

the system, and they never said the system was rigged.

What we need to do now is to protect our democracy. We need to pass the John Lewis Voting Rights Act. We need to say, as Dr. Martin Luther King, Jr., said, that one man, one vote is what our country stands for, and it is the strength of our Nation.

One thing about January 6 that bothers me the most—it bothers me the most because I think about my father and his brother. My father quit high school to fight in World War II because his brother was already missing or in a POW camp. He knew he had to join the fight against the oppressions, the tyranny, the fascism that existed. He knew he had to join the fight to uphold the democracy of the United States.

This is a picture of what it looked like to be escorted back into this chamber on January 6. All I could think of when I saw this picture is, obviously, yes, support and gratitude for the military who supported us. But all I could think about was my father and his brother who fought in World War II for these rights, to uphold a democracy, so that I could stand for election and that my friends and neighbors could vote for me, and then I would come here in an environment where I was free to walk into the Capitol at any moment and cast a vote on behalf of the people that I represent.

And yet, on one fateful day, that all changed. And we were no different than some other country who had to use military force to support our democracy here in voting. That is not the way it is supposed to be. That is not what we are fighting for. Many Americans have fought to uphold the democracies of our Nation. The least we could do is pass the John Lewis Voting Rights Act. The least we could do is work in a mission together to pass the John Lewis Voting Rights Act and show that our country believes in holding these important values of a democracy as utmost important. Let's vote to get this done. Let's move forward to show our country we believe in voting rights in the U.S. Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

H.R. 5746

Mr. GRASSLEY. Madam President, Democrats have shamelessly alleged that a massive Federal takeover of elections is needed because of questions some Republicans raised after the 2020 election, so I come to the floor today to show that this whole argument predates the 2020 election.

(Mr. BOOKER assumed the Chair.)

This Democrat reasoning is despite the fact that their proposal predates the 2020 election. The bill that they want us to pass is a product of concerns that the Democrats had about the 2016 election being stolen from Hillary Clinton—also because of the 2018 elections. And, in fact, the Democrat proposal

was designed specifically to double down on false claims that Democrats lost certain elections in 2018 only because of rigged elections.

I have said it before, and I want to say it again: Evidence-free claims of voter suppression are as bad as election-free claims of voter fraud. Both voter fraud and discrimination in voting is illegal. Any claim of voter fraud or violation of voting rights should be resolved in our independent court system with evidence that can stand up in the courts.

And as I have mentioned before, the claims by some Trump supporters that a certain brand of voting machine-switched votes was lifted entirely from the Democrats' 2004 playbook. And you may remember that Democrat House Members challenged the electoral vote count of whether George W. Bush was officially and honestly reelected. And President Trump's questioning of his loss in Georgia was simply following in the footsteps of the losing Democrat candidate for Governor of that State just 2 years before who lost by a much bigger margin and never admitted that defeat.

That makes me wonder if Democrats' professed outrage comes from a sincere concern for Democratic reforms or if they are just upset that President Trump stole their playbook.

If Democrats really want to preserve Democratic norms, they would not be proposing the Federal Government overturning the current electoral process in all 50 States, on a purely partisan basis, with no attempt to even hear out Republicans' legitimate concerns.

The bills that we are talking about this week are being called democracy reform. Does democracy need reform? I support the American democratic system. It does not need a fundamental rewrite. The 240-year history of our great country under this Constitution ought to support that. It works, and it deserves our support. We should not denigrate American democracy for short-term political gain.

President Trump's candidacy in 2016 brought many Americans to the polls who had not voted recently, and there was a record turnout. In 2020, turnout broke the record yet again, both for the Republican Party and the Democratic Party, and President Biden won that election.

In the 2021 election, there were unusually high turnouts for off-year elections to the benefit of Republicans and conservatives. You saw that, particularly in the State of Virginia, where the Republican candidates statewide were victorious, and you saw some surprising turnouts of opposition to Democrats who were reelected in the State of New Jersey.

Democrats accuse Republicans of wanting to keep people from voting. Why would we want to keep people from voting when we have been very successful in many large turnout elections very recently?

Plus, have you seen the polls today that show dissatisfaction with Democrats—a Republican deficit of five or seven points last year, with positive Republican versus Democrat polls this year.

So we ought to stop casting doubt about American elections, stop casting aspersions on commonsense election security measures like ID, supported by overwhelming numbers of Americans of all backgrounds. And by "all backgrounds," I mean even people whom we classify as minorities.

Let's work together to boost the confidence of all Americans in our elections. Let's start rejecting claims that the only way the other party can win is by rigging elections. Let's retire the short-term strategy of falsely claiming that one of the two parties is a threat to democracy. That, in and of itself, is a very undemocratic position to take. This kind of rhetoric damages civil society and erodes faith in our democracy. For the sake of our country, please stop it.

FILIBUSTER

Mr. GRASSLEY. Mr. President, when Democrats last had the majority and proposed blowing up the Senate rules and the historic way that the Senate has worked, I gave a series of speeches explaining how the father of the Constitution, James Madison, intended for the Senate to be a deliberative body; in other words, a break on the hot passions that occur in the House of Representatives. I repeated my deeply held opposition to gutting the Senate process, even when my party took control of all three branches—and it would have been politically expedient in the short term.

I don't know how many times President Trump brought up doing away with what we call the filibuster or the 60-vote requirement. It was even followed by a lot of our Republican Party grassroots wanting to overcome Democrats' use of the cloture rule to block the Republican agenda during those 4 years. But I spoke out strongly against it.

In 2017, over half of the current Democrat Senators signed a letter calling for preservation of the current rules requiring the 60 votes to stop debate for considering the legislation, despite the use of the nuclear option for nominees.

I agree with President Biden's position in 2005. Reflecting on the same understanding that I have of the Constitution and the role of the Senate as envisioned by James Madison, then-Senator Biden said this:

That is the . . . reason . . . we have the . . . rule. So when one party . . . controls all levers of Government, one man or one woman can stand on the floor of the Senate and resist . . . the passions of the moment.

Even Senator SCHUMER, the majority leader, said, at that time, gutting the cloture rule would be a "doomsday for democracy"—doomsday for democracy. Now it seems like Senator SCHUMER invites that doomsday.

Senator DURBIN hit the nail on the head as recently as 2018, saying it “would be the end of the Senate as it was originally devised and created going back to our Founding Fathers.” I agreed then, and I agree now.

Now the shoe is on the other foot, and Democrats have changed their position, many not for the first time.

Senator DURBIN has now joined the crusade of his Democratic predecessor, Stephen Douglas, of Illinois—famous for debating Abraham Lincoln on the issues of slavery. But that Douglas from Illinois also proposed a Senate rule change allowing a narrow majority to force a final vote on bills.

Hypocrisy is not rare in politics on both sides of the aisle, but the fact that Democrats switched principles on such a consequential matter whenever Senate control changes from one party to the other is particularly glaring.

The party of Jim Crow, which made liberal use of so-called filibuster just over a year ago to block Republicans’ agenda, are now saying, falsely, it is a relic of Jim Crow.

I do not see how they can look the voters in the eyes with no sign of embarrassment. I do not understand why the policemen of our governmental system—the media—isn’t roasting them for this hypocritical power grab.

I would now like to address a misconception on the cloture motion, the 60-vote requirement. The cloture motion requires 60 votes to bring consideration of legislation to finality. Just because it can be used to block legislation, does not mean that the term “cloture” always equals a filibuster.

Cloture cuts off not just debate but the offering of amendments. Voting for cloture, also, is saying that the Senate has voted on enough amendments. Senators who have amendments important to their State that they want to offer should be voting against cloture to preserve their right to offer amendments, as their constituents might desire. Debate and amendments are the hallmark of this democracy, not an obstacle to be swept aside in pursuit of a short-term partisan agenda.

When Democrats last controlled the Senate with 60 votes and thereafter, amendment votes became very rare. Even rank-and-file Democrats lost opportunities to represent their States with amendments important to that State.

Let’s look at the cloture issue another way. Also, many people confuse debate over filibuster with talking non-stop to delay. That is a kind of “Mr. Smith Goes to Washington” filibuster—the famous movie, you know. This has nothing to do with cloture. People who talk about returning to the so-called talking filibuster are confusing two different Senate rules, both called filibuster.

Senators have never had to talk until they dropped from exhaustion to preserve their right to amend bills. So the talking filibuster rhetoric is nonsense. Democrats have convinced themselves

or at least their activist base—and done it falsely—that our democracy is in crisis. And so it is absurd to say only one party, unilateral governance, can save democracy. But once an exception is made—and they are talking about that exception just for this voting rights bill, but once an exception is made to the right of all Senators to debate and to amend legislation, there seems to be no going back.

Democrats learned that in 2013, when they accomplished the 60-vote requirement on district and circuit court judges, and they lived to regret it 4 years later when Republicans did the same thing when we had a Supreme Court Justice up. It is a slippery slope that you should not let come about.

I yield the floor.

Mr. MERKLEY. Would the Senator from Iowa yield for a question?

Mr. GRASSLEY. I will.

Mr. MERKLEY. Thank you very much.

First, thank you for coming to the floor to debate such an important issue as how to make the Senate work well as a deliberative body and how to make our country work well.

I was struck by a couple of things that you mentioned, and that is that you had stood strong fast against striking down the filibuster, and you noted how consistent you were. But you also criticized Democrats for changing position.

But can you help my memory out on this, because did you not vote to strike down the filibuster on Supreme Court nominations?

Mr. GRASSLEY. Yes.

Mr. MERKLEY. So you changed your position, as well you would concede, since previously you had opposed getting rid of the filibuster?

Mr. GRASSLEY. Remember what I said, and I just said this. So you obviously heard me. We warned, in 2013, when I think all Republicans voted against reducing the 60-vote threshold for district court and circuit court judges, so you could pack the DC Circuit Court of Appeals, that you would regret that, and you have regretted it because Republicans were saying in 2017: What is good for the goose is good for the gander. And we voted to reduce it then for a Supreme Court Justice.

Now, I am sure that, from your point of view, you have a Supreme Court that is not very favorable to what you think a Supreme Court ought to be doing, with the three people that Trump put on there. So that is where I am coming from.

Mr. MERKLEY. I do appreciate your response, and it is so rare that we actually have any dialogue on the floor of the Senate. It is one of the things we lost.

I do recall in that moment that, for over a year, we had working groups trying to resolve the extraordinary level—the new level—of cloture motions on President Obama’s nominations. It concluded in a meeting in the Old Senate Chamber where the agree-

ment was reached to stop doing that. And then, as you point out, MITCH MCCONNELL came to the floor and said: It doesn’t matter the quality of the individual who is nominated. I will not let any judge be considered for these three vacancies.

That is a completely unprecedented new element that is brought in to bear on that particular conversation. That is just to, kind of, illuminate some of the details that were left out.

I was struck by another thing you said, which is that the filibuster is not a relic of Jim Crow. I was struck about that because from 1891 through 1965—so we are talking over 80 years—the only thing that was blocked in the U.S. Senate by filibuster was civil rights for Black Americans. Given that, wouldn’t you say it is fair for us to say that the filibuster in that history was, indeed, a relic of Jim Crow?

Mr. GRASSLEY. Do you know who held the Senate during that period of time on the issue you brought up? It was Democratic Senators from the South. Remember when the Civil Rights Act, in 1965, was passed, that there was a higher share—a higher percentage—of Republicans than Democrats that voted for it. The one person that made a difference in getting the Civil Rights Act passed was Senator Dirksen, the Republican leader.

I am going to have to end this discussion with you, but I want to say one thing. Why would you want to expand this precedent that is set by Democrats into legislation and weaken bipartisanship? That is where you have to leave it. It is a slippery slope. You may intend to do it just for a voting rights act, but it is going to go further.

Mr. MERKLEY. Thank you for answering and responding to my questions. I appreciate that.

The PRESIDING OFFICER. The Senator from Oregon.

H.R. 5746

Mr. MERKLEY. Mr. President, I think I will start just by returning to the 1800s and a Senator from Massachusetts, Senator Sumner. Senator Sumner later played a key role in the civil rights debate, which is why I am returning to that story. I think it is a story about the Senate floor.

Sumner gave a speech about Kansas being admitted into the Union, and he was a Republican Senator who called out two Democratic Senators, insulting one of them. And a Representative from the House of Representatives, on the other end of this corridor, came over here. His name was Preston Brooks, and he took considerable offense, and he proceeded to come to the Senate floor and cane Senator Sumner. Senator Sumner was gravely injured, but he did recover—recovering slowly. He served for another 18 years, which leads me to the fact that he proceeded to put forward civil rights legislation in 1875—in 1875—150 years ago—almost 150 years ago, 145 years ago.