

ranking Democrat in the Senate—recently filed an amicus brief with the Supreme Court that threatened the Court if it failed to rule according to the Democrats' preference.

They wrote:

The Supreme Court is not well, and the people know it. Perhaps the Court can heal itself before the public demands it be restructured in order to reduce the influence of politics.

Translation: If you don't rule the way we want you to, you will not like the consequences.

Threatening members of the judiciary is within the domain of dictators and despots, not Members of the U.S. Congress, and it is deeply disturbing that prominent Democrats apparently now see nothing wrong with trying to intimidate the Supreme Court.

Unfortunately, it is becoming apparent that there are few lengths to which the Democrats will not go in their increasingly desperate partisanship. Just this week, we saw the Democrats leap on the opportunity to drag Justice Kavanaugh's name through the mud again based on yet another vague and unsubstantiated rumor.

More than one Democratic Presidential candidate instantly cried that he should be impeached. What was the basis for such a drastic suggestion? It was a New York Times article that was, as the leader pointed out, so short on reporting that it ran on the opinion page of the New York Times instead of in the news section, not to mention that after running this piece, the Times had to quickly issue a correction and note a glaring omission in the original story. What was the omission? It was the fact that the supposed victim of Justice Kavanaugh's supposed behavior declined to be interviewed and that her friends said she had no memory of the alleged incident.

It is not hard to see what is behind the Democrats' relentless campaign to smear Justice Kavanaugh's name. They are furious that it was a Republican and not a Democratic President who had the opportunity to choose a Justice to replace a perceived swing vote on the Supreme Court, and they are afraid that Justice Kavanaugh will not issue the rulings they want.

Here we get to the heart of the problem with the Democrats' increasingly unhinged leftism and attacks on the judiciary. The Democrats aren't looking for judges or a judiciary that will rule according to the law; they are looking for a judiciary that will rule in accordance with the Democrats' preferred policies whether they have anything to do with the law or not, and that is a very dangerous goal.

Sure, it might seem nice when an activist judge who shares your political opinions reaches outside the meaning of the statute and rules for your preferred outcome. Yet what happens when that same judge reaches beyond the law to your detriment? What protection do you have if the judge and not the law becomes the highest au-

thority? The only way to ensure the protection of individuals' rights is to ensure the rule of law, and that means having judges who will make decisions according to the law, not according to their personal preferences or the principles of a particular political party's.

In the wake of the Democrats' threat to the Supreme Court, all 53 Republican Senators sent a letter to the Justices that underscored our commitment to protecting the independence of the judiciary. We noted in the letter:

There is no greater example of the genius of our Constitution than its creation of an independent judiciary. . . . Time and again, our independent federal courts have protected the constitutional rights of Americans from government overreach even when that overreach was politically popular.

If we want our courts to continue protecting Americans' constitutional rights, then we need to ensure they remain independent.

The Democrats' interest in having judges who will rule according to their preferred outcomes is not new, but in the past, their interest has not led them to attempt to bully judges into voting their way. I hope the Democrats will think better of their repressive tactics before our independent judiciary becomes the victim of their political agenda.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

AUTHORIZATION FOR USE OF MILITARY FORCE

Ms. DUCKWORTH. Madam President, I could stay here all day, listening to the names of the brave men and women whom I was lucky enough to serve with in the military. I could stay here all night, telling stories about their heroism and courage. I could stay here all week, all month, talking about the troops who are serving overseas right now and about those who are on their eighth or ninth tours of duty or about those teenagers who weren't even alive when the Twin Towers fell, yet who are ready to ship off to Afghanistan at this very moment if that is what is asked of them. I could go on and on all year if I wanted, and I still wouldn't be able to convey the sacrifices they are making because they love this country and would do anything to defend her.

I will not stand idly by and let a single one of them shed blood in an avoidable conflict because Donald Trump has abdicated matters of war and peace to a despot who regularly flouts basic human rights and openly murders journalists. Yet, after tensions spiked between Saudi Arabia and Iran this past weekend, that is exactly what he seemed to be willing to do. He tweeted that the U.S. was "locked and loaded" and just waiting for the Crown Prince to tell him how to proceed. We can't let that slip by.

The President—the Commander in Chief of the greatest military of the greatest democracy on the face of the Earth—just suggested that he was outsourcing the powers of war to a foreign monarch—powers that aren't even his to hand over—and he did it in a tweet.

While Trump may have never read the Constitution, I have, so let me direct his attention to article I, which makes it clear that the President does not have the authority to declare war. Only Congress has that power. We are the ones tasked with deciding when and how Americans are sent into combat. We are the ones charged with that most solemn duty, not Donald Trump and certainly not Muhammad bin Salman. Yet Trump is acting as if article I simply doesn't exist, as if he could just usurp this power from the legislative branch and trade it to whomever he pleases, as if obeying the Constitution is optional even while he tweets that he is willing to obey a foreign prince.

This should not be a partisan issue. No matter if you are struggling to pay rent or if your name is plastered in gold on the front of a building on Fifth Avenue, no one can overrule the Constitution. Trump doesn't get to mire us in yet another Middle East conflict just because he has a bizarre tendency to bow down and kiss up to the world's cruelest tyrants.

Whether you ask constitutional scholars or high school students taking U.S. history classes, they will tell you the same thing—that on matters of military force, whether they are our allies or our adversaries, American Presidents do not get to choose to take orders from foreign leaders. They take direction from Congress—full stop.

I am here to say that we have not authorized him to ensnare us in another endless, senseless war.

We haven't debated and passed a new authorization for the use of military force in more than 15 years, and there is just no way that the AUMF passed to go after the perpetrators of 9/11 can justify military action against Iran nearly two decades later, sending troops overseas who may not have even been alive when that AUMF was voted on.

Listen, it is not just me who believes this. It is not just my fellow Democrats in the Senate either. During the confirmation hearing for now-Secretary of Defense Mark Esper, I asked Trump's own nominee point-blank whether the existing AUMF gives this administration the right to conduct a war with Iran. His answer? His answer was: No. No, they do not.

Even in decades past, when prior Presidents have gotten us entangled in bad wars based on bad intelligence, at the very least they made sure to loop in the United Nations, but Trump is acting as if he wouldn't even do that. He is too busy thumping his chest and catering to the whims of autocrats. He is too infatuated with maximum pressure to consider even minimum diplomacy, too distracted beating the drums of war to even think about how many troops he would be sending into harm's way.

For what? To protect the Saudi oil industry or the Crown Prince's personal profits?

Once again, the Trump foreign policy doctrine has proven reckless, senseless, and dangerous, full of gaslighting and bluster, a doctrine in which fact and fiction are one in the same.

It is shameful. It is terrifying that we have a Commander in Chief who comes to military decisions by virtue of temper tantrum and then announces them via tweet, a President who doesn't seem to care that if he keeps on the path of fire and fury he has been treading, our own homeland will be in greater danger, more wounded warriors will be sent to Walter Reed, and more fallen heroes will be laid to rest in the hallowed grounds of Arlington.

Donald Trump may never have deigned to put on our Nation's uniform, so he probably doesn't know that the commander's greatest responsibility is to safeguard the troops so they are able to carry out the mission. That means we do not send them into harm's way recklessly and without full support both logistically and legally.

As a former unit commander, I ran for Congress so that when the drums of war sounded, I would be in a position to make sure our elected officials fully consider the true costs of war, not just in dollars and cents but in the sacrifices of our troops and their families. That was the vow I made to my buddies that I deployed with and all those who have served since I hung up my uniform.

Now, as the drums of war are pounding once again, I am here today to keep my promise to do our troops justice and to make sure Donald Trump does not outsource overseas yet another American job—Congress's job to declare war. If the Trump administration wants to go to war, they must bring their case to Congress and give the American people a say through their elected representatives. They must respect our servicemembers enough to prove why war with Iran is worth turning more moms and dads into Gold Star parents. They must testify about what the end state in Iran actually looks like.

Then, when their case has been made, when Congress's debate is done, we should vote. It is our duty. It is the least we owe to the troops we would be sending into harm's way. If the vote to authorize military force passes, then I will be the first person to volunteer to deploy. I am ready to pack my rucksack, to dust off my uniform. I am ready to fly helicopters, take on the grunt work, do whatever else it takes to uphold that oath that all servicemembers and veterans have sworn: to protect and defend this Nation we love, no matter what.

It would be nice if we had a President willing to do the same instead of one who thinks he looks tough by pushing us to the brink of a needless conflict.

Listen, Trump may think he comes off as strong by using phrases like "locked and loaded" and by spewing threats 280 characters at a time, but he has never seemed weaker to me. A real

Commander in Chief would not dole out matters of war to the highest bidder. A true leader would not bend to the whims of despots just because of the size of their bank accounts. A strong President would not care more about keeping tyrants happy than safeguarding our most precious resource: the brave men and women willing to lay down their lives to defend our Nation. Yet, day after day, Donald Trump wraps himself in the flag in the morning and then abandons our servicemembers and our democratic norms by the afternoon.

While he may have already shirked his duty as an elected official, I refuse to abandon mine. So as many times as is necessary, I am going to keep coming back to this Chamber, keep raising my voice under this great Capitol dome, and keep demanding what is actually in our Nation's best interest because, you see, I don't take my orders from war criminals or dictators or princes or monarchs. I don't serve foreign regimes. I serve the American people. Trump would do well to try that sometime.

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.

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

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

APPROPRIATIONS

Mr. SCHUMER. Madam President, yesterday, the Senate failed to advance a motion to proceed to a package of appropriations bills, demonstrating something that Leader McConnell already knew: There are not enough votes in the Senate for the President's wall.

The Senate refuses to fund the border wall that the President promised Mexico would pay for, especially not at the expense of our troops and their families and important public health programs like childcare and Head Start. Just yesterday, the Pentagon warned of dire outcomes if the money to fund the military is not provided.

Read today's Washington Post. Our military people are upset with this. Now, their chain of command is not going to publicly say it, but we know it. Over 120 military projects stand to lose funding, and we aren't talking about fixing parking lots. We are talking about military readiness. We are talking about medical facilities for troops in North Carolina. We are talking about schools for military families in Kentucky. We are talking about explosives stored in unsafe conditions. We are talking about a very important engineering lab at West Point to train our future soldiers. Even hurricane recovery projects in Florida are at risk.

The Defense Department was very clear that without this funding, lives would be at risk, but that is what Republicans on the Appropriations Committee proposed. The Senate rightly rejected that idea.

The Republican leader is saying we are hurting the military? Give me a break. We are defending the military. How much bull does the majority leader think the American public will swallow? They are taking money out of the military to put it in the wall, and he says that we are hurting the military? Oh, no. Leader McConnell is hurting the military, and we defended them. We defended them because we want the money to go to the military, not to the wall.

By the way, in that regard, Leader McConnell did not stick with the agreement. The agreement was not only on the 302(a)s but there would be bipartisan agreement on where the money on the defense side and the non-defense side would be distributed.

Instead of consulting Democrats, they tried to jam something down our throats, taking money out of defense, out of Head Start and other programs in the health and human services budget and put it into the wall. Well, that wasn't going to stand, it isn't going to stand, and it will not stand.

I hope Leader McConnell has learned his lesson. Shutting down the government or trying to eyeball for the wall isn't going to work. Let's roll up our sleeves and work together.

My friend the Republican leader and Chairman Shelby have now shown the President that they tried again to fund his wall. They have seen, once again, that the votes are not there. They have seen, once again, that when the Senate Republicans do the President's bidding and refuse to engage the Democrats, the only thing they accomplish is wasted time.

The pattern repeats itself far too frequently. The same impulse to do the President's bidding—they are so afraid of this President—and that is what led to the 35-day Trump shutdown earlier this year. Let's not repeat that, Republicans. Let's learn our lessons.

The same impulse led Republicans to deny for months disaster aid to Puerto Rico. In each case, whether it be taking money out of needed places like the military and putting it into the wall or not being fair to Puerto Rico when it came to aid, they had to relent and work with Democrats. I am glad they did for the good of the country.

So enough time has been wasted this work period. Leader McConnell, Chairman Shelby, let's sit down. It is time for you to sit down and negotiate with Democrats on the way forward.

(Mr. SCOTT of Florida assumed the chair.)

CONTINUING RESOLUTION

Mr. President, let's talk about the short-term CR, which was released last night. The continuing resolution is an important measure to keep the government open until late November and