate's consideration of Supreme Court nominees. He indicated a partisanship that was disrespectful and dangerous.

We saw also a woman who came before us as a sexual assault survivor who was temperamentally almost exactly the opposite. Instead of hostile, she was helpful. Instead of angry, she was calm. Instead of rancorous and arrogant, she was modest and humble.

Like Judge Kavanaugh, her family has been harmed by death threats and other vile, vicious behavior that has no tolerance in a democratic society, and my heart goes out to both families. We should reject threats to both of those families, as we do to anyone else in our society, and I have sympathy for the children and the families on both sides and others who may have been affected in coming forth with truth that relates to this nomination.

The demeanor of Professor-Dr. Christine Blasey Ford was completely distinct and different. She was mesmerizing. Even now, her visage haunts me

in her profound honesty. She was credible and powerful in recounting events that caused her untold terror and anguish; events she hid because of the trauma she experienced then and because of many of the fears that cause other survivors of sexual assault to hide the same kinds of assault, the fears of blame and public shaming and character assassination and threats of retaliation and sometimes self-blame or stigma or embarrassment.

In her case, coming forward has made many of those fears a reality, tragically and unfortunately. She has endured the nightmare befallen her and her family simply to serve the public with facts and evidence she believes we should know—we in the Senate, we in America—should take into account before we make a decision on Brett Kavanaugh as the nominee.

So there are profound questions raised by her powerful testimony that need to be answered in the FBI interview. That is the reason the American Bar Association Thursday evening called for postponing a vote on Brett Kavanaugh's nomination to the Supreme Court until sexual assault and misconduct allegations made by Dr. Blasey Ford and others are fully investigated and why separately the magazine of the Jesuit Order in the United States, America, withdrew its endorsement of Judge Kavanaugh. He was educated by Jesuits at Georgetown Preparatory School in Maryland, and on Thursday, the editors said the nomination was no longer in the best interest of the country.

I want to quote further the magazine, which said:

If Senate Republicans proceed with his nomination, they will be prioritizing policy aims over a woman's report of assault. Were he to be confirmed without this allegation being firmly disproved, it would hang over future decisions on the Supreme Court for decades and further divide the country.

Approval of Brett Kavanaugh for the U.S. Supreme Court would be a cloud, it would be a stain on the U.S. Supreme Court for generations to come. We do that damage to the Nation's highest Court at our peril whether we are in agreement or disagreement with Brett Kavanaugh on his policy aims, as the magazine said.

We are talking about the fundamental integrity of an institution and our responsibility to uphold that integrity.

In her testimony yesterday, she was convincing not only because of what she knew and recalled in such precise, vivid detail—indeed, highlighting the laughter of Brett Kavanaugh as he groped her and held her down, as he lay on top of her, the laughter from both him and from Mark Judge—but after we heard her compelling and powerful story, in Judge Kavanaugh, we heard several statements that clearly contradict the facts in evidence. They are untruths.

He claimed the FBI had already investigated him because they did a

background check six times. The FBI never investigated Dr. Blasey Ford's allegations. It never investigated Deborah Ramirez's allegations. It never investigated Julie Swetnick's allegations. In fact, the ABA highlights this point.

Senator GRASSLEY said that committee investigators were willing to talk to the witnesses about their allegations, but committee investigators are no substitute for the FBI. The FBI must send those trained professionals to talk to these brave survivors who have come forward, and it must talk to Mark Judge.

I offered a motion to subpoena Mark Judge this morning before our committee. The motion was voted down.

The FBI must talk to Mark Judge, who was allegedly in that room with Brett Kavanaugh when he assaulted Dr. Blasey Ford.

We asked Judge Kavanaugh to call for an investigation by the FBI. A person who is innocent would want the FBI to investigate their claims and clear their name. That is what Dr. Blasey Ford wanted. She said so publicly.

When Brett Kavanaugh was asked, he refused to make that same call. The question is, Why? What is he hiding? What is the administration concealing in refusing to disclose more than a million pages of documents that relate to Brett Kavanaugh's service in the Bush White House as Staff Secretary? They bear on his credibility, maybe not on these specific allegations, but on his credibility.

Judge Kavanaugh claimed that polygraphs are not reliable; that the polygraph Dr. Blasey Ford took and passed was meaningless. Yet, on the DC Circuit as a judge, Brett Kavanaugh ruled otherwise. He wrote "law enforcement agencies use polygraphs to test the credibility of witnesses and criminal defendants."

As a former U.S. attorney, I know how polygraphs are used to test credibility of witnesses and criminal defendants. They may sometimes be inadmissible. They may be inadmissible generally, but they have a use. Judge Kavanaugh claimed that all four witnesses Dr. Ford identified as being present at the party have said that the sexual assault "didn't happen," but in fact, only one person has said the sexual assault didn't happen. That one person is Brett Kavanaugh. The other three parties identified by Dr. Blasey Ford said they do not remember. There is a big difference between "do not remember" and "it didn't happen."

The other woman Dr. Blasey Ford named who was there has since publicly stated that she believes Dr. Ford's account. She believes Dr. Ford, and I do too. Judge Kavanaugh tried to give himself an alibi by making it sound like he never drank on weeknights. His own high school calendar, which he provided the committee as evidence, disputes that statement.

During the hearing, he admitted that one of the entries on his calendar from

a Thursday signified that he went to a friend's house to drink.

Judge Kavanaugh repeatedly said that he had never in his life had so much to drink that he couldn't remember everything that happened, but numerous people who spent time with him during his high school, college, and law school years confirmed that he frequently drank to excess and sometimes became belligerent.

Judge Kavanaugh claimed that he always treated women "with dignity and respect"—his words—and yet he and his football friends from high school named one of my constituents, Renate Dolphin, in their yearbook pages, saying they were her "alumnus," in effect, boasting of sexual conquests and objectifying her, demeaning her. That is hardly treating a woman with dignity and respect. Judge Kavanaugh said this reference meant nothing sexual, but Renate Dolphin disagrees. In a quote to the New York Times, she said:

The insinuation is horrible, hurtful, and simply untrue. I pray their daughters are never treated that way.

He said the allegations against him were "a calculated and orchestrated political hit fueled with apparent pent-up anger about President Trump and the 2016 election." He called it "revenge on behalf of the Clintons." He issued a warning—more like a threat—that "what goes around comes around." That threat to the Judiciary Committee of the U.S. Senate is a threat to America. It is profoundly and deeply dangerous to think that litigants will come before his court with the threat that their political views will determine how he decides their cases. That is antithetical to the basic fundamental principles of this country. It contravenes the entire concept of an independent judiciary. President Trump has demonstrated his contempt for the rule of law and an independent judiciary, but a member of one of the highest courts in the country doing so is chilling. It is stunning. It is staggering.

My Republican colleagues, unfortunately, followed that example. They said we leaked her letters to the press at the last minute to derail Judge Kavanaugh's nomination. They called the allegation against Judge Kavanaugh a coordinated smear campaign. That contention is false. It implies that these courageous survivors of sexual assault are puppets or pawns orchestrated by politicians. Anybody who heard and saw Dr. Blasey Ford yesterday knows that is blatantly false. She came forward on her own initiative. She did it reluctantly, foreseeing the nightmare that would befall her and her family. She did it without encouragement from any Member of the U.S. Senate or any other political figure. That contention is an insult to her and all survivors of this horrific crime. Is Deborah Ramirez's story, too, a fabricated allegation to take down Judge Kavanaugh?

When Senator HARRIS asked Judge Kavanaugh if he had listened to Dr.

Ford's testimony, he said: "I did not." He should have. He should have listened to her testimony. He should have heard and heeded what Deborah Ramirez said about his sexual misconduct toward her and, likewise, Julie Swetnick, about the chilling acts that she alleged that he was involved in performing.

Judge Kavanaugh and my Republican colleagues say they don't dispute that Dr. Blasey Ford may have been sexually assaulted at some point but by some other person, just not Brett Kavanaugh. Maybe she was mixed up. Maybe she was confused. Those kinds of words used to describe her and other sexual assault victims demonstrate the disrespect and disregard that has shamed and silenced so many sexual assault survivors from coming forward to tell their truth, seek prosecution, and consult their parents or loved ones and seek healing. It is the reason that sexual assault is one of the most under-reported crimes in our country. One out of every three women is a survivor, but so very few come forward because of the public shaming, character assassination, and threats and rejections they fear and, in fact, they rightly foresee.

To my friends on the other side of the aisle, you cannot have it both ways. You either believe Dr. Blasey Ford or you reject her testimony. Either you accept her veracity or you don't. Dr. Blasey Ford was asked whether it was possible that she confused her attacker, whether there was mistaken identity, or whether there was maybe someone else other than Brett Kavanaugh. Firmly, unequivocally, repeatedly, she said no. Before us and the entire country, she said she was "100 percent" sure that Brett Kavanaugh was her attacker.

This detail is seared in her memory. There is no mistaken identity here. A person so brutally attacked at the age of 15 who admits to these details and also the details that she doesn't remember and insists on the details she does remember doesn't make something like that up out of whole cloth. She came forward at great personal sacrifice. I believe her. I think America believes her.

She testified that she was terrified—that is her word, "terrified"—to come forward. She was very nearly silenced by her fear. She worried if she told her story that she would be shouted down or vilified by Judge Kavanaugh's defenders and that he would never be held accountable. That fear silences too many survivors. We must prove them wrong. We must hold him accountable.

As I said at the very start, a lifetime appointment and promotion to the Supreme Court is not an entitlement. It is a privilege for the person who is best for that position.

Last Friday, President Trump said about Dr. Blasey Ford's story on Twitter:

I have no doubt that, if the attack on Dr. Ford was as bad as she says, charges would

have been immediately filed by local Law Enforcement Authorities by either her or her loving parents. I ask that she bring those filings forward so we can learn the date, time, and place!

President Trump knows better. I hope he knows better. Psychologists have noted, and it is widely known, that there are a number of reasons why survivors opt for silence, such as fear of retaliation and repercussions in the workplace or at home, feelings of self-blame. They are told to dismiss it. They are told by their parents they will be blamed, not the perpetrators. They fear they will not be believed, and they want to forget. They want to put this trauma somewhere deep and dark where it will be a source of less pain.

So Dr. Ford did not share the details of her abuse until a therapy session in 2012. She told her husband early in their relationship, but even he did not know the details of this incident until that therapy session.

That is not uncommon for people who have experienced trauma. In the last few weeks, numerous survivors of sexual assault have stepped forward with their stories to explain why they hid their own trauma. I want to take this opportunity to express my admiration for the survivors who are coming forward now with stories of terrible crimes, of impulses to stay silent, and of fears that they have conquered in coming forward.

Madam President, I ask unanimous consent that these stories be printed in the RECORD.

I will not read them all now, but I wish for the statements of Lindsey Jones of Connecticut; Tara, who asked that her last name not be used, also of Connecticut; and survivors from other parts of the country who have contacted me just over the past few days be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LINDSEY JONES FROM CONNECTICUT

Pain, sadness, shame, self-doubt, loyalty, guilt, fear. These are some of the reasons I decided not to file a police report when I was assaulted at a house party in my teens.

The main reason, however, was that as a teenage girl I had spent my life in a culture that told me I was the least important character in the story of my life. My pain, my truth, my future were all less important than the futures and reputations of the people who assaulted me.

I believed that I must bear at least some of the responsibility for the assault because I had been drinking underage.

And a brief visit to the victim services office of my college only confirmed that belief. I believed that the symptoms of depression and post-traumatic stress following the assault was my own personal failings.

I told myself I was being dramatic, that my inability to just get on with things shouldn't negatively impact the futures of my formers friends.

I even, in a desperate attempt to convince myself that nothing truly terrible had happened, apologized for inconveniencing them and privately accusing them of assault.

You see, I could deal with what happened to me if I was at fault. If it was my fault, I

could change my behavior to make sure it never happened again.

If I stayed silent, I could pretend everything was fine and deal with my emotions in private. If I was silent, people wouldn't look at me and see either a victim or a liar.

No one would have to choose sides, everyone I knew would be spared of what side to take, my side, or the side of my rapist.

If I stayed silent and accepted all the blame, I spared myself the additional trauma of watching friends and loved ones choose the sides of the person who assaulted me.

Most importantly, if I convinced myself that nothing illegal had taken place, that it was more of a misunderstanding than an assault, if I convinced myself that it didn't matter anyway, that I didn't really care, then I wouldn't have to face my biggest fear—that no one else would really care, that I didn't really matter.

I was convinced that I could find safety in my silence, but to paraphrase the poet and activist Audre Lorde, my silence did not protect me.

It's been 15 years, and I'm still in pain. And the people who assaulted me have not faced a single consequence.

And meanwhile, especially over the last two years, I continued to find evidence that my teenage self was right—no one cares about the victims of sexual assault.

No one seems to care to the point that in 2018, men who have been credibly accused of sexual assault are leading this nation and their accusers are publicly doubted and verbally eviscerated by the media, the president, and members of the senate judiciary committee.

I am here today because I want all the unheard teenagers girls in this country, past, present, and future, including my two daughters, one of whom is here with me today, every time you speak the truth, you do your part to dismantle a toxic, victim-blaming culture, and the world is better for it. Make them hear you. Thank you Senator Blumenthal, and thank you Dr. Blasey Ford.

TARA FROM CONNECTICUT

Between the ages of 13 and 14, I was raped by a man whose children I used to babysit for.

He used the fact that I loved his children and wanted them in my life against me as he raped me while the children were around us.

I didn't tell—I thought that if I got out of the situation that it would be okay because it was my fault—especially after the first time.

I didn't tell, like he said, nobody would believe me.

They would think that I wanted it.

So I continued on and didn't tell till I got a phone call that he had possibly raped the babysitter after me.

And that was the only thing that got me to come forward and speak up.

I had already not been in the children's life and I needed to stop him from doing it again.

And so we went through and I pressed charges and he ended up getting five years.

And he got out of prison and there were no safeguards to protect anybody and he is back on the streets and I don't know today if I would have spoken up back then until recently.

If I hadn't gotten that phone call, this may still be a secret I keep.

And, you know, because of the more people coming forward—Dr. Ford, we believe you. We all need to stick together and do what's right because 1 out of 4 girls and 1 out of 6 boys—it's in everybody's family.

And I just ask the Senators to think about if it was your mother or your sister or your daughter, what would you want for them?

And nobody who is falsely accusing somebody would ask for an FBI investigation—in my opinion.

I just—I really think we all need to stick together and demand what she deserves.

EMILY MALLOY FROM NORTH CAROLINA

I remember what I was wearing like it was yesterday.

Like a broken record on repeat.

I'll never forget that outfit and what happened to me in those clothes that unforgettable night.

Blue jeans and a bright blue t-shirt. Nothing revealing. Nothing slutty. Just regular clothes you wear to a high school football game.

It was senior year. I was with one of my high school friends and we had just gotten invited to a after game party.

I wish I would have listened to my gut that night, but I ignored that voice in my head like the plague.

I was pressured into going to this party by my friend and I was staying at her house that night . . . little did I know I'd never get to her house. There we were.

Beer and loud rap music. I was surrounded by people I knew.

Yes I drank. Yes I got drunk. What happened later that night ISN'T my fault and it took me 11 years so believe that.

Three guys I knew. Three guys I trusted. Three guys lured me into a dark room. One of those guys took my innocence without my consent that night on the cold floor.

I froze. I panicked. I gave in and just let it happen.

What I was left with in the wee hours of the morning, was bruises and a tattered spirit that I'm still healing to this day.

I'm now 31.

I finally told my mom this past fall. I remember mom saying "I wish you would have told me we could have prosecuted those guys."

I just hugged her and cried . . . I knew that my chances of justices were slim to none.

ANONYMOUS FROM NEW JERSEY

A decorative emerald green bird in a nest, embellished with gold glitter

An orange shag carpet and a plaid bedspread

An ugly brown wallpaper with golden swirls

A rough wood wall in a darkened hallway between two office buildings

Look at this list. See any connections? I'm guessing that most wouldn't—even an experienced HGTV designer would have difficulty coordinating them or even using them as inspiration for a room makeover.

But I can connect them without hesitation: they're all objects—things I remember—from the times I was violated, molested, or fought through attempted sexual assaults. They are objects from four specific points in time:

A night when I was 6

An afternoon when I was 12

A night when I was newly-16

An afternoon when I was 16

It's bizarre—even to me—to see this list of things together. I've never written it before. I've never spoken openly about the incidents before. But I remember them, each of them. The incidents and the objects. Some violations play like movies in my head from time to time, even 40+ years later. Certain objects, smells, hairdos, and foods can bring a flood of memories—of the teen boys and grown men who attacked me. And each time it happens, it's like a punch to the gut. Still. Decades later.

When that happens, I want to hold the 6-year-old me and tell her that the pedophile teen was a crafty opportunist that night—and it was not her fault. I didn't report it because I didn't have the words.

I want to comfort the 12-year-old me and tell her that the 17-year-old who physically

manifested his interest in her prepubescent body should have been nowhere near her—and it was not her fault.

I didn't report it because I was told by him that it would ruin his life.

I want to tell the newly-16-year-old me that the drunken upperclassman who followed her into the bathroom at a party to was an insecure, aggressive guy who was incapable of handling rejection—and it was not her fault.

I didn't report it because I had been drinking and didn't want to get in trouble.

I want to tell the 16-year-old me that the 40-something-year-old man who pinned her against the wall, shoved his tongue down her throat, and groped her was a sick individual—and it was not her fault.

I didn't report it because I was told by the adult I confided in that the man would go to jail; and since he was a husband and a father of young children, it would ruin his life. This is the first time I've written it all out—the things that happened and why I didn't report them. And I know there are millions of unwritten stories and unspoken memories just like mine—from all over the world.

We haven't been heard, but we exist. And since the #metoo movement we've realized that we're not alone. We're not voiceless. We're not powerless. We're finally learning to say "me too."

Mr. BLUMENTHAL. Madam President, let me conclude with this thought. Dr. Blasey Ford is a profile in courage. Her name will be remembered long after many of ours are forgotten. She will be in the history books as a teacher—she is a teacher by profession—for this teaching moment for America. It is a teaching moment for all of us—for women who need perhaps that inspiration and role model to come forward and to know that they will be embraced, not rejected. They will be believed, not shunned. They will be bolstered and heeded, and their perpetrator will be held accountable. It is a teaching moment for men—all of us—that we need to do better. It is also a teaching moment for young men—high school juniors and seniors, like Brett Kavanaugh was. When he put into his yearbook that hurtful, horrible phrase about Renate Dolphin—in effect, laughing at her and ridiculing that young woman, just as he laughed and ridiculed Dr. Blasey Ford, then 15 years old, as he allegedly was on top of her, groping and trying to undress her—that laughter was the detail that continued to ring in the ears of Dr. Blasey Ford. It was the most identifiable fact about that incident, as she said yesterday: That laughter is what I hear when I see that entry in the yearbook.

So to all of us men and women in America, her profile in courage should send a message. We should be proud of her, and no one should be prouder than her two sons. I say to Dr. Blasey Ford's sons, as I did this morning in the Judiciary Committee meeting: You should be proud of your mom. She is an American woman who stood strong and spoke out and fearlessly and relentlessly insisted on America hearing her story—well, maybe not fearlessly. She had fear, but she conquered it. That is the definition of courage—not to be without fear but to act courageously in

spite of it. Grace under pressure—that is Christine Blasey Ford.

I expressed my gratitude that I think is shared by many in America for that great teaching moment yesterday. We should honor her by acting in a way that keeps faith with her honesty and bravery.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

PROVIDING FOR A CORRECTION IN THE ENROLLMENT OF S. 2553

Mrs. ERNST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Con. Res. 49, submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the concurrent resolution by title.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 49) providing for a correction in the enrollment of S. 2553.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. ERNST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The concurrent resolution (S. Con. Res. 49) was agreed to.

(The concurrent resolution is printed in today's RECORD under "Submitted Resolutions.")

Mrs. ERNST. Mr. President, 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.

Mr. WHITEHOUSE. 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

Mr. WHITEHOUSE. Mr. President, I am here for my customary "Time to Wake Up" speech, but before I get into it, given the events of the day, I just want to express my satisfaction with the turn of events in the Judiciary Committee.

As the Acting President pro tempore may know, yesterday was a rather bitter day in the Judiciary Committee, with there being a lot of anger and tribal belligerence and a nominee who was full of partisanship and conspiracy theory and invective. It really was not a good day. Yet this is a funny place, and sometimes, right after we have been at our worst, something breaks that turns things in the right direction.

Something happened in the Judiciary Committee today, much due to the concerns and the fortitude of Senator FLAKE, so I want to give him primary credit. I understand the Republican leadership has agreed there will be a weeklong delay in the Kavanaugh vote on the floor and that the FBI will be given a chance to do its job and take a look at the allegations that are out there about his conduct.

This is not only a good thing for the Senate—because I think it releases a lot of pent-up pressure and anxiety and hostility—but it is also a really good thing for the process because the worst possible outcome would be that we would push this candidate through, that he would then get on the Supreme Court, and it would be subsequently shown that these allegations would have been, in fact, true and that he would not have been truthful with us about it and would have lied to the Senate. To clear as much of that cloud off of him as possible, I think, is good for us, good for the Court, good for the country—good for all. So, after a grim and battering day yesterday, I think we had a productive day today. I feel I earned my pay in the Senate over in the Judiciary Committee.

MISINFORMATION

Mr. WHITEHOUSE. Mr. President, what I want to talk about is a new form of political weapon that has emerged onto the political battlefield in America, and it is a political weapon for which the American system is not very well prepared yet. The new political weapon we see is systematic and deliberate misinformation, what you might call weaponized fake news.

Vladimir Putin's regime, in Russia, uses weaponized fake news all the time for political influence in the former Soviet Union and the modern European Union. Our intelligence agencies caught them using misinformation to help Trump win the 2016 American election. Some also is homegrown. In America, the original weaponized fake news was climate denial, spun up by the fossil fuel industry. The fossil fuel industry used systematic, deliberate disinformation to propagandize our politics and fend off accountability for its pollution of our atmosphere and oceans.

So, for both national security and political integrity reasons, we need to better understand this misinformation weaponry. Guess what. Science is on the case. A comprehensive array of peer-reviewed articles appeared last year in the Journal of Applied Research in Memory and Cognition and, I am sure, is on the Acting President pro tempore's bedside table for light reading. Dozens of scientists contributed to this report, and I list their names in an appendix to the speech.

Mr. President, I ask unanimous consent that my appendix be added at the end of my speech.

What they found is interesting. One piece—tellingly subtitled "Under-

standing and Coping with the 'Post-Truth' Era"—describes how "the World Economic Forum ranked the spread of misinformation online as one of the 10 most significant issues facing the world"—the top 10.

"An obvious hallmark of a post-truth world is that it empowers people to choose their own reality, where facts and objective evidence are trumped by existing beliefs and prejudices," concludes one article—not a good thing.

This is not your grandfather's misinformation. This is not "JFK and Marilyn Monroe's Love Child Found in Utah Salt Mine." This is not "Aliens Abducted My Cat." This is not fun and entertainment. This is also not people just being wrong. Indeed, "misinformation in the post-truth era can no longer be considered solely an isolated failure of individual cognition that can be corrected with appropriate communications tools," they write.

In plain English, this isn't just errors; there is something bigger going on. Scientists from Duke University agreed.

"Rather than a series of isolated falsehoods, we are confronted with a growing ecosystem of misinformation."

In this ecosystem, misinformation is put to use by determined factions.

"The melange of anti-intellectual appeals, conspiratorial thinking, pseudo-scientific claims, and sheer propaganda circulating within American society seems unrelenting," write Aaron M. McCright of Michigan State and Riley E. Dunlap of Oklahoma State.

They note: "Those who seek to promote systemic lies" are "backed by influential economic interests or powerful state actors, both domestic and foreign." Let me highlight those key phrases—"systemic lies . . . backed by influential economic interests." Like I said, it is not your grandfather's misinformation.

An author from Ohio State writes that this creates artificial polarization in our politics that is not explained by our tribal social media habits. His subtitle, too, is telling: "Disinformation Campaigns are the Problem, Not Audience Fragmentation." He notes these disinformation campaigns "are used by political strategists, private interests, and foreign powers to manipulate people for political gain."

"Strategically deployed falsehoods have played an important role in shaping Americans' attitudes toward a variety of high-profile political issues," reads another article.

In a nutshell, Americans are the subjects of propaganda warfare by powerful economic interests.

So how is all of this misinformation deployed?

"The insidious fallouts from misinformation are particularly pronounced when the misinformation is packaged as a conspiracy theory," they tell us—insidious, indeed. By wrapping deliberate misinformation in conspiracy theory, the propagandist degrades the target's defenses against correction by