

of Americans, about the most tragic, traumatic, and difficult experience of her life. She did so with poise, grace, and, most importantly, bravery.

Unfortunately, she was met with partisanship and hostility. My Republican colleagues have largely chosen to ignore her powerful testimony.

Senators weren't allowed to hear from any witnesses who could corroborate or refute her account. They refused to gather evidence or do an impartial investigation into her allegations.

Deborah Ramirez also reluctantly came forward to tell her story. Like Dr. Ford, Ms. Ramirez offered to speak to the FBI. Both Ford and Ramirez submitted evidence to support their allegations, including naming over two dozen witnesses each.

Unfortunately, the limited investigation that was conducted by the FBI failed to interview any one of the witnesses these who women identified who could support her account.

Let me say that again. They refused to investigate—to talk with—any of the 24 witnesses that could have supported their accounts.

I think it is important to remember why we are here today. We are here to determine whether Judge Kavanaugh has demonstrated the impartiality, the temperament, and the even-handedness that is needed to serve on this great High Court of our land.

If confirmed, he will join eight other individuals who are charged with deciding how the laws of the land are interpreted and applied. He would be a deciding vote on the most important issues affecting our country and every American for generations to come.

Based on all of the factors we have before us, I do not believe Judge Kavanaugh has earned this seat.

Thank you.

RECOGNITION OF THE MINORITY LEADER

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

Mr. SCHUMER. Madam President, from start to finish, President Trump's nomination of Judge Brett Kavanaugh to the U.S. Supreme Court will go down as one of the saddest, most sordid in the long history of the Federal judiciary.

The well was poisoned from the outset when President Trump selected Judge Kavanaugh from a list of names preapproved by hard-right special interest groups for whom the national interest is a trifling concern compared to repealing *Roe v. Wade*, cutting people's healthcare, and achieving a partisan majority on the Supreme Court. The rot worsened when the Republican majority on the Judiciary Committee shielded the bulk of Judge Kavanaugh's records from the public, discarding decades of bipartisan precedent and thwarting norms of transparency and fairness. Finally, the dam broke under the weight of credible allegations that Judge Kavanaugh committed a sexual assault in high school.

In 2018, the Republican majority conducted a hearing that made the Anita Hill hearings in 1991 look fair by comparison. At this hearing, there were no corroborating witnesses on either side and no independent investigation of the facts to inform the questioning. They even hired an outside counsel to put a witness, Dr. Ford, on trial. Only at the eleventh-hour urging of break-away Members of their caucus, Republicans submitted, reluctantly, to a 1-week investigation of the allegations—an investigation which was then severely circumscribed by the White House.

Our Republican friends blame us for this process. They are always finding a straw man. But nothing could be further from the truth. First, they blame us for delay, knowing full well that Majority Leader MCCONNELL has complete control of when nominees are brought to the floor. Leader MCCONNELL could have moved this nominee 2 weeks ago or 1 week ago. Democrats had no say—and don't—when it comes to what is scheduled for floor debate. But in each case, Leader MCCONNELL couldn't move the nominee forward because he was blocked by fellow Republicans—not Democrats—from moving forward. When it comes to complaining about delay, two words never come from our Republican friends' lips: "Merrick Garland."

Republicans are also saying that we engaged in "a smear campaign" or the "politics of personal destruction" with this nomination. In reality, again, they are using Democrats as a straw man, because what they are really talking about is what Dr. Ford said. Democrats did not induce her to come forward; her conscience did. Are our Republican friends accusing Dr. Ford and her deeply held memories of what happened to her of a smear campaign? Are they accusing Dr. Ford of a smear campaign, of engaging in the politics of personal destruction? Because that is who they are actually blaming. They are decrying her testimony and then trying to blame Democrats. I don't blame them—they have a flawed nominee. They don't want the focus on the nominee.

When future Americans look back at these proceedings, let them draw no lessons from the Senate's conduct here. Let them look back on this chapter as the shameful culmination of the scorched-earth politics practiced by the hard right in America—people who will stop at nothing to entrench an advantage on our Nation's courts. Let the confirmation process for Judge Kavanaugh be recorded as a sorry epilogue to the brazen theft of Justice Scalia's seat, the ignominious end of bipartisan cooperation and consultation on the confirmation of Supreme Court Justices. And for what? For whom were Senate Republican leaders willing to discard all semblance of fairness to confirm? Judge Brett Kavanaugh—certainly a product of an elite education but also someone with a hard-right, conservative jurispru-

dence, far, far away from what average Americans believe.

Why most Democrats opposed his nomination at the outset feels like ancient history now, but let's not forget that, most importantly, we strongly disagree with a number of Judge Kavanaugh's views. He is deeply skeptical of unenumerated rights, including a woman's right to make fundamentally private decisions about her medical care. He is deeply skeptical of the government's role in protecting Americans with preexisting conditions. He is deeply skeptical of nearly all rules and regulations that protect consumers, workers, and the environment.

The flashing red warning sign at the center of Judge Kavanaugh's jurisprudence is his views on Executive power and accountability. Somehow, this conservative judge and scholar of the Constitution sees at the heart of American democracy a President-cum-King; an Executive who is unaccountable to the laws he is sworn to uphold; a head-of-state who, while in office, should be beyond the reach of subpoenas, criminal investigations, or civil investigations.

This moment in American history demands deep skepticism about Judge Kavanaugh's views on Executive power, nominated as he was by an Executive who disdains the constraints of his office and who is, at this very moment, the apparent subject of investigations his Supreme Court nominee believes should be invalid.

I met with Judge Kavanaugh for almost 2 hours, and I asked him about all of those issues. His answers were constantly evasive and utterly unsatisfactory. It was *deja vu* all over again in the first round of hearings, when Judge Kavanaugh deliberately avoided talking about his views on *Roe*, healthcare, Presidential accountability, and more. There was no legal reason, rule, or logic that prevented him from being clear and saying what he thought. He was evasive because he knows that his views are deeply at odds with the progress America has made over the last half century of jurisprudence and at odds with what most Americans believe. His performance was not only unfair and frustrating to the Senate, it was unfair to the American people. When a nominee refuses to disclose their views, chances are you have a nominee whose views are far outside the mainstream of America, whether they be far right or far left.

My colleagues on the other side of the aisle may not have as grave a concern about these views as we do, but let no American be surprised if Judge Kavanaugh becomes a decisive vote to restrict the rights and privileges of the American people, while stretching the bounds of privilege for the current occupant of the White House.

Judge Kavanaugh's nomination ultimately does not only encompass questions of ideology or credentials but questions of character. Here again, Judge Kavanaugh falls woefully short of what Americans expect and deserve

in a Supreme Court Justice. He has repeatedly misled the Senate about his involvement in some of the most serious controversies of the Bush administration, including warrantless wiretapping of American citizens, our policy against torture, the theft of electronic records from Democratic Senators, and his involvement in the nomination of very controversial judges. Faced with credible allegations of various types of misconduct, Judge Kavanaugh's credibility was again tested, and he continued to dissemble and even prevaricate about easily refuted facts.

Beyond the issue of credibility, Judge Kavanaugh presented to the Senate the bitterest partisan testimony I have ever heard coming from a candidate seeking the Senate's approval, whether they be for the bench or the executive branch.

There are many who think that what happened when Judge Kavanaugh was 17 years old should not be dispositive. Even if you believe that, his actions at age 53 in terms of demeanor, partisanship, and, above all, credibility, should be dispositive. Judges at every level of the Federal bench should be held to the highest standard of ethics and moral character. Judges at every level should be judicious and credible and independent but especially—especially—on the Supreme Court.

I do not see how it is possible for my colleagues to say with perfect confidence that Judge Kavanaugh has the temperament, independence, and credibility to serve on the U.S. Supreme Court. So I ask my colleagues on the other side of the aisle: Why Judge Kavanaugh? There is no dictate that you have to march blindly forward with a nominee when there are others available to you. There are many judges whom I am sure conservatives would be happy to have on the Court. I would remind my colleagues, the seat that Brett Kavanaugh aspires to fill was held by a Justice who assumed the Bench after one nominee was voted down by the Senate and a second nominee withdrew his nomination. But the Republican majority has pressed forward blindly on Judge Kavanaugh, even when brave women came forward to speak truth to power. Why? For what cause? For the sake of winning? That is not reason enough.

My colleagues on the other side, if you have doubts about Judge Kavanaugh's credibility, about his ability to tell the truth, about his ability to be impartial and nonpartisan—no matter what you think of his jurisprudence or what he may or may not have done in high school and college—you should not vote to confirm him to the Supreme Court.

So my friends, Democratic and Republican, for all the controversy, all the heavyhandedness of the process, all the hyperbole and vilification of both sides, there is always hope that the Senate can save itself. We can salvage some decency here at the end.

If Judge Kavanaugh is rejected, President Trump will select another nominee—likely right-of-center, probably not to my liking but without the cloud that hangs over this nominee—and we can proceed to consider that nominee in a much less bitter, much better, less partisan way. A bipartisan majority of Senators, considering fully the weight of Judge Kavanaugh's testimony, record, credibility, trustworthiness, and temperament, considering fully the heartbreaking testimony of Dr. Christine Blasey Ford, can vote to reject Judge Kavanaugh's nomination and ask the President to send the Senate another name.

For the sake of the Senate, of the Supreme Court, and of America, I hope, I pray, my colleagues will do so.

I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

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

Mr. MCCONNELL. Madam President, it was 88 days ago that President Trump announced his nomination of Judge Brett Kavanaugh to fill the current vacancy on the Supreme Court.

Judge Kavanaugh is a nominee of the very highest caliber, a brilliant legal mind and an accomplished jurist with a proven devotion to the rule of law. Today, the Senate has the opportunity to advance his nomination. Every one of us will go on record with one of the most consequential votes you ever cast in the Senate.

The stakes are always high for a Supreme Court nomination, but, colleagues, the extraordinary events of recent weeks have raised them even higher this time. When we vote later this morning, we will not only be deciding whether to elevate a stunningly well-qualified judge to our highest Court. Not anymore. Not after all this. The Senate will also be making a statement.

We will either state that partisan politics can override the presumption of innocence, or we will reaffirm that in the United States of America, everyone is innocent until proven guilty.

We will either state that facts and evidence can simply be brushed aside when politically inconvenient and signal that media bullying and mob intimidation are valid tactics for shaping the Senate and that the mob can attack and the Senate will cave, or we will stand up and say that serious, thoughtful, fact-based deliberation will still define this body.

We will either give notice that totally uncorroborated allegations are now officially enough to destroy an American's life, or we will declare that our society cannot, must not, will not set the bar so low.

Today is a pivotal day in the nomination process of this excellent judge, but it is a pivotal day for us here in the Senate as well. The ideals of justice that have served our Nation so well for so long are on full display.

So let's step back and sample a few of the choice moments that the Senate

and the American people have been treated to during the disgraceful—absolutely disgraceful—spectacle of the last 2 weeks.

The very night Judge Kavanaugh was announced as the President's choice, we heard the junior Senator from Oregon declare that this nominee would “pave the path to tyranny.” His audience? Crowds of far-left protesters, still filling in the blanks on their picket signs. They weren't quite sure who the nominee was going to be yet.

We heard the junior Senator from New Jersey describe Judge Kavanaugh's nomination as a great moral struggle in which there are just two camps: “You're either complicit in the evil . . . or you are fighting against it.”

More recently, we heard the junior Senator from Hawaii argue that her personal disagreement with Judge Kavanaugh's judicial philosophy meant—now, listen to this—he deserved less of a presumption of innocence when it came to allegations of misconduct. If you agree with her, you are not entitled to the presumption of innocence when it comes to allegations of misconduct. That is from a member of the Judiciary Committee? That is the definition of “due process”? Apparently, you get due process only if you agree with her.

Even more recently, we saw the junior Senator from Rhode Island hold forth with great confidence—great confidence—offering his expert interpretations of goofy jokes in a high school yearbook from the early 1980s. That was incredibly enlightening. Innocent jokes? Beer-drinking references? Oh, no. Our colleague was quite positive there must be some other hidden or sinister meanings at play—until, of course, a number of Judge Kavanaugh's classmates set him straight earlier this week.

So stop and consider these snapshots. The absurdity. The absurdity. The indignity. This is our approach to confirming a Supreme Court Justice? This is the Senate's contribution to public discourse?

Before the ink had dried on Justice Kennedy's retirement, our Democratic colleagues made it perfectly clear what this process would be about: delay, obstruct, and resist.

Before the ink had dried on Judge Kavanaugh's nomination, colleagues across the aisle—including Democratic members of the Judiciary Committee—were racing to announce they had made up their minds and were totally opposed to his confirmation.

Mere hours after Judge Kavanaugh was nominated, my friend the Democratic leader promised—“I will oppose him with everything I've got,” he said hours after he was nominated. It was thus abundantly clear that his No. 1 political goal was to defeat the nomination by any means necessary.

It was right there from the beginning, a clear declaration, plain as day: Nothing—nothing—could get most