

the Court overturning prior precedents such as *Roe* and *Casey* is not unprecedented—not at all. In fact, some of the Court's most consequential and lauded decisions overturned prior rulings.

Justice Alito compared the damage wrought by *Roe* to that of the “separate but equal” doctrine created in *Plessy v. Ferguson*. Now, thankfully, the Supreme Court of the United States in *Brown v. Board of Education* overturned *Plessy*, putting an end to racially segregated schools, just as it appears now poised to overturn the erroneous decisions in *Roe* and in *Casey*.

The opinion is exceptionally well reasoned, thorough, and grounded in the Constitution. It also means that in States across our country, including in my home State of Utah, hundreds of thousands of unborn children—children who could not be protected by State law due to restrictions placed on them by an invented, nonexistent constitutional doctrine created out of whole cloth in *Roe* and in *Casey*—now have some chance at being protected, depending, of course, on which decision makers in which States make which decisions regarding the protection of human life.

As Americans, we must not—we can never forget what is at stake. If this majority decision stands, those who recognize the sanctity of human life—like myself and like a majority of Utahns—will have much to celebrate, but we must also recognize that this is not the end of this chapter in American history. The efforts of the last half century have not been done just simply to overturn *Roe*.

You see, getting to this point, the point that the Court has apparently reached, means that this discussion can finally begin. It is a discussion that has been closed out. Debatable matters have been rendered beyond debate. This, of course, is the vision of a post-*Roe* America. This is why overturning *Roe* matters. What happens next with regard to abortion will be determined by the people of the 50 States through their elected leaders, as our constitutional command of federalism demands.

Now, some States, like Utah, already have laws in place to protect the most vulnerable among us the moment that *Roe* and *Casey* are overturned. I hope and pray that many innocent lives will be saved, not just in my State but all throughout our country. And I pray for all nine Justices' safety and for our country.

We all know and we have to remember that the laws adopted in one State will be different than the laws adopted in another. Part of living in a pluralistic society, part of living in our constitutional Republic requires us to accept the idea that people have different opinions; they have different views. Regional differences appear from one State to another. I predict that the laws of Utah with regard to the protection of preborn human life may differ considerably from those of Vermont;

that the laws of Massachusetts may differ in meaningful ways from those in Mississippi.

Overturning *Roe v. Wade* and *Casey v. Planned Parenthood* does not do almost any of the things that are recited in the parade of horrors that those who are condemning this decision already have recited. Among the more frequent and perplexing arguments is that the overturning of *Roe v. Wade* and *Casey v. Planned Parenthood* somehow signals or will result in the demise of democracy.

Nothing could be further from the truth. In fact, it is difficult to understand how anyone could even make this argument with a straight face. I don't mean here—not referring to their underlying position; I am referring to the specific argument that this somehow represents a threat to democracy. Quite the opposite is true.

By overturning *Roe v. Wade* and *Casey v. Planned Parenthood*, what the Supreme Court will be doing, the very thing it will be allowing is for the democratic process to unfold, for people to make laws as they deem fit in their respective States.

You see, all powers not granted by the Constitution to the Federal Government and not prohibited by the Constitution to the States remain to be made with the States or with the people themselves. That is what this does. So if we want to talk about democratic principles, this will further democratic principles. It will advance republican democracy, not undermine it.

Another argument that has been made that I find equally perplexing is the suggestion that this somehow amounts to zealots on the Supreme Court of the United States dictating to women across America decisions regarding abortion. That is also not true. There is nothing about overturning *Roe v. Wade* and *Casey v. Planned Parenthood* that requires that anyone do anything beyond the fact that it is lifting previously recognized but non-existent impediments to State governments to protect unborn human life.

To those who have raised these concerns, to those who disagree with my views on the sanctity of unborn human life—and I recognize that there are those who do; many of them, in fact—I would direct them to their respective State-elected officials, specifically their State legislatures. That is where this decision is to be made. It is not to be made by the Supreme Court of the United States. They can't criminalize anything. It is not within their power. They are just deciding who gets to decide what. Different States are going to decide this differently, but that is part of the entire constitutional design.

What Justice Alito wrote in this draft opinion is something that I hope will stand. It is absolutely right. It is unassailable from a constitutional standpoint, and it is absolutely essential to restore the American people to that which is rightfully theirs.

I remain deeply troubled by those who appear, whether by leaking this opinion, characterizing it in ways that are unfair, threatening to pack the Supreme Court of the United States, talking about passing legislation that would increase the number of seats on the Supreme Court—these are all efforts designed to degrade, to denigrate and delegitimize the Supreme Court of the United States.

To those who have any inclination to do such a thing, I would say this: *Roe v. Wade* has stood in place nearly my entire life. Since I was old enough to understand it throughout my entire life, I have regarded it as a really bad decision, a very wrong decision.

Notwithstanding that, I have always regarded and still regard the Supreme Court of the United States, despite its flaws—flaws stemming from the fact that it is run by fallible, mortal human beings who sometimes make mistakes—despite its flaws, it is the greatest tribunal of its kind anywhere in the world. We would not want to substitute it because there is no better court of last resort anywhere in the world, even with its flaws. We must not risk what would come if we continue to delegitimize the Court.

In the meantime, I am grateful that the Court appears finally to be on the verge of correcting this grave injustice, and I look forward to the debates and the discussions that will occur once and for all by the people's elected representatives. These decisions will now be able to be made by the people's elected lawmakers and not by unelected, unaccountable jurists who lack authority to make that decision on behalf of all Americans.

I continue to pray for the Court and for our country. Heaven knows our Republic needs it.

The PRESIDING OFFICER. The Senator from Illinois.

UKRAINE

Mr. DURBIN. Mr. President, last week, my staff found a photo from a congressional trip I made to Eastern Europe in 1991. In one of the photos, I was standing in front of a wall. There is a message on the wall painted in big letters. It reads: “Freedom for Baltic Countries.”

I remember that trip. The trip had special resonance for me and my family. Eight decades earlier, my mother—only 2 years old—she and her family fled one of those Baltic nations—Lithuania—to escape the tyranny of czarist Russia, and they found freedom in America.

Here I was—her son—returning to the Baltics in a remarkable moment in history. You see, 2 years earlier, in August 1989, 2 million people—I will show you the photo of this because it is historic—2 million people in the Baltic States of Lithuania, Latvia, and Estonia joined hands to form a 373-mile-long Baltic chain of freedom. This human chain spanned the three nations and sent a clear message that the Baltic nations wanted to reclaim their

freedom and their independence from the brutal occupation first by czarist Russia, then by Nazi Germany, and finally by the Soviet Union.

Months before the fall of the Berlin Wall, the Baltic chain of freedom forecast the end of the Soviet Union. But who were these countries to defy the Soviet Union? Countries with barely 3 million population in Lithuania, 2 million in Latvia, and 1½ million in Estonia were setting out to defy the superpower of the Soviet Union.

In February 1990, the people of Lithuania had chosen a new Parliament in their first free election. The new Parliament voted to restore their independence and made Lithuania the first Soviet Republic to declare independence. They were followed quickly by their neighbors, Latvia and Estonia.

You could feel at that moment when I visited the Seimas, which is the Parliament of Lithuania, the hope and history in the air, but there was also a feeling of trepidation and uncertainty. Would these small new democracies be able to preserve their freedom?

In January 1991, the blowback that many had feared occurred. Soviet tanks rolled into Lithuania's capital city of Vilnius. They attacked a crowd of protesters who were armed mainly with prayers and a few old hunting rifles, killing 13 innocent protesters and injuring hundreds more. Soviet troops and tanks attacked protesters in Latvia. I remember visiting Riga and seeing flowers and the candles on one of the walkways near downtown where a Latvian lost his life standing up for freedom in their country.

The Soviet troops could not break the determination of the Baltic people.

In February and March of 1991, the people of these three countries voted overwhelmingly in support of restoring independence. The United States recognized the sovereign new democracies later that same year.

Today, these three countries are prosperous, vibrant democracies, proud members of the European Union and NATO, and supporters of their Ukrainian neighbors who are facing Putin's monstrous military wrath.

When I visited Vilnius in January of 1991—a month before Gorbachev attacked with his tanks—I stood with the brave soldiers and ordinary citizens who filled the square outside the Parliament. They showed me their little arsenal of weapons. They took me back very quietly and secretly. It consisted of about 20 old hunting rifles. They were going to take on the Soviets. The situation seemed desperate and even doomed. Yet Baltic freedom prevailed.

I think of those days often now.

When Russia launched its unprovoked, unconscionable war, we were told Kyiv and the Ukrainian Government would fall within weeks or even days. Our military experts gave us their opinion, and that is what they said. Two months later, thank God, Kyiv is still free. Volodymyr Zelenskyy is still Ukraine's President. May God protect him.

Russia has suffered devastating losses on the battlefield and has been forced to retreat. Its forces are demoralized and in disarray. Russia's economy is faltering under the weight of the most punishing sanctions imposed against any nation in modern history.

Just as in the Baltics three decades ago, Russian strongmen have failed to understand the desire of people—even when they are outnumbered, if they are determined to be free and choose their own leaders, they will not be stopped. The Russians have failed to understand the determination of a community of democracy to stand together behind them and defeat the brutality and aggression of Vladimir Putin.

Putin may be able to deceive the people living in Russia for now, but he cannot lie to the world. We know that the Russian military has caused horrible devastation. We see it on the news. And they have committed horrific war crimes against innocent Ukrainian people. One need only look to the barbaric executions and brutality Russia has inflicted on the Kyiv suburb of Bucha. After the Russians fled, Bucha's mayor, Anatolii Fedoruk, described the immediate scenes:

Corpses of executed people still line the Yabluska street in Bucha. Their hands are tied behind their backs with white "civilian" rags, they were shot in the back of their heads.

Putin had the sickening audacity to honor the military unit responsible for these crimes, saying this unit had distinguished itself in the protection of the fatherland.

Russian war crimes have not been limited to this situation. Throughout Ukraine, investigators are reporting that Russian soldiers are using rape as a weapon of war and deliberately shelling schools, hospitals, apartment buildings, emergency food centers, and other civilian targets. There are reports of summary executions of individuals and murders of children.

I agree with President Zelenskyy. In his words, he said it is "time to do everything possible to make the war crimes of the Russian military the last manifestation of such evil on earth."

The world can't tolerate this barbarity, and the United States must never ever provide a safe haven for anyone who commits war crimes of this nature or crimes against humanity in Ukraine or anywhere in the world. For that reason, I am introducing legislation that gives our government the authority to prosecute non-U.S. citizens who commit such atrocities in other nations and then seek haven, refuge, or seclusion in our country.

My bill is called the War Crimes Accountability Act. It closes a loophole in our current law that prevents our government from prosecuting war crimes unless they are actually committed in the United States or by or against U.S. citizens or members of our Armed Forces.

My bill would also make crimes against humanity a crime under U.S.

law so that such perpetrators cannot find—ever—safe haven in this country. What would this mean in practice? If a Russian soldier committed war crimes such as those we see here or crimes against humanity in Ukraine or a person commits such atrocities anywhere in the world—say in Myanmar or in China—they can be tried under U.S. law and face criminal, civil, and immigration consequences. It builds on previous laws I sponsored to make people who commit acts of genocide or who use child soldiers in war accountable under U.S. law. Those bills passed the Senate unanimously and were both signed into law by President George W. Bush.

Despite the heroic efforts of the Ukrainian people, Russian forces continue to lay siege to the eastern part of that country, bombing civilians and forcing an even greater humanitarian nightmare.

Last week, U.N. Secretary General Antonio Guterres traveled to Kyiv. He witnessed the destruction wrought by Russia, and he said:

When I see those destroyed buildings, I must say what I feel. I imagined my family in one of those houses that is now destroyed. . . . I see my granddaughters running away in panic, part of the family eventually killed.

He went on to say:

The war is an absurdity of the 21st century. The war is evil.

So when President Biden announced a substantial new aid package for Ukraine, I said immediately: Count me in. The other day at the Senate Appropriations Committee on Defense, I asked Defense Secretary Austin and General Milley, the Chairman of the Joint Chiefs, about Ukraine's defense capabilities and the President's new request for aid. Both of these military leaders emphasized that continued, substantial support from the United States and its allies will be critical not only for Ukraine's future but also to reassure our allies in the region, in the Baltics, Moldova, Poland.

The \$33 billion that Biden has asked for aid in Ukraine will help them withstand the next brutal phase of war and prevent Putin from spreading this malevolent war into other nations.

Let me conclude with a story about another brave soldier in the ranks of civilians, standing up to Putin's menace. Her name is Sviatlana Tsikhanouskaya. She is a leader of the democratic opposition in Belarus, another former Soviet Republic bordering the Baltics and Poland.

Last week, Ms. Tsikhanouskaya was in Washington to meet with the leaders of our government. Senator SHAHEEN hosted a meeting with her. Had Putin's puppets in Belarus not rigged the last election, she might have been elected President—almost certainly would have been. This photo shows Belarusians protesting that rigged election, risking their lives to do it, I might add. For months, thousands of Belarusians protested. Many were arrested and sentenced to long prison

sentences. I had been there before. The last dictator in continental Europe is a man named Lukashenka. He has phony elections from time to time. Anyone with the audacity to run against him is sure to lose by Lukashenka's count and almost certainly to be imprisoned immediately.

He did that to this lady's—Ms. Tsikhanouskaya's—husband who is now in jail in Minsk. This photo shows Belarusians with the courage to protest that rigged election. For months, thousands have protested; many have been arrested and sentenced. Today, Vladimir Putin is using Belarus as a staging ground for Russia's assault on Ukraine, but the Belarusian people have not given up their determination for freedom either. Hundreds of Belarusians, maybe more, are fighting in Ukraine today, and we thank them for that courage. Others have helped to blunt Putin's assault by sabotaging Belarusian train lines and crippling Russian supply lines. The supplemental aid package that President Biden has requested for Ukraine, for the weapons to repel Russia's war of conquest and to give the people of Belarus, the Baltics, Moldova, Poland, the security they need to realize their dreams of freedom, dignity, and independence is a statement of the values of America.

I urge my colleagues to come together, waste no time, pass it quickly, send the Ukrainians what they need to win this war.

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

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

UNANIMOUS CONSENT AGREEMENT—H.R. 4521

Mr. SCHUMER. I ask unanimous consent that at 2:30 today, the Senate resume legislative session and resume the House message to accompany H.R. 4521; further, that the previous order be modified to allow Senator MURKOWSKI to offer the motion to instruct that is at the desk in lieu of the motion in the previous order; that Senator BENNET or his designee be permitted to make the Bennet motion; and that the Senate vote on the motions in the order listed without further intervening action or debate, with all other provisions in the previous order remaining in effect, and that all votes after the first be 10-minute votes.

The PRESIDING OFFICER. Is there an objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Texas.

U.S. SUPREME COURT

Mr. CORNYN. Mr. President, just a couple of days ago, we witnessed an unprecedented attack on the independence and integrity of the U.S. Supreme Court, a third coequal branch of gov-

ernment, when some reporters got their hands on a nearly 3-month-old draft of an opinion, setting off a political firestorm, creating a lot of confusion, more than a little hysteria. And all of which is, frankly, beside the point because the Court actually hasn't decided anything.

But this was a stunning breach of confidentiality for an institution that relies on a private, confidential deliberative process.

The Supreme Court was designed to operate, as is our judiciary, free of political and other outside influence and interference. That is why Justices are not elected; they are nominated and confirmed to serve life terms. That is why they don't have term limits. That is why you can't reduce their salary while they are in office, to make sure that politics and outside opinions have nothing to do with the way they do their job because, of course, their job is a limited but important job of saying what the law is, not making it up, not being a policy maker, but saying what the law is.

It is absolutely critical to our form of government and to our separated powers and our three branches of government that the Supreme Court be protected from pressure campaigns from anyone—politicians, political activists. Anyone. But that is exactly what is happening right now, and many of our colleagues on the other side of the aisle are fanning the flames. And they know that this is not a final opinion, but they see a political opportunity to fan the flames of hysteria and mislead the American people about exactly what this all means and what the consequences are.

For example, in the wake of this news, the Democratic leader of the Senate and the Speaker of the House released a statement—an unconscionable statement, in my view. They called it an abomination, one of the worst and most damaging decisions in modern history and one that defiled the Supreme Court's reputation.

That is what they say about a non-decision, a nonjudgment, about a leaked, 3-month-old draft.

We have no idea how the Court will ultimately decide the case, but this was a political opportunity that the Speaker and the majority leader could not resist.

Frankly, I think it is because they would like to change the subject.

The American people's concerns, if you ask them—as public opinion pollsters have—what they are concerned about, they said they are concerned about inflation, they are concerned about crime, they are concerned about the border, they are concerned about the war, the Russian invasion of Ukraine. But this is a grand opportunity to change the subject and to mislead the American people.

For some reason, the Senate majority leader, Senator SCHUMER, and Speaker PELOSI did not criticize the person who actually leaked the opin-

ion, the person who committed a frontal assault on the independence of our judiciary, the Supreme Court.

One of the most powerful institutions in our country experiences an unprecedented breach of confidentiality, and what do our Democratic colleagues, the Speaker and the majority leader, do? They attack the Justices. They attack the Court. They don't attack the leaker, the person who committed this egregious breach of confidentiality.

Nowhere in their joint statement did they even mention the leak or leaker, or reaffirm the importance of an independent judiciary.

No, they took the opportunity to slam the Justices, who have not yet decided the case.

Unfortunately, this is nothing new. In 2019, the Democratic leader went to the Supreme Court steps and threatened two Supreme Court Justices by name if they did not rule in a certain way.

He said:

You have released the whirlwind, and you will pay the price. You won't know what hit you if you go forward with these awful decisions.

That is our colleague, the senior Senator from New York, the majority leader of the Senate. He threatened two sitting Justices with retribution should they rule in a way he disagreed with.

The top Senate Democrat lobbying threats at Supreme Court Justices is a dangerous, dangerous model for the American people. This is the branch of government that is supposed to be kept free from those pressures and those sorts of threats, that kind of intimidation, or at least attempts at intimidation.

But, here again, the Senator from New York and the Speaker of the House, they know that, but they did it anyway.

It doesn't matter what case is before the Supreme Court or what ruling is ultimately handed down, leaders of Congress, some of the highest elected officials in the U.S. Government, should be a better example and defend the important principle of judicial independence.

Justice Scalia, in one of his speeches that I read a few years back, talked about what is unique about our system of government, and he said it is the independence of the judiciary, which are the crown jewels. He said, you read the Constitution of the old Soviet Union or any one of a number of other countries, they may have a fine written document that pledges allegiance to certain high-minded values, many of which are contained in our Constitution, but they are just words on a paper.

He said what is different in the United States of America is the independence of the judiciary, who will call balls and strikes and who will ultimately decide some of the most contentious and disputed issues in our country based on the Constitution and laws of the United States, not because