

lot of hot air and no real gains. Corporate America—the wealthy—are doing great. Working people—average Americans, people who sweat—get nothing. They are losing jobs.

We need more from this Congress than another tax cut for the wealthy, and the American worker needs more from President Trump than empty rhetoric. Just yesterday, he said: Well, there will be new plants. How many people are going to believe that? He has been saying that for 2 years.

CLIMATE CHANGE

Mr. President, last week, the Trump administration released an important report on climate change that warned of dire consequences by 2050—of devastating storms, hundreds of billions of dollars of damage, a massive drain on the economy. The fact that this administration released the report on Black Friday is wrong. It is an obvious attempt to bury the findings. But guess what. Even though he released them on the Friday after Thanksgiving, those findings were not buried. They were on the front page of every newspaper. Then, of course, while his own administration issued a very strong report on climate change, he said: “I don’t believe it.”

I have said it before, and I will say it again: President Trump and the Republican Party are like ostriches when it comes to climate change. They bury their heads in the sand as the world changes and as more and more of America and American workers are put in danger.

The Trump administration itself has reported on how devastating the costs of their policies will be for future generations of Americans. This report is going to live on day after day, month after month, and year after year. This is not a 1-day story. This is conclusive evidence by the President’s own administration of how bad climate change will be for incomes, for families, for workers, for farmers, and for cities. They can’t run away from it anymore. It is about time they face the reality and work with us to do something before it is too late.

This report will be in the news again and again and again. It will bolster those who are going to court to prevent the administration from undoing many of the things the previous administration did on climate change.

It is a turning point—a very significant turning point—in the war, which it is, to keep our globe from getting far too hot for everybody’s comfort.

NOMINATION OF THOMAS FARR

Mr. President, on the pending judicial nomination of Thomas Farr for a seat in the Eastern District of North Carolina, in his legal career, Mr. Farr has repeatedly defended efforts by North Carolina’s Republicans to undermine voting rights generally and disenfranchise African-American voters specifically.

This man was chief cook and bottle washer of the State that probably did more to prevent people, and particu-

larly minorities, from voting than any other State. It is so bad that the discriminatory congressional maps, drawn by the Republican legislature, which Mr. Farr defended, were struck down by the very conservative Supreme Court.

Mr. Farr defended North Carolina’s absurdly restrictive voter ID law, also passed by the conservative Republican State legislature, and they tailored their election laws to disadvantage African-American voters after requesting race-specific data on voting practices. The law was one of five changes to registration and voting, all of which—all of which—disproportionately affected African Americans. That wasn’t a coincidence; that was designed.

Mr. Farr called the provisions, which a Federal judge said “targeted African-Americans with surgical precision,” a minor inconvenience.

Finally, Mr. Farr was a lawyer for the reelection campaign of Senator Jesse Helms and may well have had preknowledge of a mailer sent overwhelmingly to Black voters, with the purpose of intimidating them from voting.

Partisan affiliation, my friends, should not matter in this debate. Voting rights are sacred. It is part of our soil in which the tree of democracy is nurtured. It shouldn’t be a Democratic issue or Republican issue. Taking away the voting rights of Americans, of whatever race, creed, color, party, or region is a despicable act. It cuts against the very thing that generations of soldiers have died for—the right of democracy, the right to vote.

Every Senator here, including our Republican friends, should be disturbed by the fact that Mr. Farr has been involved, often directly, in multiple attempts to disenfranchise minority voters.

What sticks in the craw is, we are voting on Mr. Farr only because Republican Senators—when we Democrats were in the majority and still respected the blue slip, they blocked two nominees, both African American, both women, to represent a jurisdiction that is 27 percent African American and doesn’t have a single African American judge, even though one-quarter of the people are African American. I don’t care what the ideology is here. Then, adding insult to injury, they are putting on the bench someone who would disenfranchise people, particularly people of color. It is a disgrace.

This morning I called Stacey Abrams and Andrew Gillum, both of whom were hurt by attempts to limit voting rights, and they issued the following statement together:

When it comes to the trifecta of voter disenfranchisement—voter suppression, racial gerrymandering, and restriction of voting rights—Thomas Farr is, sadly, one of the most experienced election lawyers in the country. . . . Thomas Farr’s record of hostility and disregard for fundamental civil rights disqualifies him for a lifetime appointment that will allow him to codify his discriminatory ideology into law.

I couldn’t agree more. I urge my Republican colleagues to see the better part of reason, to let, as Abraham Lincoln said—and we all know what he did—the better angels of their nature appeal to them, not just the political machine that says: This guy helped us get elected. Even if he took away voting rights of people, let’s put him in.

One more point, the great Chief Justice John Roberts, who told us he would call balls and strikes, allowed a lot of this to happen when he authored the Shelby decision, which took away protections against horrible things that Mr. Farr helped perpetrate. He said there wasn’t much discrimination anymore. Well, clearly there is. Nineteen States have rolled back voting rights since Shelby. Mr. Roberts tries to portray himself as a middle-of-the-road, call-the-balls-and-strikes person, but in his decisions he is very far from that, and that is why people see the courts as so political.

VIOLENCE

Mr. President, one final point on rightwing violence. I apologize to my colleagues who are waiting, and it will be a brief point when I can find it. I want to comment on a report by the Washington Post yesterday on extremist violence. The report found that “over the past decade, attackers motivated by rightwing political ideologies have committed dozens of shootings, bombings and other acts of violence”—this is their language—“far more than any other category of domestic extremist.”

We all abhor violence, whatever its origin—I have spoken out against it—but the conclusion of this report should put an end to the Republican fearmongering. President Trump’s fearmongering, about the so-called Democratic mobs.

The hard questions need not be put first to Democrats; hard questions need to be asked of President Trump. There is a question that looms: Is President Trump’s rhetoric encouraging rightwing violence that we have seen in the past few years the No. 1 cause of domestic violence? That question needs to be answered.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Illinois.

NOMINATION OF THOMAS FARR

Mr. DURBIN. Mr. President, Ron Chernow is well known as a historian and prolific writer who has written biographies of some of the most amazing people who have lived in our country. One, of course, is on the Founding Father, George Washington, and another which received acclaim even on Broadway in New York is the well-known biography of Alexander Hamilton, which inspired Mr. Miranda to write a musical, which is probably the most successful musical of our time.

Mr. Chernow has also written another book, which I am working my way through very carefully, the biography of Ulysses Grant. It is about 900 pages long. It is a heavy book to carry

from one living space to another as a U.S. Senator but well worth the effort. It tells the story of this man who came to lead the Union Army to victory in the Civil War and ultimately became President of the United States. As I have read this biography of Ulysses S. Grant, I couldn't help but be struck by the fact that one issue emerged after the Civil War, which was probably one of the most challenging of all, the issue about the right of African Americans to vote in the South after the Civil War—the so-called period of Reconstruction.

I also commend to those who are interested in the issue this book by Carol Anderson, entitled "One Person, No Vote." Carol Anderson is a professor at Emory in Atlanta, GA. She wrote an earlier book, which I also recommend, called "White Rage." This book, "One Person, No Vote," really tries to describe throughout history, particularly after the Civil War, efforts at voter suppression and their impact on our democracy.

Professor Anderson was kind enough to ask me to write the forward to this book, which I was happy to do. I am happy to read this book as well because it went into the detail about what happened after the end of the Civil War, when African Americans were legally and constitutionally declared to be citizens of the United States and then set out to exercise their right to vote. Initially, there was some success, but over time the White population in the South started suppressing that right to vote, passing laws that demanded literacy tests of those who would show up to vote, constitutional tests, poll taxes, and the like. Over time, it dramatically diminished the African-American vote in the South, and that diminishment led many Blacks to pick up and leave in the great migration north. Their departure from the South to the North was to the benefit of States like Illinois, where many thousands came to find work and an opportunity to exercise their own freedom, which they thought had been won by the Civil War.

How important is this right to vote? Well, in the words of John Roberts, the Chief Justice of the Supreme Court, at his hearing in 2005, he said that the right to vote is "preservative of all other rights"—preservative of all other rights. It is that fundamental to our democracy that we allow those who are eligible to step forward and to express their will when an election is called and choose the candidates of their choice.

Over the period of time after the end of the Civil War, there were extraordinary efforts taken to suppress the right of African Americans to vote. I say, with some embarrassment but in reality, those were largely promulgated by people who described themselves as Democrats in those days. They were the ones largely in control of the political infrastructure of the South who did their best to limit the right of Blacks to participate.

One of the noteworthy events in this history occurred in 1890 in Mississippi, when they passed the Mississippi Plan. In Carol Anderson's words, "a dizzying array of poll taxes, literacy tests, understanding clauses, newfangled voter registration rules, and 'good character' clauses—all intentionally racially discriminatory but dressed up in the genteel garb of bringing 'integrity' to the voting booth. This feigned legal innocence was legislative evil genius."

She goes on to explain how the so-called Mississippi Plan became a template for other Southern States to try to find ways to pass local and State laws making it increasingly difficult for individuals to vote, particularly African Americans and people who did not have great wealth. It was a success for many years, and the participation of Black voters diminished dramatically as a result of it.

I know this has sounded like a history lesson to this moment, and it would be but for the fact that we are facing this issue again in a vote we will face this week in the U.S. Senate.

There is a nominee for the Federal Court in the Eastern District of North Carolina named Thomas Farr. Mr. Farr's participation in voter suppression is well documented. In fact, the Congressional Black Caucus has described Mr. Farr as "the preeminent attorney for North Carolina Republicans seeking to curtail the voting rights of people of color."

Mr. Farr worked as legal counsel for the 1990 campaign of Senator Jesse Helms. That campaign engaged in well-documented, deeply disturbing tactics aimed at suppressing the Black vote in North Carolina.

As an example, the Helms campaign sent out over 100,000 postcards to mainly African-American voters warning that they might be ineligible to vote for residency reasons. The postcards from the Helms campaign, which Mr. Farr worked on as legal counsel, warned that the Black recipients might be arrested for voter fraud if they came to the polls to vote.

Mr. Farr initially told the Judiciary Committee, in which I serve, that he did not participate in any campaign meetings in which this mailing was discussed. However, news reports then indicated that Mr. Farr did, in fact, participate in an October 1990 meeting that included discussion about mailings that challenged voters' residency.

Mr. Farr, this nominee for a lifetime appointment to the Federal court in North Carolina, later admitted participating in the meeting, despite what he had said earlier. A former Justice Department attorney told the Raleigh News & Observer in 2009 that Mr. Farr "was certainly involved in the scheme as it was being developed."

Mr. Farr also represented North Carolina in litigation over a notorious voter suppression law that the Fourth Circuit struck down in 2016. So his experience in this earlier Helms campaign was not confined when it came to

voter suppression; by 2016 he was at it again. The Fourth Circuit found that the law—which Mr. Farr defended in court—had "target[ed] African Americans with almost surgical precision" and that the legislature had "enacted . . . the law with discriminatory intent."

That was the very law that Mr. Farr defended before the court.

This man, who now seeks this lifetime appointment to the Federal bench, has not just a history but a pattern of voter suppression. This phrase—that the law he was defending "target[ed] African Americans with almost surgical precision"—has probably been repeated more than any I can remember in recent memory on this issue.

Additionally, Mr. Farr represented North Carolina in litigation related to racial gerrymandering and violations of the National Voter Registration Act.

It is particularly troubling that Mr. Farr has been nominated for a judgeship that, as the minority leader mentioned earlier, was denied during the Obama administration when they submitted two African American nominees. The Republican Senators from North Carolina kept the seat vacant and would not allow an African American to fill it. Though President Obama tried twice, they objected to the nominees. Republicans held this seat vacant for years, clearly with the intention to fill it with someone like Mr. Farr.

Let me quote what the Reverend William J. Barber II, a prominent civil rights leader in North Carolina, wrote about Thomas Farr in TIME magazine recently:

I know Farr. I know what he's done, what he stands for and just how detrimental he will be to his constituents if confirmed.

There are many conservative lawyers in North Carolina who could serve as Federal judge who do not have the blemished record of advocacy for voter suppression that Mr. Farr brings to the Senate. As Reverend Barber wrote in TIME magazine: "Being a conservative is not the same thing as spending almost 40 years fighting to block full citizenship for all Americans."

Given his decades-long history of supporting and defending efforts to restrict the right to vote, I must oppose Mr. Farr's nomination.

I must ask: In this moment in time in the 21st century, as we still battle over the issues that divided this Nation during the Civil War, why would this Senate stand and give Mr. Thomas Farr a lifetime appointment to the Federal bench in North Carolina? What does it say about the majority in the Senate that we would give this man, with his personal history of voter suppression, this opportunity?

The reality is this, and it is a grim reality: I believe the Republican Party has decided that demographics are not on their side and that the emerging minorities in the United States of America are not likely to vote their way. So they have embarked on a national program to limit the rights of people to

vote—a national program that I find disgusting. To think that the Koch brothers finance ALEC—the American Legislative Exchange Council—and that ALEC promulgates these State laws in an effort to continue to suppress the vote carries on a sad and despicable tradition.

Back in the 19th century and the early part of the 20th century, it was the Democratic Party, which I belong to, that unfortunately was the home for many of these bigots and led many efforts of voter suppression. Today, sadly, it is the Republican Party—the party of Abraham Lincoln—that is trying to suppress the vote of African Americans with many overt, covert efforts. The appointment of Thomas Farr to fill this vacancy is as overt as can be. We know who he is. We know what he believes. We know what he stands for. And we know that if he is given this lifetime appointment on the Federal bench, he is likely to continue his lifetime history of trying to deny votes to those who are African Americans.

This Chamber that I stand in, with some awe every time I enter it, became the Senate legislative Chamber in January of 1859, even before the Civil War began. It witnessed not only the departure of the southern Senators who were loyal to the Confederacy; it witnessed even Union soldiers coming in and camping out here, at times during the conflict, when they needed a roof over their heads. It also witnessed the battles over reconstruction when the so-called radical Republicans were determined to make sure that African Americans would be given a fighting chance in the south. It witnessed the impeachment trial of Andrew Johnson, and it witnessed many other events that have led us to this moment in time in the year 2018.

Many of the debates that took place on this floor, many of the sentiments that were debated back and forth over the decades, continue to this day to our generation, to our time, and to our Senate. When we bring Thomas Farr for a vote this week in the U.S. Senate, I hope that the party of Abraham Lincoln—the Republican Party of the United States—will join Democrats in stopping this nomination. Can we send a clear message, a bipartisan message from the Senate this week that Thomas Farr and the voter suppression in which he has engaged throughout his life is as unacceptable today as it was in the dark days after the end of the Civil War? That is our responsibility.

This Senator will be voting no on Thomas Farr.

I yield the floor.

The PRESIDING OFFICER (Mr. LEE). The Senator from Oregon.

(The remarks of Mr. MERKLEY pertaining to the submission of S. Res. 708 are printed in today's Record under "Submitted Resolutions.")

The PRESIDING OFFICER. The Senator from California.

NOMINATION OF THOMAS FARR

Ms. HARRIS. Mr. President, a key component of our democracy is access

to the ballot. The Supreme Court acknowledged in *Reynolds v. Sims* that "the right of suffrage is a fundamental matter in a free and democratic society. Especially since the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights, any alleged infringement of the right of citizens to vote must be carefully and meticulously scrutinized."

I always say that your voice is your vote and your vote is your voice. In the recent midterm elections, we saw that there are still powerful forces in our country willing to go to incredible lengths to deny Americans their right to vote. It is indeed outrageous that some voters in Georgia had to wait 4 hours to vote, and a candidate for Governor was the one responsible for overseeing his own election; that Native Americans and their IDs were not accepted at polling places in North Dakota; that nearly 20 percent of North Carolina early voting locations were closed this year.

Five years ago, in *Shelby County v. Holder*, the Supreme Court gutted the Voting Rights Act. Congress is the only body that has authority to restore and should therefore be taking steps to restore and strengthen the Voting Rights Act and to expand early voting and automatic voter registration. Why? Because the more people who can readily participate in our democracy, the more our government will be responsive to the people we are elected to represent.

Yet, instead of Congress acting to strengthen access to the ballot, the Senate is considering Thomas Farr for a lifetime appointment to the District Court of the Eastern District of North Carolina—a nominee who has consistently and for decades put limits on the ability of Americans to exercise their constitutional right to vote. Just look at the facts.

Mr. Farr actually defended North Carolina's 2013 voting restrictions law—a law that would have required photo IDs, which disproportionately impacted Black voters. At the same time, they prohibited certain IDs, such as student IDs or public employee IDs. This law also reduced same-day registration and early voting—a law that was so clearly unconstitutional that the Fourth Circuit described the law as targeting Black voters with "almost surgical precision." The Fourth Circuit went on to call it "the most restrictive voting law North Carolina has seen since the era of Jim Crow."

The facts also include that Mr. Farr represented the North Carolina Legislature in multiple challenges to its 2011 congressional and legislative redistricting. This was an attempt to draw congressional boundaries in ways that disadvantaged Black voters for partisan gain. Those maps were later struck down as unconstitutional and racially discriminatory.

Mr. Farr has also repeatedly represented powerful employers against the rights of workers and customers to

be treated equally. For example, he represented a rental car company that allegedly imposed additional requirements on Black customers. He also represented a pharmaceutical company against allegations of gender discrimination, hostile work environment, and retaliation.

To be clear, attorneys are not charged—nor should they be—with the views of their clients, but when such a significant part of your decades-long record involves defending clients charged with discrimination and defending laws that undermine the right to vote, it is reasonable to question whether that individual can be a fair and impartial judge of similar cases.

Mr. Farr's public comments raise questions about his judgment as well. For instance, he has compared the decision upholding the Affordable Care Act to the *Dred Scott* and *Plessy* decisions. For a reminder, *Dred Scott* is a case that said African Americans could not be citizens, and *Plessy v. Ferguson* upheld the constitutionality of segregation—both now universally considered shameful decisions. The idea that a decision upholding the expansion of healthcare for millions of Americans is remotely comparable to these rulings should be utterly offensive to anyone who knows anything about America's history. These are statements of an ideologue, not someone who understands that their interpretation of these rulings should be something that people will, if they are not careful, rely on. So these are the statements of an ideologue, not an evenhanded and unbiased judge. The people of North Carolina deserve better, and let us be clear about who many of these people are.

More than one-quarter of the population covered by the Eastern District is Black—nearly 27 percent. Yet there has never been a Black Federal judge serving the Eastern District of North Carolina in the court's 146-year history.

In 2013, President Obama nominated Jennifer May-Parker, an assistant U.S. attorney and chief of the Appellate Division of the U.S. Attorney's Office, and she is Black. She was appointed to this vacancy—a position Senator BARR had previously recommended her for—but that nomination was blocked.

In 2016, President Obama nominated Patricia Timmons-Goodson—a justice who served on the North Carolina Supreme Court—who is also Black. That nomination was also held up.

As a result, this is now the longest judicial vacancy in the Federal court system. Instead of two highly qualified women, Senate Republicans want to fill this vacancy with someone who is anathema to so many of our communities and, in particular, communities of color.

So I would echo the North Carolina NAACP, which said that "if this nomination is confirmed, it represents an historic insult to justice and to the people of North Carolina."

I know there are folks who might consider the odds of stopping this