

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

Democrats to consider this nominee with an open mind. It would be delaying tactics, obstruction, and the so-called resistance until the final vote was called.

For a few weeks, their efforts played out along the lines that have sadly become somewhat ordinary around here. There were excuses for delay. Those fell flat. There were gross distortions of Judge Kavanaugh's record that were batted down by outside fact-checkers. There were all the usual phony, apocalyptic pronouncements that are shouted whenever a Republican President dares to nominate a Supreme Court Justice. It happens every time. Hostile to women. Hostile to vulnerable people. Hostile to workers. The same old tricks. The same old playbook. But here was the problem: The old plays weren't working. The distortions were being literally drowned out by the facts.

Senators received and reviewed more pages of background materials on Judge Kavanaugh's nomination than for every previous Supreme Court nomination combined. We read Judge Kavanaugh's 12-year record of judicial rulings from our Nation's second highest court—300-plus opinions. We heard sworn testimony and written accounts from hundreds of character witnesses from all stages of Judge Kavanaugh's life and career. The picture painted by these facts was nothing like the caricature—nothing like the caricature.

So it was clear that the old tactics weren't working and weren't going to get the job done. The resistance demanded more. Try something new, they said. Well, we all know what happened next. Uncorroborated allegations of the most sensitive, most serious sort were quickly sharpened into political weapons.

One such allegation, shared by Dr. Ford in confidence with the Democrat side of the Judiciary Committee, somehow mysteriously found its way into the press. Chairman GRASSLEY immediately set out on a sober, focused search for the truth. The committee collected testimony, organized a new hearing, and most recently asked for a supplemental FBI background investigation, Judge Kavanaugh's seventh—seventh—FBI investigation.

By any fair standard, the facts—the actual facts—proved to be straightforward: no corroborating evidence. None—none—was produced to support any of the allegations leveled against Judge Kavanaugh. There was no corroborating evidence from the FBI inquiry or from anywhere else. Nothing.

Well, that wasn't enough for our Democratic colleagues, of course. The facts were not exactly the point. After all, we sort of get it by now. When the very FBI investigation for which they had been clamoring turned up no new evidence, the Democrats moved the goalposts yet again.

I believe the latest story is that the whole investigation is invalid—listen to this—because individuals who had

only recently been told secondhand or thirdhand about nearly 40-year-old allegations weren't treated as essential witnesses.

Let me say that again. The latest story is that the whole investigation is invalid because individuals who had only recently been told secondhand or thirdhand about nearly 40-year-old allegations weren't treated as essential witnesses—never mind that they didn't actually witness anything. They didn't witness anything.

So let's be clear. These are not witnesses. These are people supposedly in possession of hearsay that they first heard 35 years after the supposed fact. What nonsense.

The people whom Dr. Ford claimed were witnesses have spoken with the FBI. We know that because they, through their attorneys, put out public statements saying so. What we know now is what we knew at this time a week ago: There is absolutely no corroborating evidence for these allegations—the same thing we heard a week ago. If there were, you bet we would have heard about it, but there isn't.

Notwithstanding that, the leak of Dr. Ford's letter—in violation of her privacy and against her wishes—opened the floodgates. The feeding frenzy was full-on. The weaponization of her letter by the left led to a torrent of other, equally uncorroborated allegations. They were dumped on Judge Kavanaugh and his family, and, breathlessly, the media seized on them—the more outlandish, the better.

Americans were informed that Judge Kavanaugh masterminded violent drug gangs as a young teenager, until that accuser walked her story back. We were informed that Judge Kavanaugh beat someone up on a boat in a Rhode Island harbor, until that accuser totally recanted. We heard another tall tale of physical assault, until that account was thoroughly debunked by a sitting Federal judge. Oh, and, yes, we were informed that juvenile jokes in his high school yearbook were actually sinister secret references.

Oh, the Keystone Kops were on the case, and Senate Democrats cheered them on. They read parts of this uncorroborated, unbelievable mudslide into the Senate RECORD. They cited them in an unofficial letter, demanding that Judge Kavanaugh's nomination be withdrawn.

Were they true? That was quite beside the point, so long as they were convenient. Every effort was made to ensure the fact-free verdict of the mob and the media would win out over the actual evidence; make sure the mob prevails. The uncorroborated mud and the partisan noise and the physical intimidation of Members in the Senate will not have the final say around here. The Senate will have the final say.

We are almost at the end of the runway. The crosswinds of anger and fear and partisanship have blown strong these past weeks. They have harmed a good man and his family. They have

tarnished the dignity of this institution, but all of it can end today. The time has come to vote. The Senate stands on the threshold of a golden opportunity.

We have the opportunity to advance the nomination of an incredibly well-qualified and well-respected jurist to a post that demands such excellence. We have the opportunity to put Judge Brett Kavanaugh on the Supreme Court, where his distinguished service will make us and our Nation proud for years to come. We have the opportunity to do even more.

Today, we can send a message to the American people that some core principles remain unfettered by the partisan passions of this moment. Facts matter. Fairness matters. The presumption of innocence is sacrosanct. The Senate has turned its back on these things before but never for long and never without deep regret.

This institution does not look back proudly on the era of Joseph McCarthy nor on any of the other times when the politics of personal destruction poisoned its judgment. No, the Senate looks back on those things with shame and with the conviction that we cannot go down that road again. We know the Senate is better than this. We know the Nation deserves better than this.

By confirming Judge Brett Kavanaugh on the Supreme Court, this brilliant jurist will be charged with upholding the rule of law and honoring American justice. We must hold ourselves to that very same standard. We must seize the golden opportunity before us today, to confirm a Supreme Court Justice who will make us proud, and to reaffirm our own commitment to the justice that every single American deserves.

The ACTING PRESIDENT pro tempore. As a reminder to our guests in the Galleries, expressions of approval or disapproval are not permitted in the Senate Galleries.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Brett M. Kavanaugh, of Maryland, to be an Associate Justice of the Supreme Court of the United States.

Mitch McConnell, Orrin G. Hatch, Thom Tillis, Roger F. Wicker, Tim Scott, Deb Fischer, Roy Blunt, Cindy Hyde-Smith, John Cornyn, Johnny Isakson, Lamar Alexander, John Boozman, Joni Ernst, Mike Crapo, John Thune, John Barrasso, Pat Roberts.

Mr. MCCONNELL. I ask unanimous consent that the mandatory quorum call be waived.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.