

anti-American, anti-Israel rhetoric, but a war with Iran would be far worse, and no one can be certain how it would end. As tensions increase, a misunderstanding or provocative act by either Iran or the United States could quickly trigger retaliatory strikes that spiral out of control, drawing us, our allies, and our adversaries into protracted hostilities. Rather than risk that potentially disastrous result, the administration should be partnering with our European and Middle Eastern allies on a strategy of negotiations to reduce regional tensions. In that regard, I ask unanimous consent that a recent op-ed in “The Guardian” by Peter Westmacott, former British Ambassador to the United States, be printed in the RECORD.

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

[From the *Guardian*, May 21, 2019]

TO DEFUSE THIS CRISIS THE US MUST START TALKING TO IRAN

(By Peter Westmacott)

As Washington raises the stakes, the risk of a misunderstanding is high—and it could lead to a new conflict in the Middle East.

Washington's foreign policy hawks—and by extension for the rest of us. Donald Trump says he doesn't want a war with Iran, but his national security adviser, JJohn Bolton, has despatched warships and bombers to the region while the US secretary of state Mike Pompeo has been sharing worrying intelligence about Iranian intentions with close allies and congressional leaders.

What's going on? It's now a year since Trump tore up the nuclear deal with Iran negotiated in 2015 by the Obama administration along with Britain, France, Germany, Russia, China and the EU. Since then, egged on by Israel and the Gulf states, he has announced new sanctions, despite Iran's full compliance with the terms of the deal, and tried bullying the Europeans and others into applying US sanctions in order to deny Iranians the economic benefits they were promised.

After a year of waiting to see if the other signatories would make the deal work without US cooperation, the Iranians announced earlier this month that they would no longer fully comply with the uranium and heavy water restrictions of the agreement—and that, unless the Europeans could help with oil and banking within 60 days, more drastic measures would follow. Western governments sometimes forget that the Iranian government is not a monolithic entity, and that the officials they are used to dealing with, such as president Hassan Rouhani and foreign minister Javad Zarif, are under constant pressure from hardliners who point to the lack of any return on the investment Iran made four years ago.

Since Trump pulled the plug, the Europeans have been working on a scheme to allow some forms of trade with Iran to continue independently of the US. Its effects have been limited, leading the supreme leader, Ali Khamenei, to convince himself—wrongly—that the Europeans were only ever playing good cop to Washington's bad cop. As US sanctions continue to damage the Iranian economy, Trump says he is still interested in some kind of grand bargain. Tehran should call me, the president says, perhaps not realising that there would be huge political consequences for anyone who did.

But outside the US, the impression has grown that the hawks in the Trump adminis-

tration are more interested in regime change than in policy change—and by military action if necessary. There are shades here of Iraq 2003, when the George W Bush administration was desperate to prove that Saddam Hussein had weapons of mass destruction. It is nonsense to claim, as Pompeo did last month, that “there is a connection between the Islamic Republic of Iran and al-Qaida. Period. Full stop”. Al-Qaida's roots are in Sunni, Wahhabist Saudi Arabia, and it hates Shia Iran almost as much as it hates the US and its allies.

The Europeans have never disagreed about the nature or extent of Iran's destabilising activity in the region. But they don't buy the regime change argument, knowing from experience that outside pressure is more likely to strengthen rather than weaken the hardliners. They also still believe that the best way to prevent Iran acquiring nuclear weapons is to stick with the deal.

There is now a real risk of the world finding itself with another Middle Eastern conflict on its hands, by accident or miscalculation. What can be done? As many of us have been saying to Iranian officials for some time, they should help others to stand up for the nuclear deal by moderating Iran's behaviour in the region: stop supplying sophisticated weaponry to Hezbollah in Lebanon; and stop supplying missiles to the Houthi militia in Yemen that perpetuate the horrific civil war. Iran could use its influence over President Bashar al-Assad to press him to avoid further bloodshed in Syria. And it could end the imprisonment and abuse of dual nationals and other Iranian citizens on specious grounds.

Some suggest that current tensions may be partly the result of misunderstandings between Tehran and Washington. That wouldn't be surprising, given the long history of distrust and the absence of diplomatic relations between the two countries for 40 years. But it serves as a reminder that some form of direct communication is essential: both sides should move quickly to activate private channels.

Back in 1987—when the UN security council was trying to stop the Iran-Iraq war Saddam had started (with western encouragement) seven years earlier—the council passed a resolution calling for an immediate ceasefire and a withdrawal to international borders. It didn't manage to stop Saddam launching another, ultimately unsuccessful offensive. But tucked away in paragraph eight was a request to the secretary general “to examine, in consultation with Iran and Iraq and with other states in the region, measures to enhance the security of the region”.

That resolution is still valid. Why not look again at the idea of all the regional powers, under UN auspices, coming together with a view to lowering tensions? A recent OpEd in the *New York Times* by Abdulaziz Sager, a Saudi Arabian academic, and Hussein Moussavian, a former Iranian nuclear negotiator, argues that the time for the region's two big rivals to sit down and try to bury the hatchet might just might have come. So much is at stake that it's surely worth a try.

#### TRIBUTE TO JOHN PAUL STEVENS

Mr. LEAHY. Mr. President, it has been nearly a decade since Justice John Paul Stevens retired from the Supreme Court. His absence on the bench is perhaps felt more now than ever. Justice Stevens' nomination was the first of 18 Supreme Court nominees I have considered in my years in the Senate. As a young Senator, it was a

privilege to support his confirmation in 1975. It was a vote I have long been proud of. Justice Stevens had a storied tenure on the Supreme Court and ultimately became the third longest serving Justice in our Nation's history.

Justice Stevens' commitment to the law and conduct on the bench was beyond reproach. His legacy is one of integrity, dedication to public service, and a recognition that the Constitution protects all Americans equally. He was part of majorities that protected LGBT rights, disability rights, and limited the death penalty.

The Supreme Court has never been perfect. Justice Stevens would be the first to acknowledge as much, but I cannot help but compare his many years on the Court with today. Today, the Supreme Court almost reflexively sides with corporate interests over individuals' interests, even when precedent or so-called textualism and originalism stand in the way. We have also seen an unprecedented blockade of a Supreme Court nominee, and we have a President intent on nominating the most ideological nominees to the bench I have ever seen, nominees who have been preapproved by opaque far-right special interest groups. Many of these nominees have long records of outright hostility toward reproductive rights, environmental protections, and voting and civil rights. They even refuse to accept that *Brown v. Board of Education*, a foundational civil rights decision settled 65 years ago, is indeed settled law. It is equally predictable and deeply unfortunate that Americans increasingly view the courts as a purely political institution.

Our Constitution and laws are intended to serve the people, protecting the freedom of individuals from the tyranny of government and helping to organize our society for the good of all. It is up to the judiciary to ensure our laws have meaning. This is a duty Justice Stevens' recognized and relished.

How I miss his jurisprudence, his steady voice, and his leadership.

I ask unanimous consent that a May 11, 2019, feature by Robert Barnes from The Washington Post entitled, “John Paul Stevens looks back on nearly a century of life and law, but worries about the future,” be included in the RECORD.

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

[From the *Washington Post*, May 11, 2019]  
JOHN PAUL STEVENS LOOKS BACK ON NEARLY A CENTURY OF LIFE AND LAW, BUT WORRIES ABOUT THE FUTURE

(By Robert Barnes)

FORT LAUDERDALE, FL.—John Paul Stevens spent more than a third of his near-century on Earth at the Supreme Court, where he often was on a different page from a majority of his fellow justices.

“It happens so often that you have to get used to losing,” Stevens, 99, said during an interview this last week at his condominium here, just steps from the Atlantic Ocean. “My batting average was probably pretty low.”

But one particular loss lingers and, Stevens says, brings grim reminders almost weekly: the court's 2008 decision in *District of Columbia v. Heller*, which found the Second Amendment protects a right to individual gun ownership unrelated to possible military service.

"Unquestionably the most clearly incorrect decision that the Court announced during my tenure on the bench," Stevens writes in his new memoir, "The Making of a Justice."

Heller and the Second Amendment, Stevens said in the interview, produce "such disastrous practical effects. I think there's no need for all the guns we have in the country and if I could get rid of one thing it would be to get rid of that whole gun climate."

He continued: "Just the other day there was another school shooting in Colorado, and every time it happens, it seems to me we don't have to have this kind of thing in this country, and we should do everything we can to try to change it."

Stevens writes of his efforts to try to make the 5-to-4 decision come out the other way. His 531-page book, to be published Tuesday, details the life and career of a World War II Navy code-breaker from a solidly Republican family, nominated to the federal bench by one GOP president (Richard M. Nixon) and elevated to the Supreme Court by another (Gerald R. Ford) who retired in 2010 as the court's most outspoken liberal. Although, Stevens believes the court changed more than he did.

In the interview, he expressed generalized distress at the state of the world and the nation's politics. "You wake up in the morning and you wonder what's happened," he said. Still, he retains a judge's reticence even years after leaving the bench: "But I shouldn't say more."

He does wonder why it is so challenging for his former colleagues to recognize that partisan gerrymandering is a constitutional violation, as they do with racial gerrymandering. "It's the same issue," he said. "Public officials, including state legislators, have a duty to act impartially. The whole point [of partisan gerrymandering] is to create an unfair result."

And he expressed surprise about Chief Justice John G. Roberts Jr., whom he respects and admires. "I must confess he's more conservative than I realized," Stevens said. "But that doesn't go to his quality as a chief justice."

During the interview, Stevens was preparing for a reunion of his clerks—more than 90 of 125 were expected to attend. He must steady himself with a walker, but he remains active. Tennis has been replaced by ping-pong, he said, but he still plays nine holes of golf each week.

"I don't go in the ocean as much as I used to, and that's really my favorite activity down here," he said. "A strong guy" to help him in and out of the surf is now "an absolute necessity," he said.

It is hard to imagine that at his 1975 confirmation hearing, soon after he became one of the first to receive a heart bypass operation, the main obstacle was "did I have a sufficient life expectancy to justify the important appointment," he writes. He was approved unanimously. The memoir is a tale of a privileged childhood in Chicago, the ravages of the Great Depression and a family scandal, service as a wartime cryptologist and a charmed legal career as a Supreme Court clerk, appeals court judge and the third-longest-serving justice in the court's history.

Stevens was in the stands at Wrigley Field in Chicago when Babe Ruth called his shot in the 1932 World Series—"my most important

claim to fame," he writes—and in the audience at the Democratic National Convention that summer when Franklin D. Roosevelt explained the New Deal on his way to becoming president. His father, Ernest, who took Stevens to the speech, was a Warren Harding Republican, however.

Amelia Earhart told him he was out too late for a school night when she attended the grand opening of the Stevens Hotel in Chicago, at the time the largest in the world. Charles Lindbergh passed along a caged dove someone had given him. On a trip to the South, Stevens and his family attended "Gone With The Wind" the week it opened in Atlanta.

The invitations that come to a Supreme Court justice provide other celebrity tidbits. He was as smitten as others when he met Princess Diana, and an encounter with the composer and conductor Leonard Bernstein provides a surprisingly bawdy anecdote from the mannerly Stevens, who often prefaced his questions on the bench with a courtly, "May I just ask . . . ?"

It was during a dinner at the French Embassy in Washington when Stevens and his wife, Maryan, were seated with Bernstein, who had just conducted the Orchestre National de France at the Kennedy Center. Maryan wondered about the emotions that accompany performing a masterpiece.

"It's like [making love] in a cathedral," Bernstein replied, according to Stevens in the memoir. The justice dutifully used the f-word to authenticate his reporting.

"The Making of a Justice" is Stevens's third book since leaving the court; the others chronicle the chief justices with whom he served and how he would remake the Constitution. He said he is unsure if there is a lesson in it for readers. "I didn't have a specific mission in mind, I just started to write," he said.

One lesson from childhood that informed his career, though, involved his father. The Depression hit after the Stevens Hotel opened, and the place faltered. The hotel borrowed money from an insurance company controlled by Stevens's grandfather, an act that a Cook County prosecutor viewed as embezzlement. Ernest Stevens was found guilty, only to have his conviction overturned by the Illinois Supreme Court, which found not a "scintilla" of evidence of criminal intent.

"Firsthand knowledge of the criminal justice's fallibility" made Stevens skeptical for the rest of his career, he said. "The system is not perfect—it's pretty good, but it's not perfect."

Stevens was part of majorities that handed important victories to gays, limited the death penalty and mostly held the line on abortion rights.

On the latter, he said he is puzzled by "more and more state legislatures" passing restrictive laws in hopes of getting the Supreme Court to revisit the court's rulings.

"I thought that was an issue that had been resolved," he said. "I have no idea what the present court will do."

In the book, he detailed his efforts to derail the Heller majority. He adopted Justice Antonin Scalia's originalist approach to show, in his opinion, that historical texts supported the view that the Second Amendment was aimed at preventing federal disarmament of state militias, rather than forbidding efforts at gun control.

He wrote that he circulated his dissent five weeks before Scalia's majority opinion, in hopes of persuading Justice Anthony M. Kennedy and—somewhat surprisingly—Justice Clarence Thomas.

"I think he's an intellectually honest person, and I just thought there was a chance he might be persuaded" on the historical argu-

ments, Stevens said of Thomas. "I guess I was kind of dreaming a little bit."

But Stevens said the effort did succeed in getting Kennedy to insist Scalia include limiting language that states and cities have used to defend their gun-control measures.

In the book, Stevens refers to U.S. v. Nixon, in which the court said the president must turn over White House tapes to congressional investigators, as "the high point for judicial independence."

He wrote the court's unanimous decision in *Clinton v. Jones*, saying that a sitting president does not have immunity from all civil lawsuits for actions when he was not in office.

Both were unanimous and "easy decisions," Stevens said, but he declined to be drawn into the current battle between congressional investigators and President Trump.

He is asked: Nothing to say about the president? "Nothing that you don't know already," he said.

#### TRIBUTE TO BISHOP THOMAS C. ELY

MR. LEAHY. Mr. President, today I pay tribute to a wonderful friend, Bishop Thomas C. Ely, who is retiring from his leadership position of the Episcopal Diocese of Vermont.

Bishop Ely has been an outstanding servant of the Vermont diocese since his consecration as bishop in 2001. During his tenure in the Green Mountain State, he has served as the leader of the 45 Episcopal congregations in Vermont and one more across Lake Champlain in Essex, NY. He has visited all parishes once a year and counseled many clergy members. Bishop Ely's devotion to human dignity and dignity education influenced every church in the diocese. He demonstrated this as chairman of the board and as an educator of Rock Point School in Burlington, where his wife Ann worked all through his tenure as bishop. Bishop Ely, as a promoter of social justice and equality, also showed leadership in many other ways. He has been active in immigrants' rights, marriage equality, improving the lives of those living in poverty and in Bishops Against Gun Violence. His work on human rights is illustrated in his long commitment to the human rights organization Cristosal, which works in Central America.

Recently, Bishop Ely completed the successful Partnership Campaign for Rock Point, raising over \$2 million to assure the future of the 130 acres owned by the Church on Lake Champlain in Burlington. The funds will improve the trails and facilities in partnership with the city of Burlington and the Lake Champlain Land Trust, preserving 93 acres for public access.

I am proud to say that Bishop Ely lives his faith, through worship, leadership, and through action to improve and enrich the lives of all Vermonters. His journey of faith and action would not have been possible without the love and support of Ann Ely who, in addition to her work at Rock Point School, has also been deeply involved in St. Paul's Cathedral in Burlington.