

He even believes, that if a President “finds no appropriated funds within a given category” but can find such money “in another category,” he can spend those funds as he wishes so long as the spending is within his broad “constitutional purview.” Such views should concern all of us here—Republicans and Democrats alike—who believe, as the Founders of this country believed, that Congress possesses the power of the purse.

Unfortunately, I fear that Mr. Barr’s long-held views on Executive power would essentially be weaponized by President Trump—a man who we know derides any limits on his authority. Over the past two years, we have seen the erosion of our institutional checks and balances in the face of creeping authoritarianism. That can’t continue.

In conclusion, let me be clear. I respect Mr. Barr. I voted for him when President George H. W. Bush nominated him. As Attorney General, I do not doubt that he would stand faithfully by his genuinely held convictions, but I fear this particular administration needs somebody who would give him a much tighter leash, as Attorneys General have in the past. So because of that, I will vote no on Mr. Barr’s nomination.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, while Senator LEAHY is still on the floor, I want to thank him for his extraordinary work on the conference committee to try to resolve our budget impasse. I know he has been working night and day. He has shared with many of us the work he has been doing on behalf of getting a budget that reflects the will of this body and of the House, and hopefully it will be completed before midnight on Friday.

So I want to personally thank the distinguished Senator, the senior Senator from Vermont, Mr. LEAHY, for the work he has done to keep the government open, to provide security for our borders, and to make sure we get all of our appropriations bills done.

Mr. LEAHY. Thank you.

Mr. CARDIN. Mr. President, I ask unanimous consent to proceed as in morning business.

THE PRESIDING OFFICER. Without objection, it is so ordered.

BLACK HISTORY MONTH

Mr. CARDIN. Mr. President, 54 years ago, 600 nonviolent protesters set off to march from Selma to Montgomery, AL, to protest the disenfranchisement of Black voters in the South.

They got as far as the Edmund Pettus Bridge when they saw police officers lined up on the other end, waiting with tear gas, clubs, and dogs. The iconic bridge stood between the police and protesters like a physical barrier between hope and violence, democracy and second-class citizenship.

Although the 13th, 14th, and 15th Amendments—which cemented into law the freedom, citizenship, and vot-

ing rights of Black Americans—passed nearly 100 years earlier across the country, literacy tests, poll taxes, violence, and intimidation stood in the way of this constitutional promise. This was especially true in Alabama.

According to the 1961 Civil Rights Commission report, at the time of the famous protests, fewer than 10 percent of the voting-age Black population was registered in Alabama’s Montgomery County. This infamous march from Selma was intended to right the wrong and to shine light on the injustice of all the many laws that kept voting from being accessible to Black Americans.

For months leading up to it, a community of activists—led by Martin Luther King, Jr., and of course our esteemed colleague Representative JOHN LEWIS—carried out voting registration drives and nonviolent demonstrations, all against the resistance of the local government and members of the Ku Klux Klan. These efforts laid the groundwork for the march from Selma, which ended with Alabama State troopers attacking the protesters.

The images of the State-sponsored violence were shown across the country, galvanizing the American public in favor of voting rights in a day that has since become known as Bloody Sunday.

Five months later, on August 6, 1965, the Voting Rights Act was signed into law. The bill is one of the crowning victories of the civil rights movement and for our American democracy.

This monumental legislation outlawed the malicious barriers to the polls and held States accountable for the discriminatory obstacles imposed on citizens who sought to fulfill their constitutional right. It opened doors for Black citizens across the South to register, to cast a vote, or to run for office in higher numbers than ever before.

As we celebrate this February as Black History Month, we must remember that Black history is American history. We must remember that too often in our Nation’s past, the work to create a more perfect Union has fallen upon the shoulders of Americans whose full rights of citizenship were discounted simply because of the color of their skin. The right to vote is a fundamental American tenet. Yet it has historically been denied to men and women of color.

We must remember that when we tell stories of those who fought and struggled to secure voting rights in our Nation’s past, it is because their stories serve as a precursor to our own.

Today voting rights are still under attack. Many who survived the brutal attack on Bloody Sunday and lived to see the passage of the Voting Rights Act have also lived to see the same monumental bill weakened by the 2013 Shelby County Supreme Court decision.

They have watched our President and Republican legislators tout myths of voter fraud to justify strict voter ID

laws, partisan gerrymandering, and limited access to voting information. These efforts undoubtedly disadvantage Black Americans more than most and put a scourge on the system that defines our democracy. It is an insult to those who were robbed of their freedom and oftentimes their lives to create a more equal future.

One such example of modern voter disenfranchisement can be found in the fact that the United States denies voting rights to citizens with felony convictions. We are one of the exceedingly few Western democracies that permanently strip citizens of their right to vote as a punishment for their crimes.

Let’s be clear. We are not talking about voting rights for felons currently incarcerated; we are talking about voting rights for those who have served their time and have since been released, attained jobs, raised a family, paid taxes, and moved on with their lives. Under the current law in 34 States, these individuals are still denied the right to vote, and that is simply unfair and undemocratic.

Black History Month demands that we bring this injustice to light because felony disenfranchisement disproportionately affects men and women of color. One out of thirteen Black Americans is currently unable to vote because of a prior conviction for which they have already served time—a rate that is more than four times greater than the non-Black Americans.

Right now, in total, more than 2 million Americans are unable to vote because of prior convictions, despite having already served their time and paying their debt to society. That is why this year I will again be introducing the Democracy Restoration Act, a bill that would restore voting rights to individuals after they have been released and returned to their community.

I am committed to seeing this legislation passed. My hope is that Black History Month inspires all of my colleagues on both sides of the aisle to join me.

We must also combat efforts to intimidate and disenfranchise voters. That is why last year I introduced legislation that would prohibit and penalize knowingly spreading misinformation, such as incorrect polling locations, times, or the necessary forms of identification. This Deceptive Practices and Voter Intimidation Act will prohibit and penalize intentionally and knowingly spreading misinformation to voters that is intended to suppress the vote, including the time and place of an election and restrictions on voter eligibility.

Reliably, these tactics always seem to target minority neighborhoods and are blatant attempts to reduce turnout. Such tactics undermine and corrode our very democracy and threaten the integrity of our electoral system.

In Stacey Abrams’ response to the State of the Union last week, she said that ‘the foundation of our moral leadership around the globe is free and fair

elections, where voters pick their leaders—not where politicians pick their voters.” This is precisely why I have chosen to speak out about voting rights this month—because this issue defines our moral and democratic character as a nation and because it is an area where we still have so much work left to do.

Casting a vote is one of the most basic and fundamental freedoms in any democracy, and Congress has the responsibility to ensure the right is protected.

Congress has the responsibility to remove barriers to voting and make it easier for people to register to vote, cast their vote, and make sure their votes are counted. No one can appreciate the need for us to meet this responsibility better than Black Americans whose collective story is one of triumph over racist laws and undemocratic norms.

On Black History Month, Congress must vow to follow their example and work together across party lines to make voting easier, fairer, and more accessible to all.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. ROMNEY). The Senator from Minnesota.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF WILLIAM BARR

Ms. KLOBUCHAR. Mr. President, I want to join my colleagues today in making some brief remarks on William Barr’s nomination to serve as Attorney General of the United States.

I had the opportunity to meet with Mr. Barr one-on-one in my office. We had a very good meeting, and we talked in some detail about securing our elections from foreign interference, something that is a major priority of mine, and we really are close in passing a bipartisan bill, which Senator LANKFORD and I have, called the Secure Elections Act. We just need a little help and support from the administration.

We also talked about modernizing our antitrust enforcement to fit the challenges that we have today and to make our laws as sophisticated as the trillion-dollar companies we are now seeing and the mergers we are seeing all across the United States. So we had a good discussion about that.

We also talked about his family and working in the Justice Department. During the hearing, I gave an opportunity for him to talk to those workers who were, through no fault of their own, furloughed or not getting paid, and he clearly showed respect for the people in the Justice Department. I appreciate all of that. I think that is important to have in an Attorney General.

But I have some serious concerns about this nominee. I had already announced I was opposing him during our Judiciary Committee vote, but I have some serious concerns when you look at the context in which he has come before us.

His nomination comes at a time when there are investigations by a special counsel and multiple U.S. attorney’s offices in New York into campaign finance violations and an attempt, as we know, by a foreign adversary to interfere in our elections. This special counsel’s investigation has led to indictments or guilty pleas from over 30 people and three companies, including seven former advisers to the President.

These investigations, as we know, go to the heart of the integrity of our elections, our government, and our institutions, and it is why it is essential, first of all, that Special Counsel Mueller and the U.S. attorney’s offices be allowed to finish their work free of political interference.

The President, as we know, has made past statements and sent out tweets about Attorney General Sessions: I am critical of him for allowing these investigations to go forward. This is the context we are in. He has made it very clear as to what he is looking for in an Attorney General. He wants someone who will be his lawyer. He wants someone to use the Justice Department, in a way, to protect him.

I think this should worry us because, yes, the Attorney General works for the President, but, more importantly, who the Attorney General really works for are the people, the people of the United States.

The Attorney General of the United States is the people’s lawyer and pledges to uphold the rule of law and apply the law equally no matter who you are.

Mr. Barr has made clear, one, that he respects Mr. Mueller, which I truly appreciate. He said that both in my private meeting and on the record at the hearing. But he has also said that he intends to take over supervision of the special counsel’s investigation.

He wouldn’t commit, at his nomination hearing—despite having written that 19-page memo, he wouldn’t commit to following the advice of career ethics lawyers at the Department about whether he should be recused.

Why did that concern me? Well, because he had actually commended the Deputy Attorney General for following those rules, and he had commended Senator and then-Attorney General Sessions for following these rules. So that concerns me.

We know that if he is confirmed, he will be in a position to oversee the special counsel’s budget, the scope of the investigation, and he will, ultimately—and this is key—receive the results of investigation under law.

He will get to decide whether the results are released to the public or, perhaps, as he suggested during the hear-

ing, are not released at all, and that is in addition to those related investigations he will oversee. These U.S. Attorney’s investigations don’t have the special counsel regulations to protect them, so he is in direct line to oversee those.

Even though many of my colleagues asked him to pledge to make Special Counsel Mueller’s report public, he wouldn’t commit to do so. He always had a way to kind of dodge a commitment to do so, instead of, in my mind, making a full-throated endorsement of releasing that report.

If he is confirmed, he will also have room to make his own interpretation of what the law allows. In fact, as Attorney General, he can make the Department’s rules and regulations and issue guidance that would make the difference between transparency and obscurity. That is why we have to look at his judgment on this particular issue.

Maybe if we were in a different time, in a different moment, we would be talking about things like the opioid epidemic and what the Attorney General is doing, which is very important, and I know he does care about that; or we would be devoting our moment, which I wish we could be doing, to antitrust and upgrading the way those laws are enforced and what we should do; or we would be talking, which we should be doing, about the SECOND STEP Act and not just the FIRST STEP Act.

All of those questions were asked in the hearing—immigration reform, very important issues—but we are where we are. We are where we are, and we have to look at his judgment to see what kind of Attorney General he would be at this time with respect to law and order, which, to me, right now, is not just about law and order in our communities—very important—but it is also about law and order when it comes to our entire justice system.

Like many of the nominees from the President, Mr. Barr has demonstrated, just as Justice Kavanaugh did, just as Justice Gorsuch did, an expansive view—an unprecedently expansive view of Presidential power. We don’t have to look far to see how those views would impact the special counsel’s investigation.

Just a few months before he was nominated as a private citizen—I don’t have many constituents who would do this, but, for some reason, Mr. Barr decided to send in this 19-page memo as a private citizen. It was no ordinary memo. This memo was 19 pages, single-spaced, and addressed to the leadership of the Justice Department, but it was sent to all of these people—conservative activists and all kinds of people all over the place, the lawyers at the White House Counsel’s office, and the President’s personal lawyers. I don’t think my constituents would really have their addresses or emails, but it was sent to all of these people.

It argued that a portion of the special counsel’s obstruction of justice inquiry was “fatally misconceived.” He