

how petty, how nasty, and yet there are rumors now that the President might dismiss the inspector general of the intelligence community, the official who received the whistleblower report. These are patriots all. President Trump can't stand patriots because they stand for country, not for what he wants.

Yesterday, once again and typically, the White House reportedly decided to withdraw the nomination of Elaine McCusker, who was in line to serve as the Pentagon Comptroller and Chief Financial Officer. Why did he dismiss her—a longtime serving, very capable woman? Because over the summer, Ms. McCusker advised—merely advised—members of the administration about the legal ramifications of denying assistance to Ukraine. Her crime, in the eyes of President Trump and his so many acolytes—henchmen—in the administration, was attempting to follow the law. How dare she try to follow the law. How dare she even voice this is what the law is in this kind of administration.

Of course, yesterday, after career prosecutors recommended that Roger Stone be sentenced to 7 to 9 years in Federal prison for witness tampering and lying abjectly to Congress, the President tweeted that his former confidant was being treated extremely unfair. It appears the Attorney General of the United States and other political appointees of the Justice Department intervened to countermand the sentencing recommendation. As a result, in an unprecedented but brave, courageous, and patriotic move, four career prosecutors working on the Roger Stone case—all four of them—withdrew from the case or resigned from the Justice Department.

When asked about the clear impropriety of intervening in a Federal case, the President said he has an “absolute right” to order the Justice Department to do whatever he wants. This morning, the President congratulated the Attorney General, amazingly enough, for taking charge of the case.

The President ran against the swamp in Washington, a place where the game is rigged by the powerful to benefit them personally. I ask my fellow Americans: What is more swampy, what is more fetid, and what is more stinking than the most powerful person in the country literally changing the rules to benefit a crony guilty of breaking the law?

As a result, I have formally requested that the inspector general of the Justice Department investigate this matter immediately. This morning, I call on Judiciary Committee Chairman GRAHAM to convene an emergency hearing of the Judiciary Committee to do the same—to conduct oversight and hold hearings. That is the job of the Judiciary Committee, no matter who is President and whether the President is from your party or not. Something egregious like this demands that the inspector general investigate and de-

mands that the chairman of the Judiciary Committee hold a hearing now.

The President is claiming that rigging the rules is perfectly legitimate. He claims an absolute right to order the Justice Department to do anything he wants. The President has, as his Attorney General, an enabler—and that is a kind word—who actually supports this view. Does anyone think it is out of the question that President Trump might order the FBI to investigate Hillary Clinton, Joe Biden, or anyone else without any evidence to support such an arbitrary violation of individual rights? Oh, I know, some far-right conspiratorial writer, who has no credibility, who just makes things up, writes it, FOX News puts it on, Sean Hannity or someone talks about it, and then the President says “investigate.” That is third-world behavior, not American behavior. That kind of behavior defiles that great flag that is standing above us. This is not ordinary stuff. I have never seen it before with any President—Democratic, Republican, liberal or conservative.

Does any serious person believe the President's abuse would be limited to the Justice Department? Does any serious person think that Trump might not order the Justice Department to treat his friends, associates, and family members differently than it treats ordinary citizens and that Attorney General Barr would just carry out these orders?

Of course, none of this is out of the question. The President asserted his absolute right to do whatever he wants yesterday. We are witnessing a crisis in the rule of law in America, unlike one we have ever seen before. It is a crisis of President Trump's making, but it was enabled and emboldened by every Senate Republican who was too afraid to stand up to him and say the simple word “no” when the vast majority of them knew that was the right thing to do.

Republicans thought the President would learn his lesson. It turned out that the lesson he learned was not that he went too far and not that he needed to rein it in. The lesson the President learned was that the Republican Party will not hold him accountable, no matter how egregious his behavior—not now, not ever.

Senate Republicans voted to excuse President Trump's abuses of power. They voted to abdicate the constitutional authority of Congress to check on an overreaching Executive. Senate Republicans now own this crisis, and they are responsible for every new abuse of power President Trump commits. John Adams famously described our grand Republic that he helped create as a government of laws, not of men. Our Founding Fathers' foremost concern, of course, was to escape the tyranny of a government of men—more specifically, a King. That is why the Founders created a republic in America. That is why the patriots died for the freedom we are now blessed with.

Yet, after almost 2½ centuries of experience in self-government as a republic, we are, once again, faced with a very serious and looming question: Do we want a government of laws or of men? Do we want to be governed by the laws of the United States or by the whims of one man?

I don't think my Republican colleagues fully appreciated what they were unleashing when they voted in the impeachment trial to excuse the President's conduct—although, maybe they did. They were just afraid, fearful, shaking in their boots because Trump might take vengeance out on them as he did on Senators Flake and Corker. They voted to acquit the President after he used his immense power to pressure a foreign leader to announce an investigation to smear a rival.

What we have seen in the hours and days since that fateful acquittal vote last Wednesday is so disturbing. In a parade of horrors, this is one of the most horrible things President Trump has done. In a parade of horrors, this is one of the most feeble and servile actions of Republicans, just no one saying a peep about it. We are seeing the behavior of a man who has contempt for the rule of law beginning to try out the new unrestrained power conferred on him by 52, 53—well, 52 Republican Senators, 1 brave one.

Left to his own devices, President Trump would turn America into a banana republic with a dictator who can do whatever he wants, and the Justice Department is the President's personal law firm, not a defender of the rule of law. It is a sad day in America—a sad day.

The Founding Fathers created something brand new, a republic, because they were afraid of monarchy. The Senate Republicans aided and abetted President Trump to get much closer to that monarchy than we have been in a long time. Senate Republicans have created something very close to a monarchy, if they can keep it.

WAR POWERS RESOLUTION

Madam President, now, on war powers, later today, the Senate will begin debate on Senator Kaine's War Powers Resolution, preventing President Trump from unilaterally escalating military action against Iran.

The Constitution is clear, Congress alone has the power to declare wars. The President has no authority to enter the United States into another endless conflict in the Middle East, but I fear that the strike against Iranian Major General Soleimani last month may bumble us into one.

With this bipartisan resolution, the Senate can assert its constitutional authority and send a clear bipartisan message to the President that he cannot sidestep Congress when it comes to matters of war and peace. It was immediately clear that the strike against General Soleimani was carried out with insufficient transparency, without proper notification of Congress, and without a clear plan for what comes next.

Last month has only magnified these problems. President Trump initially claimed that no one was hurt after Iran retaliated against forces on January 8. Now the Pentagon says over 100 military personnel suffered a traumatic brain injury. Why has it taken so long for us to learn that American troops were hurt in the attack? Who ordered the withholding of that information? Was it President Trump? It sure wouldn't be surprising. And who in the military—the military, which is a bulwark, one of the few, particularly when General Mattis was the Secretary—who in the military let that happen? Just as importantly, what is the President's strategy for keeping our troops safe in the coming weeks?

The administration has deliberately refused to be transparent with Congress about the aftermath of the Iranian strike. I fear that by keeping Congress in the dark, President Trump is, once again, hoping to short-circuit our checks and balances and escape scrutiny. That is why Senator KAINE's War Powers Resolution is a matter of urgent necessity. I commend Senator KAINE on the job he has done and urge my colleagues of both parties to vote in favor of this resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. SULLIVAN. Madam President, I ask unanimous consent that the confirmation vote on the Kindred nomination begin following my remarks.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

NOMINATION OF JOSHUA M. KINDRED

Mr. SULLIVAN. Madam President, I rise today in support of the vote that the Senate is going to take on here in a few minutes on Joshua Kindred to be Alaska's next Federal district court judge, and I commend this body, particularly Leader MCCONNELL, for prioritizing putting good, solid, young Federal judges in seats in districts and circuit courts all across the country—188 so far since the Trump administration took office, and now it is Alaska's turn.

That Federal judge seat that we are looking at filling here in a couple of minutes has been empty for almost 4 years, and in our State, in the great State of Alaska, we don't have too many opportunities for Federal judges. For example, Alaska only has 1 active judge on the entire Ninth Circuit Court of Appeals out of 29 active judges. So this is an important vote, certainly, for my State.

I want to talk a little bit about Josh Kindred. I have known Josh since he was a young assistant district attorney for the State of Alaska when I was attorney general. We talked about how we were going to work together to make Alaska's judicial process more efficient and more effective for Alaskans during his confirmation process. I certainly was impressed then, but I was impressed when I first met Josh many

years ago and continue to be impressed with his fierce commitment to upholding the law, the concept of equal access to justice for all, and his keen awareness of Alaska's unique legal landscape.

Josh was unanimously rated as "qualified" by the ABA and is a life-long Alaskan with a broad and impressive legal background.

As I mentioned, after clerking on the Oregon Supreme Court, he came back home to Alaska and was promoted to violent crimes supervisor after a number of years working in the Anchorage District Attorney's Office, where he worked to punish perpetrators of crimes and with victims of some of the heinous crimes, unfortunately, that we have in too high numbers in Alaska, particularly as it relates to sexual assault and domestic violence. In his career, he has been committed not only to prosecuting those kinds of crimes but to doing pro bono work to stem this very significant crisis that my State has with these heinous crimes of sexual abuse.

Rounding out his legal experience, Josh served as the environmental counsel for the Alaska Oil and Gas Association and, most recently, as the regional solicitor for Alaska for the U.S. Department of the Interior. Now, when the Federal Government controls over 60 percent of the lands in Alaska, the solicitor for the U.S. Department of the Interior position in Alaska is actually a really important one and is incredibly important in terms of qualifications for a Federal judge.

This wide-ranging experience will be incredibly valuable as a district court judge in Alaska because he is familiar—very familiar—with the numerous Alaska-specific laws that this body passes year after year, decade after decade: the Alaska Native Claims Settlement Act, the Alaska National Interest Lands Conservation Act, and the Trans-Alaska Pipeline Act. This is an important point because very few States have such large, complex Federal laws that are focused solely on their State, and Federal courts often misinterpret these laws and don't understand these laws, to the detriment of the people I represent.

Let me just give you a recent example. There was a Federal case under the law I mentioned recently, ANILCA, as we call it in Alaska. It involved a moose hunter named John Sturgeon who had a hovercraft and wanted to go moose hunting, and overbearing Federal Government agents told him he couldn't use his hovercraft in certain areas considered Federal waters. John Sturgeon knew better. He challenged the Federal Government. There were 12 years of litigation, twice up to the U.S. Supreme Court, and Federal judges at the district and certainly the Ninth Circuit Court of Appeals level getting this case wrong every single time. Finally, last year, in a unanimous 9-to-0 opinion, Justice Elena Kagan summed it up very succinctly when she ruled

against all of these Federal judges in the Ninth Circuit and for Mr. Sturgeon. She said: "If Sturgeon lived in any other State, his suit would not have a prayer of success."

She went on: "Except that Sturgeon lives in Alaska. And as we have said before, 'Alaska is often the exception, not the rule,'" under Federal law.

So the Supreme Court gets it, and Josh Kindred will get it. He understands Alaska's unique legal jurisprudence. He is committed to honoring the commitments this body has made to Alaska's first peoples and others in my great State, and he is committed to justice.

I believe he will serve with honor and integrity on the Federal court, and I urge my colleagues to vote for his confirmation.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the Kindred nomination?

Mr. SULLIVAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Wisconsin (Mr. JOHNSON).

Further, if present and voting, the Senator from Wisconsin (Mr. JOHNSON) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Vermont (Mr. SANDERS), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

The PRESIDING OFFICER (Mr. SASSE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 41, as follows:

[Rollcall Vote No. 41 Ex.]

YEAS—54

Alexander	Fischer	Perdue
Barrasso	Gardner	Portman
Blackburn	Graham	Risch
Blunt	Grassley	Roberts
Boozman	Hawley	Romney
Braun	Hoeven	Rounds
Burr	Hyde-Smith	Rubio
Capito	Inhofe	Sasse
Cassidy	Kennedy	Scott (FL)
Collins	Lankford	Scott (SC)
Cornyn	Lee	Shelby
Cotton	Loeffler	Sinema
Cramer	Manchin	Sullivan
Crapo	McConnell	Thune
Cruz	McSally	Tillis
Daines	Moran	Toomey
Enzi	Murkowski	Wicker
Ernst	Paul	Young

NAYS—41

Baldwin	Coons	Heinrich
Blumenthal	Cortez Masto	Hirono
Booker	Duckworth	Jones
Brown	Durbin	Kaine
Cantwell	Feinstein	King
Cardin	Gillibrand	Leahy
Carper	Harris	Markey
Casey	Hassan	Menendez