

six or seven types of mayonnaise. Why shouldn't we give parents—moms and dads—choices for their kids' education? We are doing that with the school choice portion of this bill.

We increase money for the border, and we increase money for defense.

We also address the problem in Medicaid. And I have been very disappointed because some commentators have said that we are going to throw off from the Medicaid rolls, I have read, anywhere from 10 to 12 million people. The implication in some of these articles and some of these comments is that we are just going to look at the Medicaid rolls and go through and say: You are gone. We can't afford you.

That is not what this bill does. The first thing you have to realize is that, actually, Medicaid is not going to be cut at all under this bill. Under our bill that we just passed, our spending on Medicaid over the next 10 years is going to go up 20 percent, so nobody is cutting Medicaid.

There are some people, as a result of the new provisions that we have put into law, who will no longer be eligible for Medicaid and will no longer get Medicaid. But they weren't entitled to get it in the first place. So when you say: Well, you are throwing people off of Medicaid—they weren't entitled to it in the first place. You are not entitled to Medicaid if you are making \$200,000 a year and you didn't tell the truth when you signed up for Medicaid in your State and your State didn't verify your status.

But let me give you one example. CMS just put out a report. Our bill is going to change the law so that 2.8 million Americans—the CBO says, like, we are throwing 10 or 12 million Americans off of Medicaid. I will just give you this one example: 2.8 million of those Americans who will lose Medicaid are doubledippers. They signed up twice. We have 1.2 million people on the Medicaid rolls who are signed up in two States, and the American taxpayer is paying twice.

As you know, Mr. President, well—you were a great Governor; you were a Governor and a damn good one—most States use managed care, and they pay per Medicaid person. So if a State is paying, let's say—I will pick a number—\$8,000 per Medicaid patient per year to the healthcare organization to provide their care, and that person is signed up in two States, they are doubledipping, and it is costing the American taxpayer two \$8,000 payments a year. That is cheating. So from one perspective, you are throwing these people off of Medicaid—they weren't entitled to doubledip in the first place.

CMS also came out with a report. By "CMS," I mean the Centers for Medicare and Medicaid Services, which is the Federal Agency that administers Medicare and Medicaid. CMS has also found that there are 1.6 million people who are on Medicaid today who are receiving both Medicaid and ObamaCare.

Well, what is ObamaCare? I will refresh everyone's memory.

Medicaid is supposed to be for the poor and disabled, and Medicare is for the elderly, and a lot of other Americans have health insurance through their job. But there are a certain number of Americans who don't have health insurance because they are not old enough for Medicare, they are not poor enough for Medicaid, and maybe their employer doesn't offer health insurance. So they can go to an exchange—we call them the ObamaCare exchange—and buy health insurance.

Now, President Obama and some of my colleagues—I wasn't here then, but when we passed the ObamaCare, the ObamaCare exchanges, the Affordable Care Act, we were told that health insurance would be cheaper, and we were told it would be more accessible. It has been neither. We were also told if you like your doctor, you can keep your doctor. That wasn't true either.

But the point is that we have a number of Americans who, if they don't qualify for Medicare, they don't qualify for Medicaid, they don't get insurance through their employer, they go to the ObamaCare exchanges. CMS found we have got 1.6 million people who are getting both health insurance through the ObamaCare exchanges—which we subsidize, taxpayers do—and through Medicaid. That is called doubledipping. It is illegal.

CBO can put out all the reports that they want to saying: Oh, you are throwing all these people off Medicaid. And technically, they are right, but they are not eligible to be on Medicaid. I just gave you an example, 2.8 million people who are doubledipping. It is illegal to doubledip. It is immoral to doubledip. It is unfair to taxpayers to doubledip. All our bill does is say you can't doubledip. Cheating is wrong.

Is that throwing people off of Medicaid? Technically, yes. But, once again, as the other provisions in this bill also do, we are taking people off Medicaid who weren't eligible for it in the first place.

As a result of these 2.8 million people, I think CMS—I am looking for their figure. I think it cost the American taxpayer, because of these 2.8 million folks who are doubledipping, \$14 billion a year—\$14 billion a year over a 10-year window, which is the horizon that we use. That is \$140 billion that we are going to save, and that savings is going to go back into Medicaid to make it even stronger.

That is just one example of how much of—not much, but—well, yes, much of the reporting on our bill is misleading.

TRIBUTE TO JIMMY GRAHAM

Mr. President, the second thing I want to talk about: I just want to briefly thank Jimmy Graham.

Who is Jimmy Graham? I know the Presiding Officer knows who Jimmy Graham is. He was one of the best tight ends who ever played the game.

Now, he was a New Orleans Saint I think for six, seven seasons. He played

elsewhere. I looked it up. He played for the Seahawks. He played for the Packers. He played for the Bears. But he was a total beast in the best sense of the word playing for the New Orleans Saints.

And he has retired. After 13 years in the NFL, Jimmy has decided to retire. He was a big boy; he is a big boy. But he started out as a basketball player. He didn't play football; he played basketball. And he transformed himself.

The numbers that Jimmy put up are just out of this world. They are otherworldly. He is clearly one of the most prolific pass-catching tight ends in the history of the game. As the Presiding Officer knows, many tight ends just block. That is their job. Jimmy not only blocked, but he caught passes. And he caught a bunch of them.

He is No. 7 in NFL history in receptions at 719. He ranks No. 8 in receiving yards at 8,545. He ranks 4th in touchdowns at 89.

When he was with the Saints—I was looking at this, this afternoon—in 6 seasons, Jimmy Graham caught 392 passes for 4,791 yards and 55 touchdowns. And he was a tight end. He was a tight end. His first job was to block. He also caught a few balls.

And he gave my people from Louisiana a lot of joy at the time they really needed it, and I just wanted to thank Mr. Graham for the joy that he brought to anybody and everybody who watched him play football but especially when he played for the New Orleans Saints. And I want to wish him well, and I want him to end on some good news tonight.

I thank the Presiding Officer for his attention.

I will yield to my colleague or colleagues if they would like to speak.

I will yield to my legal-eagle friend Senator BLUMENTHAL.

The PRESIDING OFFICER. The Senator from Connecticut.

JUDICIAL NOMINATIONS

Mr. BLUMENTHAL. Mr. President, I am here with a number of colleagues on probably one of the most important decisions we are going to make with respect to the future of justice in America: the nomination of Emil Bove to be a judge on the court of appeals for the Third Circuit, the second highest panel in our judiciary.

And he is about as unfit and unqualified as any judicial nominee to come before this body in my 15 years here. And I say that with sadness as well as anger, as someone who still proudly would call myself a litigator, a trial lawyer, and a member of the Judiciary Committee, where I am proud to serve with my great colleague, the ranking member now, Senator DURBIN.

And he and others from that committee will come before us tonight. We are here not only on the merits of Mr. Bove but also because we were denied an opportunity in the committee to present fairly and fully our case against Mr. Bove based on the record, and we were denied an opportunity to

elicit from the Department of Justice and the administration the facts that are necessary to evaluate his nomination.

We were denied the opportunity to have a whistleblower come before the committee, a whistleblower who bravely came forward with facts showing how Mr. Bove suggested—indeed, urged—that lawful court orders be disobeyed; that the Department of Justice ought to tell the courts to eff themselves.

We were denied access to an Office of Professional Responsibility investigation bearing on this nomination: an OPR inquiry into the failure of the team supervised by Mr. Bove to divulge to the defense exculpatory evidence, as they were obligated to do, during a prosecution when he was an assistant U.S. attorney.

And Mr. Bove himself, in the hearing that we conducted, was evasive, obfuscating. He refused point-blank to answer relevant questions.

One of my colleagues, Senator WHITEHOUSE, who will be here tonight, characterized it as the “deliberative process privilege.” There is no deliberative process privilege, and Mr. Bove had no right to refuse to answer our questions about what he has done in his role during the first 6 months of this administration.

The fact is, he has been involved in a pattern of lawlessness and recklessness, a violation of individual rights and liberties, a pattern of corruption unprecedented in the history of the U.S. Department of Justice. And he has been integral to it, participating actively in it.

We have opposed other nominees because we disagree with their judicial philosophy. We have opposed them because they were out of the mainstream; they were ideologues with an ax to grind that was potentially detrimental to rights and liberties.

Mr. Bove is in a different category. Yes, he is conservative. He is out of the mainstream. But he is corrupt. He is dangerous, vindictive, and revengeful in a way that this administration has made a pattern of doing.

So I am here to urge my colleagues to stand with us and oppose this nomination. I know the strong dynamic—we have seen it again and again and again, no matter how many doubts my colleagues may have—to toe the line in thrall of President Trump or in fear of him. But the record here speaks powerfully—or it should—to our conscience and conviction.

This nominee epitomizes the Trump demand for loyalty and fealty above all else to him, a sense that he has the power to do what no ordinary American can expect from judges or from prosecutors; that they will, in effect, rig the system in his favor, as Mr. Bove has done while representing, supposedly, the Department of Justice because he was—like Pam Bondi and others who have taken senior positions—a lawyer, in fact, for President Trump,

his personal lawyer, defending him against claims in his personal capacity before he took this role in the Department of Justice.

A lot has been made of Mr. Bove's role in dismissing the case against Eric Adams, the mayor of New York. I am not going to go through all the details except to say that Danielle Sassoon refused to make the argument in favor of dismissing those charges in exchange for concessions on immigration policy. She said it was “an improper offer of immigration enforcement assistance in exchange for a dismissal.”

The lead prosecutor on the Adams case resigned rather than take Mr. Bove's order, and he, too, said that it would be a violation of conscience and conviction and that anyone “who is enough of a fool, or enough of a coward, to file your motion” should not do so.

The judge indicates “everything here smacks of a bargain: dismissal of the indictment in exchange for immigration policy concessions.” He called Mr. Bove's position “fundamentally incompatible with the basic promise of equal justice under law”—a quid pro quo deal. But Mr. Bove said it was fine.

Even more disgracefully, he said a court cannot review, at all, a dismissal of this kind. This attitude toward the law alone should disqualify him, but he went further in a March meeting, according to the whistleblower. He said, essentially, that lawful court orders shouldn't be obeyed. That is the nominee for a judgeship saying that judges ought to be defied.

He should not be under consideration for this lifetime appointment for these reasons and others that my colleagues who are coming to the floor tonight will describe in detail. The short-circuiting and straitjacketing of the consideration of Mr. Bove will be a stain on the U.S. Senate. And make no mistake, we will rue the day—my colleagues will—if they vote for this nominee.

And we should not in any way turn a blind eye toward the other nominees that will be before us for the district court: Josh Divine, Maria Lanahan, Jordan Pratt—all nominated to serve as district court judges on the Federal bench. They have made careers of crusading against reproductive rights.

Judge Pratt wrote an amicus brief supporting Florida's 15-week abortion ban. He called the procedure “barbaric” and “one of the most severe invasions of personal rights imaginable.”

Judge Pratt went so far as to raise questions not put before the court by parties and invite the Florida attorney general to intervene and weigh in on these questions.

He wrote an opinion holding unconstitutional a Florida law that allows minors to seek abortions without parental consent through judicial waivers. The case didn't require a court to rule on the law's constitutionality, but Judge Pratt took it upon himself to do so.

And Mr. Divine led and Ms. Lanahan worked on Missouri's legal challenge against mifepristone. The science is clear: Mifepristone is safe. Yet Mr. Divine and Ms. Lanahan didn't hesitate—not at all—to challenge its approval. And their court filing cited two research studies, mere weeks after he filed the complaint, that were retracted due to a lack of scientific rigor, problematic methodology, and undisclosed bias.

Edward Artau, nominated for the Southern District of Florida—the ethical lapses on his part were undeniable when he failed to recognize the obvious conflict and recuse himself from his involvement in a case involving the President at a time when he potentially was under consideration for a nomination.

These nominations are unqualified. They have revealed themselves to be incapable to meet basic standards of ethical conduct, judicial independence, and, if confirmed, they would extend the administration, in its reach into the courts, in effect, cosigning the President's most destructive and dangerous impulses, regardless of legality.

I urge my colleagues to join us in opposing these nominees. Mr. Bove should not be before this body, and I hope my colleagues will recognize the importance of standing strong and speaking out and voting against his nomination and the others that have been made.

Mr. President, I yield to the senior Senator from Illinois, the ranking member of the Judiciary Committee, our great colleague.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, first, I thank the Senator from Connecticut Senator BLUMENTHAL. He brings a level of expertise and experience to the Judiciary Committee and the Senate that is really unmatched. He has been a friend and a faithful participant in this process and in all the time I have served with him. I thank him for bringing us together this evening.

Mr. President, last Friday, I was in Chicago for the formal ceremonial investiture of a new Federal district court judge named April Perry.

April Perry has an interesting story that brought her to the bench. The story starts with her nomination to serve as U.S. attorney for the Northern District of Illinois, which includes the city of Chicago. She was extremely well-qualified for that position and went through the Judiciary Committee—at the time, I was chairing it—and went through without a hitch. She was approved and on the list of U.S. attorneys.

Now, historically, U.S. attorneys were chosen by voice vote. When President Trump was in his first term in office, I believe he had around 90 U.S. attorneys spread all across the United States, and all but one, perhaps—I am trying to make sure I am accurate here—all but one was approved by voice vote.

Now, look at what happens: To bring a U.S. attorney before us is a much different process today.

What happened?

The Democrats gave President Trump all of his U.S. attorney nominees in his first term, with perhaps one exception, by voice vote. Now, it goes through an elaborate, time-consuming process. What happened?

The Vice President of the United States happened.

Vice President JD VANCE, from the State of Ohio, decided to come to the floor during the Biden administration, after we had approved 63 U.S. attorneys, and to object to a voice vote. Now, he said, we are going to go through the regular process. I don't like the way the Department of Justice has treated the former President—at the time, Donald Trump. So we are going to insist you dot all the i's and cross all the t's and go through the process and take several days on each one of the U.S. attorney nominees.

He made that decision after 63 had been approved under Biden, and he made it when April Perry was pending. This was her chance—the Northern District of Illinois—and JD VANCE said: No, not the ordinary process, not a voice vote. We are going to take our time.

He applied the standard not just to my U.S. attorney in Illinois but to his own U.S. attorney in Cleveland, OH. He was resolute: We are going to stop the way this has been done in the past.

That was literally the end of the consideration of U.S. attorneys under Joe Biden. If that was his goal—JD VANCE's goal, the Vice President's goal—he achieved it.

So what happened next to April Perry, a wonderfully qualified nominee running for U.S. attorney? Well, we sat down and decided that we didn't want to waste that talent. I went to her and said: Would you consider the vacancy for U.S. district court that is open now? You have gone through the vetting. You have gone through the background checks. The FBI has asked all the hard questions. They interviewed all the attorneys you have worked with. Everyone finds you acceptable. Would you consider the Federal bench?

And she said: Yes.

And she was approved. We had her formal investiture this last Friday.

Those are happy occasions, and there aren't many of them, I am sure, in the Federal courthouse—at least not of this caliber.

District Court Judge Virginia Kendall, who is the presiding judge over the Northern District, called together her colleagues to witness this investiture, this happy day for a judge, April Perry. She brought in about 30 Federal district court judges from the Northern District and a number from the ninth district—or the seventh district—of the appellate court. And it dawned on me, as I attended this ceremony for April Perry, that this has turned out to be an important part of my Senate career.

If you would have asked me when I ran for the Senate, “What about the appointment of judges?” I would have said, “Well, that is fairly routine.” It turns out it is not. It is more than routine. It is one of the more important things you do because the men and women chosen to serve in the Federal court system, article III judges, are appointed for life—for life. To remove them, you have to go through an impeachment through Congress to remove a Federal court judge. That is how important it is. That is how permanent it is—the permanent nature of it—and that is why each selection makes a difference.

I looked at the 30 or so judges that gathered and realized I had a hand in appointing every single one of them and many others too.

And so you go through that process a number of times and you learn. I look back now on all of the district court judges that I have had a hand in choosing, and, I will tell you, for two or three, it was a mistake. If I had it to do over again, I would have asked more questions, and I would have had more information on those who were chosen. But that is over a span of 29 years—two to three. Those who were approved, dozens of others, have really done well, and they have been praised for the job that they did.

So when I was chairman of this committee—fortunate to have that opportunity—we approved, in a 4-year period of time, a record number of Federal court judges: 235.

President Trump, in his first term, had done 234. We passed him by one court judge, and I am proud of that because it was a lot of hard work.

In order to report a judge out of the Judiciary Committee, every single Democrat had to be in their seats for every minute of the vote. There was no proxy. You had to be there. And they showed up, and Senator BLUMENTHAL was one of those. Senator WELCH, who has joined us now, was in the Judiciary Committee. And I salute that.

Now, under the second term of President Trump, the rules are changing. They weren't very good in the first round, and they are worse now.

The first Trump administration put forward some of the most extreme judicial nominees ever considered by the Senate. Several Trump nominees had little or no experience in a courtroom—no litigation experience.

Would you hire a lawyer to take your case to trial if they had never been in a trial in their lives?

Three district court nominees—Kathryn Mizelle, Justin Walker, and Sarah Pitlyk won unanimous support from committee Republicans, despite having never tried a case.

Imagine you are going in a courtroom, you are presiding over a trial, and you have never seen one; you have never been in one. You may have seen one on television. You keep looking for Perry Mason and are wondering what is next.

That, unfortunately, was the reality with many of these nominees in Trump's first term. Many Trump nominees took some unusual—if not controversial, if not plain—wrong decisions.

Lawrence VanDyke was a Ninth Circuit nominee. We asked him to affirm that he would be fair—that he would be fair to LGBTQ individuals. He wouldn't say it. He just couldn't get the words out of his mouth.

Michael Truncale, an Eastern District of Texas nominee, said of President Obama that he was an “un-American imposter.” Those are the words of this man seeking the Federal bench about the former President. He said he would “bow to Arab sheiks and other world leaders.”

Where did you find that nominee?

The first Trump administration put forward—get this now—10 judicial nominees whom the American Bar Association found to be “not qualified” to serve on the Federal bench—10 of them.

Well, what does the American Bar Association have to do with this?

Historically, the American Bar Association did its own background check on nominees for the Federal bench. Where would they go? Well, they would go in the community. They would go to the judges that this person has appeared before. They would go to their fellow attorneys. They would try to find character references, and they would dig deep.

They had some basic rules. You had to have 10 years of experience as an attorney to even be considered for the Federal bench, and then they rated people “qualified,” “not qualified,” “well qualified,” and such.

Over the strong objections of Senate Democrats, eight of the “unqualified” nominees proposed by President Trump, in his first term, were confirmed by Senate Republicans. So even when the American Bar Association says you are “unqualified” to serve on the bench, it didn't discourage the loyalists supporting President Trump.

Incidentally, under the Biden administration, 235 Federal judges—how many of them, DURBIN—give us the truth here. How many of them were found “unqualified”? None. Every one of the 235 were found “qualified” by the American Bar Association.

As the former chairman of the committee said, “Elections have consequences,” and I get it. So I understand that the second Trump administration is going to offer nominees closer to him in political philosophy. But President Trump seems intent on outdoing himself by putting forth nominees who are extreme, partisan, and fundamentally unqualified.

Instead of finding more qualified judicial nominees, Attorney General Bondi ordered the Justice Department to stop cooperating with the American Bar Association in rating nominees. She didn't want to run into the embarrassment that they did in the first Trump term, with 10 of them being found “unqualified.”

So she said: The way to solve that problem is not to find a better nominee; it is to get rid of the American Bar Association. If they are not going to give grade to these nominees, we don't have to worry about them being "unqualified."

She overturned the practice that had been in place for nearly 70 years, going back to a fellow named Dwight David Eisenhower. Both Republican and Democratic Presidents have followed the rule. But, now, the only qualification President Trump looks for in his judicial nominees—and he says as much—is loyalty: Show me loyalty or get the heck off the bench.

Look no further than Emil Bove's nomination to the Third Circuit. As a senior official in the Justice Department, Mr. Bove has done nothing but cater to President Trump's every whim. It is no surprise that President Trump said he nominated Mr. Bove because he said he will "do anything that is necessary to make America great again."

For life—judge for life—show me loyalty, and you have got a position for life.

Mr. Bove personally ordered the termination of Federal prosecutors who put violent January 6 rioters in prison.

Understand what happened here. Men and women, professional attorneys working for the Department of Justice, were given assignments: We have a case we want you to pursue and prosecute. It is this individual. Here is the FBI background file. Go to work.

It turns out that these people who once had stormed through that door and went rifling through our desks and aped for photographs, sitting in your chair, Mr. President, on January 6—as a result of their entering this building, 5 Capitol policemen died, and 140 were assaulted.

Should they have been prosecuted? You bet. Beat up on a cop, and you should face the consequences. And they did it, on January 6, in the name of stopping the election the American people had been involved in just weeks before.

I was here, sitting in this chair, as the head of the Capitol Police stood where you are sitting, Mr. President, and told us all: Stay calm. Stay in your chairs. We are going to stay in this room. This is a safe room.

He just said: Stay in your seats.

They grabbed Vice President Pence, took him right out that door, and spirited him off somewhere. But they left us here.

Ten minutes later, the same policeman stood up and said: New announcement. Leave as quickly as possible. We cannot keep this room secure.

The Senate of the United States of America—the Capitol of the United States of America—was being run over by demonstrators and insurrectionists. They were beating up on the police, smashing their heads into the wall and between the door.

They were ultimately prosecuted for it. The prosecutors, the assistant U.S.

attorneys who were doing this job, were treated in what way by President Trump when he got back in office? They were treated like they were the ones who broke the law. The prosecutors were accused of wrongdoing.

Well, it, unfortunately, is, in the words of Mr. Bove, a "grave national injustice," he thinks it is, to prosecute these demonstrators. He is wrong.

Grave injustice is what happened to the police on that day. When asked to justify his actions in firing these U.S. attorneys who prosecuted these insurrectionists, Mr. Bove claimed "heavy-handed tactics" by prosecutors were "equally unacceptable" as physical violence against law enforcement. That is an outrageous and offensive statement by a man who wants to be a Federal judge for life at the second highest court in the land.

Since January 7, 2021, there has been an effort by the MAGA faithful to rewrite the history of January 6, but I witnessed it, and many others did as well.

The truth is this: The U.S. Capitol was violently attacked by insurrectionists intent on overturning the 2020 election results.

The truth is this: Five police officers died, and more than 140 were injured protecting this building, staff, the visitors, and Members of Congress.

Mr. Bove also led the Justice Department's efforts to strike a corrupt bargain with New York City mayor Eric Adams. This is an outrage, what he did. Mr. Bove stated that the charges would be dropped against Mayor Adams without prejudice so that Adams could "devote full attention and resources to . . . illegal immigration and violent crime." In other words, President Trump needed Mayor Adams to do his bidding on his deportation policy.

In response, two staunch conservatives resigned from the Justice Department—Trump-appointed, interim U.S. attorney Danielle Sassoon and lead prosecutor Hagan Scotten.

Mr. Scotten wrote to Mr. Bove a quote that will be famous for a long, long time. Mr. BLUMENTHAL repeated it, but I want to say it as well. Mr. Scotten wrote to Mr. Bove, who wants a lifetime appointment to the bench, and said:

I expect you will eventually find someone who is enough of a fool, or enough of a coward, to file your motion. But it was never going to be me.

I don't know Mr. Scotten, but I will tell you, his words are persuasive and compelling.

If that wasn't enough, Mr. Bove showed utter disdain for our courts. A whistleblower stepped forward, gave his name, and risked his future to tell us what Mr. Bove had told to the attorneys working on the case against the insurrectionists. According to this credible whistleblower, who provided ample documentation to back up his claims, Mr. Bove told the Department of Justice attorneys that they might need to say "f you" to Federal courts

that issue orders this administration doesn't agree with. That is the most dangerous comment that a person in a position of authority could make in the executive branch, that they will ignore the court orders that are issued against them.

Yesterday, the Senate confirmed Joshua Divine to the Federal bench—34 years old, received his law degree 9 years ago, litigated for 5 years. And beyond his troubling lack of experience, he has taken some extreme positions.

He calls himself a zealot. He calls himself a zealot when it comes to anti-choice. This zealotry has been on full display in his role as the Missouri solicitor general. He has challenged women's ability in his State to access the abortion drug mifepristone and has undermined the decision of Missouri voters to codify abortion access in their State constitution.

Also deeply troubling, Mr. Divine argued in favor of literacy tests at the ballot box, saying that people who "aren't informed about issues or platforms . . . have no business voting." Where does that come from in America? Literacy tests. Where does that come from? It comes from the era of Jim Crow.

After the Civil War, when African Americans were given citizenship and an opportunity to vote, they were intimidated in many States when they tried to. They had to answer questions: How many bubbles in a bar of soap? What do letters of marque and reprisal mean in the Constitution?

Those are impossible questions for anyone, including the lawyers and Members of Congress, and yet off they went. Why did they do it? To discriminate against Black voters. Well, it turns out Mr. Divine believes that literacy tests should be restored.

It shouldn't be controversial for anyone to say that nominee has disqualified himself. The fact that the body confirmed Mr. Divine is outrageous.

These nominees are just the tip of the iceberg. President Trump is going to continue to nominate extreme and unqualified individuals unless the Senate takes a stand.

If a few of the Senators—I am not going to name names—who made statements about principles and values will stand by their own words when it comes to the orders of the court, then they will join us on a bipartisan basis to stop these clearly unqualified individuals.

I urge my colleagues to vote against Mr. Bove and all future nominees whose only loyalty is to the President and not the Constitution.

I yield the floor.

THE PRESIDING OFFICER. The Senator from New Jersey.

Mr. KIM. Mr. President, I rise today to voice my strong opposition to Emil Bove's nomination to the Third Circuit Court of Appeals. Mr. Bove is unqualified, unfit, and undermines public trust in our justice system. Every report makes one thing clear: He puts politics

over justice, loyalty to Donald Trump above all else. We cannot give someone like that a lifetime appointment.

I rise because more than 9 million people that I represent—the people of New Jersey—fall under the jurisdiction of the Third Circuit. This nomination has a direct impact on their lives, their futures, and their rights. The people of New Jersey deserve better. They have had enough of corruption and political gamesmanship and what we see so clearly to be a system rigged for the well-connected and the well-off.

Let me explain why this matters. In times when so many feel the system is working against them, courts serve as a critical check on unchecked power. Judges matter because their decisions expand or restrict basic rights. They shape the fate of immigrants seeking a better life, influence our economy, and they determine our safety and future.

The courts should reflect the promise of America—a nation where the rules apply equally no matter your wealth or connections, where fairness guides justice. Emil Bove represents the opposite. He is part of a broken system where loyalty to politics and political power trumps fairness and the law, where connections and corruption undermine justice.

Mr. Bove's resume includes work as an assistant U.S. attorney, prestigious clerkships, experience in some of the world's most powerful law firms, but that is not why he was nominated. He was chosen for one singular reason, which is his unwavering loyalty to Donald Trump.

Throughout his career, Mr. Bove has shown he is ethically unfit to be a public servant. He fired career prosecutors, including those working on January 6 investigations, simply because they would not follow politically motivated orders. He openly instructed subordinates to defy court rulings to continue deporting people without due process and threatened, fired, and publicly disparaged those who refused. This is not public service; this is corruption disguised as loyalty.

The pillars of our judicial system are objectivity and independence. They ensure that justice is blind to politics. But Mr. Bove has shown contempt for those pillars.

Over 900 former DOJ attorneys have signed a letter urging this Senate to reject his nomination, calling him unfit and unethical.

The Department of Justice must stand for law, not partisan agendas. And now we are asked to trust a nominee who has proven willing to defy the law and undermine the courts themselves. The answer must be no.

Let me address a particularly troubling experience that underscores the corruption that Mr. Bove represents when he sought to dismiss the case regarding New York Mayor Adams. This is not just politics as usual; this is corruption that threatens the integrity of the very justice system Mr. Bove seeks to join, the kind of dealmaking, back-

room, political gamesmanship that the people of New Jersey are sick and tired of. And I say this not just as a Senator but as someone who challenged New Jersey's political status quo in Federal district court and ultimately before the Third Circuit Court of Appeals, this very court.

Approving this nomination sends a message that corruption and loyalty to power trumps qualifications and fairness. That is not the future I want for my children, my State, or this country.

It doesn't have to be this way. That future is in the hands of this very body, the U.S. Senate. New Jersey and this country deserve better than Emil Bove. America deserves a justice system it can trust.

Let us vote no on Bove's nomination to the Third Circuit Court of Appeals. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. WELCH. Mr. President, I oppose the appointment of Emil Bove to serve on the Federal court.

You know, there are two issues. One for any judge is temperament—absolutely essential—where that judge has to step back and not be partisan, has to be fair to all litigants. Emil Bove totally lacks the temperament to serve on the Federal judiciary under any President, under any administration.

In 2018, the Federal Public Defender for the Southern District of New York sent a letter to the Southern District leadership detailing incredibly detailed complaints from fellow defense attorneys about Bove. These are people that worked with him in a professional capacity. This was before Bove was the political figure that he has become. They described him gratuitously as a person who was vindictive, a prosecutor version of a drunk driver, and needing adult supervision. It was because of his conduct towards the people he was working with in the judicial system.

The reality that we all know is that in the judicial system, fierce as you may be as a prosecutor, determined as you may be as a defense attorney, impartial as you want to be as a judge, everyone has to cooperate to do their job, not interfere with others, and to be supportive of those who are doing the work with you—your fellow prosecutors, your fellow defense attorneys. Bove couldn't do that. He does not have the temperament to serve in a high judicial position.

Second and really most importantly, Bove does not have respect for the rule of law.

If you are in a litigation situation, as prosecutors are, as trial attorneys are, as public defense attorneys are, you have an obligation to serve your client fiercely, energetically. But what you have as a shared responsibility, no matter which role you have in the litigation process, the judicial process, is a respect for the rule of law and an obligation to act in accordance with the ethics that apply to you in your service.

On June 24, Erez Reuveni, who was a well-respected supervisor—and this is about the Bove character—who had defended Trump's policies in his first administration—this is a person who was supportive of many of the policies that then-President Trump was advocating. He came forward with a very credible whistleblower claim that Bove advocated for violating court orders.

Bove reportedly said that the Department of Justice should be prepared to tell courts whose decisions they did not like to "f off." He said that, and he meant it. That is the truth. And that was gratuitous but very reflective of the orientation that Mr. Bove has towards the law, and it is that the law is incidental. His goals and the goals of his now-client President Trump are the only things that matter.

That also happened subsequently, just very recently, with the transfer of individuals to El Salvador in violation of Chief Judge Boasberg's oral order in *J.G.G. v. Trump*. That is the case where the judge gave an order stopping the deportation, and Bove was complicit in having that plane fly and actually do what was directly in conflict with the order.

He also, as we know, instructed prosecutors to drop the criminal case against the New York City mayor Mr. Adams. It was a blatant quid pro quo.

Bove has been an active participant in political payback against the January 6 prosecutors and FBI agents who were simply doing their jobs.

By the way, this is so appalling to me. You are a prosecutor. You know that if a prosecutor is assigned a case in a large office like the Southern District of New York or in the Washington district, the prosecutor's job is to prosecute that case.

Well, there were a number of prosecutors who were assigned to prosecute the January 6 cases, and, as you know, Mr. President, that included people who came in here and started beating up on cops. That is what they did. And those prosecutors did their job and were then fired by Bove—no loyalty to people who had the same job and the same responsibility as he did.

He also—Mr. Bove—sought the names of all FBI employees who worked on investigations into January 6. You know, he stated that was part of an investigation about the weaponization of the FBI against the January 6 rioters.

So he is part of the rewriting, the whitewashing, of the history of January 6 that is the favored narrative of President Trump.

But bottom line, Bove has made it clear that he works for his political boss, and that is the President. And the question is not just about Bove. The question is for us in the Senate who have this real responsibility. We have our partisan differences. We have our honest policy differences. But we have a shared responsibility when it comes to the nomination of a person for a Federal judicial position to evaluate their qualifications for the job.

And first and foremost among the qualifications is that that individual has to be someone who sees as his or her client the Constitution of the United States and the statutory rights and obligations that citizens and companies in this country have.

And what President Trump has made very clear—uncomfortable as this may be to acknowledge for many of us, many of my colleagues on the Republican side who have to deal with the wrath of a President who doesn't get everything he wants when he wants it—the reality is that President Trump himself has made it clear that the people he wants appointed, that he will appoint to the court, are people who will put him first, not the Constitution; to put his political whims, his political desires first.

He has got the right person in Bove, but that is the wrong person for us to confirm.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, there is a legend about a woman who finds an injured snake by the side of the path, and she picks it up to take care of it. She brings it home. She cares for it. She feeds it. She nurtures it. It heals. She takes it back to put it back into where she found it. And as she does so, it bites her. And as its venom goes through her veins and she is dying, she asks the snake: Why did you bite me? I cared for you. I fed you. I nurtured you. I saved your life when you were wounded.

And the snake said: It is my nature. You knew that when you saved me.

For many of us, to our colleagues, this is a “mark my words” moment about an individual who will continue to disgrace himself and the rule of law if we put him on the bench. We know that because, in 6 short months at the Department of Justice, he has been involved in three significant instances of prosecutorial misconduct—not little technical violations of a rule but truly grotesque abuse of a prosecutor's powers.

Not long ago, my Republican colleagues would have prevented even the nomination of a character like this, somebody with a lawless character for the bench.

The mad dash to jam through this nominee, first in the Judiciary Committee and now on the floor of the U.S. Senate, is a new low for the way this body handles its responsibility to vet these lifetime appointments.

Let's go through the prosecutorial misconduct instances. This is a nominee who told a room full of DOJ lawyers that if the courts didn't back off on restricting unlawful deportations, they would have to tell courts—I won't use the word on the Senate floor—“f you.”

We know he said it. We know he said it because it is abundantly corroborated in realtime communications among the lawyers present who heard

him say it. They talk about the “f you” comment in contemporaneous texts in that very matter. You really don't get—I am looking at a bunch of lawyers around here—you really don't get better corroboration than that. That is the corroboration that you take to the defense counsel and say: Maybe you should think about pleading this case out.

Why would colleagues think someone who would tell courts “f you,” someone who does not believe a judge's rulings need to be followed, is fit to be a judge?

We are also on solid ground concluding that this character lied to us about it in committee. He said he didn't recall. That is a heck of a memory lapse, telling a room full of Department of Justice lawyers that they should be ready to tell courts “f you.”

Somehow—somehow—he seemed to know that he would get away with it, that he would not be forced by the majority to actually answer our questions.

He also said he never instructed anyone to disobey a court order. Too cute by half. What he said was: They should be prepared to violate a court order.

And, by the way, they did. This is all consistent with his lawless character.

He also cooked up an improper deal in a criminal case against the mayor of New York where they were going to hang a suspended criminal prosecution—well-founded and grounded—over the head of the mayor to assure his cooperation with the Trump immigration agenda in his city.

You don't do that as a prosecutor. That is unimaginably bad abuse of that power.

We had the corroboration in the first instance. What do we have here?

We have his own DOJ colleague calling this effort a quid pro quo, calling it an improper offer of immigration enforcement assistance in exchange for a dismissal of his case. That was the deal, the arrangement that was reached.

And that colleague, the acting U.S. attorney for the Southern District of New York, then resigned rather than go through with the rotten deal.

Not enough corroboration? Trump's border czar Tom Homan admitted the scheme. He went on FOX News with Mayor Adams and said—I am quoting here, so excuse some of the language:

If he doesn't come through, I'll be back in New York City and we won't be sitting on the couch. I'll be in his office, up his butt saying “Where the hell is the agreement we came to?”

The agreement—the agreement to hold back a prosecution in order to force the mayor to go along with the immigration agenda.

Not enough? OK. This nominee separately tried to confect a fake criminal investigation to allow an improper seizure of funds that Congress had appropriated, obligated, and disbursed to the Greenhouse Gas Reduction Fund.

You don't invent fake prosecutions. In this case, his office, the U.S. Attor-

ney's Office, said: There is no there there. We can't sign that pleading.

He drove out the criminal chief. The rest of the lawyers also refused to sign. The U.S. attorney went in himself, all by himself, just a political appointee, no Federal prosecutorial experience, no idea what he was doing. The magistrate judge shot him down.

Each one of those things is a giant red flag in the Department of Justice, and they all attach to this case.

A principle that prosecutors follow is that you must not publicly disparage subjects of your investigation. It is enough that you have the law on your side and the power of prosecution to bring them to justice. You don't throw on a larding of disparagement. Bove's client in that matter, the EPA Administrator, made repeated public statements accusing the fund and its administrators of being “corrupt” and “criminal” and engaging in “kickbacks,” “theft,” and “graft.” These accusations are defamatory, per se, under the common law.

This person led these truly evil abuses of DOJ's powers. It is his nature.

Those are the problems with the nominee. Now let's look at the problems with the process that got him here. First, in the Judiciary Committee, he was prelicensed to refuse to answer questions. The committee, the majority, conceded something that Congress has never conceded before: that deliberative process and attorney-client privilege overcome our constitutional powers of oversight and advice and consent.

Senator KENNEDY and I noted this in our bipartisan report on Executive privilege back in 2022. Here is our quote:

Congress maintains that all other components of executive privilege—

Besides Presidential communications, which was at issue—

that the executive branch recognizes—including deliberative process and attorney-client privilege—are not constitutionally grounded and therefore cannot supervene Congress's oversight authority.

To grease Bove through the committee, they threw all that history out the window. And having made that astounding concession, they then didn't even follow the rules for assertions of these supposed privileges, neither as to their scope where they apply and don't apply, nor as to what it takes to actually claim them.

These privileges need to be asserted, and the witness never actually asserted them. He probably didn't actually assert them because as a lawyer he knows they didn't actually pertain, and he would have been mocked and criticized for asserting those privileges in this circumstance.

He knew from the free pass he had been given not to answer questions that he didn't have to answer, and he didn't have to make the assertions. With his nonanswers blessed in advance, he hid behind vague claims of inappropriateness.

That is not a privilege; that is not a defense.

Attorney-client privilege and deliberative process privilege, even if they pertain here, don't apply to administrative decisions within a department. And deliberative process—indeed, any Executive privilege—does not apply where the allegation is misconduct. We just went through the three instances of prosecutorial misconduct.

Again, from my report with Senator KENNEDY, quoting the DC Circuit here:

The privilege “disappears altogether when there is any reason to believe government misconduct occurred.”

The only Executive privilege that Congress does recognize also requires proximity to the President. It is not applicable in ordinary Agency administration, and the President must invoke it, and he didn't.

The Attorney General and the Deputy Attorney General even showed up at the hearing to give committee Republicans the eyeball. The result was a hearing that more resembled a racketeering from “The Godfather” than a nominations hearing from a circuit court of appeals judgeship.

One last point, while this mischief is going on in the Judicial Committee and on the Senate floor, something else is going on. This is a two-ring circus, and the second ring is over at the DC Circuit Court of Appeals where Trump Judges Rao and Katsas, over objection, stopped the court hearing into Bove's potential contempt in the deportation cases. Obviously, there in court, under oath, real answers would be achieved.

The administrative stay procedure those Trump judges use usually only last days. Justice Barrett recently chided a court for an administrative stay that lasted 2 weeks. These two Trump judges have blocked Bove's contempt hearing for 3 months.

If my colleagues keep rubberstamping Trump's lawless nominees, he will just continue lowering the bar, further degrading the judicial system.

This has the earmarks of a coordinated play, and I suspect very much that we have not heard the end of this as facts continue to come out in future Judiciary Committee investigations and in the contempt hearing of Judge Boasberg.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, we have an administration that is flouting the law at every turn. Since being sworn into office, Donald Trump has signed dozens of Executive orders attempting to do everything from ending birth-right citizenship and eliminating the Department of Education to invoking the Alien Enemies Act to deport individuals without due process.

In the months since, lawyers defending these lawless actions in court have been rebuffed time and again by judges across the country, including judges nominated by Donald Trump himself.

Note that. Even Donald Trump's nominated judges have said you can't keep making these kind of arguments before me.

So, now, Trump has gone even further by nominating to a lifetime judgeship a man who makes no secret of his disregard for our courts and the rule of law. And that man is Emil Bove.

Based on his nomination hearing and a review of his background and the record before us, Mr. Bove is unfit to be a Federal judge because of his disregard for the rule of law and his temperament. There are so many red flags regarding this nominee, as articulated by my colleagues before me.

Mr. Bove has no respect for the rule of law or the courts that uphold it. This was made all too clear by a whistleblower, a man who had the courage to point out certain things about this nominee. This courageous whistleblower is Erez Reuveni.

Mr. Reuveni was a career attorney at the DOJ before he was fired by the Trump administration for not lying to the court that the administration made a mistake in deporting Kilmar Abrego Garcia to El Salvador. Note this. He was fired because he told the truth to the courts. He was expected to lie to the court and say: Oh, the Trump administration did not make a mistake in Mr. Garcia's case.

The facts prove otherwise.

Far from being a rogue partisan, Mr. Reuveni spent 15 years at the Department of Justice, including during the first Trump administration, where he received awards for his work defending the administration's policies in court. Mr. Reuveni shared with the Judiciary Committee that Mr. Bove, the nominee before us, casually discussed ignoring court orders at a meeting attended by not just Mr. Reuveni but by a bunch of other AGs in the Department of Justice.

So while Mr. Bove and my Republican colleagues would like us to focus on whether Mr. Bove actually directed the government to ignore a court order at this fateful meeting, that focus misses the point. According to Mr. Reuveni, Mr. Bove said the Justice Department would need to consider telling the courts “if you” if the court ordered the administration—the Justice Department—to stop what they were doing. Neither Mr. Bove nor anyone else has denied the sequence of events.

Mr. Reuveni produced 100 pages of documents and text messages supporting his statement that under Bove, DOJ lawyers were directed to prioritize the President's political agenda over their legal and ethical obligations.

My Democratic colleagues and I tried to ask Mr. Bove about these revelations, but, unsurprisingly, he refused to answer nearly all of the questions on these points. As noted, he even cited privileges that don't even apply to him. So we didn't get much in the way of responses from Mr. Bove. As for the committee, rather than hold a hearing to hear from this whistleblower under

oath, Republicans on the Judiciary Committee chose to rush through Mr. Bove's nomination, breaking precedent by refusing to allow Democrats to even speak on his nomination in committee.

I am sure people saw that the Democrats on that committee walked out in protest.

Beyond his disregard for the rule of law, Mr. Bove also lacks the temperament to be a Federal judge. We expect our Federal judges to be fair, to be objective. We don't expect them to have political axes to grind. But that is not what we are going to get with Mr. Bove.

One issue that is particularly important to me is harassment and abuse of law clerks and court staff by Federal judges. Those with nearly absolute power, like a Federal judge in their Chambers, can do great harm to those who work for them. That is why I introduced a bipartisan, bicameral bill aimed at addressing workplace harassment in the Federal Judiciary. We know this happens.

So this issue arises with regard to Mr. Bove because of reports that he was an abusive supervisor at the Southern District of New York. In other words, he is a supervisor who abuses his power. When questioned, Mr. Bove confirmed that a group of office leaders recommended to the U.S. attorney that he be removed as a supervisor of the unit that he was leading. According to reports, this came after an investigation and Mr. Bove only kept his job after he pleaded to keep it.

It is, frankly, astounding that these very busy prosecutors in the office that he was in considered Mr. Bove's behavior so concerning that they went so far as to investigate his behavior and recommend his removal. To clarify things, I asked Mr. Bove, in questions for the record, to send us copies of his personnel file. He refused.

Far from an independent, fairminded jurist, Mr. Bove is willing to use whatever means he deems necessary to meet the ends sought by Donald Trump. There is absolutely no question that the reason Mr. Bove came to President Trump's attention was his complete loyalty to President Trump, which he manifests clearly. This is a concern. Don't take my word for it.

I want to show you, Mr. President, this is a letter signed by nearly 1,000—1,000—former DOJ lawyers urging this body to reject Mr. Bove's nomination. They wrote:

We, the undersigned, proudly defended the rule of law as attorneys at the U.S. Department of Justice. We are all alarmed by DOJ leadership's recent deviations from constitutional principles and institutional guardrails.

These almost 1,000 wrote—the letter continues:

Emil Bove has been a leader in this assault. Despite that, he now stands before you as a nominee for a lifetime seat on the U.S. Court of Appeals for the Third Circuit. . . . It is intolerable to us that anyone who disgraces the Justice Department will be promoted to one of the highest courts in the

land, as it should be intolerable to anyone committed to maintaining our ordered system of justice.

They went on to remind us that each of us in this body was elected by a democratic process anchored by the rule of law and urged us to protect the rule of law by voting our conscience and rejecting Mr. Bove's nomination.

Mr. President, I ask unanimous consent that the letter I referred to be printed in the RECORD.

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

July 16, 2025.

CHAIRMAN GRASSLEY, RANKING MEMBER DURBIN, AND MEMBERS OF THE SENATE JUDICIARY COMMITTEE:

We, the undersigned, proudly defended the rule of law as attorneys at the U.S. Department of Justice (DOJ). We are all alarmed by DOJ leadership's recent deviations from constitutional principles and institutional guardrails. We also share a grave concern over the senseless attacks on the dedicated career employees who are the backbone of the Department.

Emil Bove has been a leader in this assault. Despite that, he now stands before you as a nominee for a lifetime seat on the U.S. Court of Appeals for the Third Circuit. We ask that before the Judiciary Committee votes on this nomination, you rigorously examine the actions Mr. Bove has taken at DOJ and the effects they've had on the Department's integrity, employees, and mission-critical work. It is intolerable to us that anyone who disgraces the Justice Department would be promoted to one of the highest courts in the land, as it should be intolerable to anyone committed to maintaining our ordered system of justice.

Few actions could undermine the rule of law more than a senior executive branch official flouting another branch's authority. But that is exactly what Mr. Bove allegedly did through his involvement in DOJ's defiance of court orders, as described by former senior DOJ attorney Erez Reuveni in his whistleblower disclosure—the details of which are supported by contemporaneous communications between Department attorneys. Such behavior, if substantiated, should not be countenanced.

As a 15-year attorney at the Department who was promoted under this Administration, Mr. Reuveni litigated some of the most divisive cases the Department has ever defended, many under President Trump. But he knew, as all attorneys should know, that the ethical requirement to zealously represent one's client is not absolute; the duty of candor to the court must always come first. Mr. Reuveni refused to violate that duty—a choice that cost him his job.

The risks Mr. Reuveni took by later blowing the whistle should inspire everyone committed to preserving the rule of law. We all applaud his bravery, and we stand ready to support any DOJ employee who uses the proper channels to hold our government accountable.

Even putting aside the information that's surfaced about internal deliberations involving Mr. Bove, his denial that he sought to defy court orders strains credulity. Questioned repeatedly over whether he told DOJ attorneys to consider saying "fuck you" to courts, he mustered only an "I don't recall." Each one of the undersigned would testify, under oath, that we have never—and would never—tell a Justice Department attorney to consider defying a court order. Moreover, the Justice Department's later defiance of judicial mandates in the cases where Mr. Bove

previewed doing so further suggests that disregarding court orders was Mr. Bove's intent all along.

Mr. Reuveni is far from the only DOJ attorney who has faced unconscionable ethical challenges of Mr. Bove's design. When Mr. Bove directed prosecutors in the U.S. Attorney's Office for the Southern District of New York (SDNY) and DOJ's Public Integrity Section to dismiss the case against New York Mayor Eric Adams, his actions gave the appearance of impermissible political considerations stemming from President Trump's immigration agenda. Former SDNY prosecutor Hagan Scotten encapsulated the problem in his resignation letter: "No system of ordered liberty can allow the Government to use the carrot of dismissing charges, or the stick of threatening to bring them again, to induce an elected official to support its policy objectives."

Mr. Bove's trampling over institutional norms in this case, and in others, sent shockwaves through the ranks—cratering morale, triggering mass departures, and eroding the effectiveness of DOJ's vital work. Prosecutorial authority carries profound consequences on individuals' lives and the integrity of our public institutions; wielding it without impartiality is a flagrant abuse of that power. Because impartiality is also a cornerstone of the judiciary, any failure to exercise it at DOJ must be carefully considered.

Mr. Bove's apparent lack of impartiality was also on full display when he punished those who pursued justice after the January 6 assault on the Capitol. Following President Trump's repeated promises of retribution, Mr. Bove directed the termination of over a dozen of those prosecutors. He also called for the firings of eight senior FBI officials who were involved in January 6-related investigations and sought the names of thousands more FBI agents for possible "additional personnel actions." Purging dedicated public servants for following the law was a betrayal of DOJ's law-enforcement principles and an affront to democratic values. Because Mr. Bove oversaw the investigation of January 6 suspects himself as an Assistant United States Attorney, it was also a breathtaking act of hypocrisy.

Each of you was elected through a democratic process that, for nearly 250 years, has been anchored by the rule of law. But the law is only as strong as the institutions that interpret and enforce it; foremost among them, the federal judiciary and the Department of Justice. By elevating those who've degraded one of those institutions to lifetime seats on the other, you will have abrogated your duty to ensure that we remain a nation of laws.

We ask that you vote your conscience only after thoroughly and honestly investigating Mr. Bove's actions at the Justice Department, including by questioning current and former DOJ employees with information relevant to the aforementioned incidents and others. We also urge you to zealously exercise your oversight powers to protect the Justice Department against further attacks.

Thank you for your shared respect for our justice system—and your consideration of our deep concern for its future.

Ms. HIRONO. Mr. President, for all the reasons provided by me and my colleagues before me on the Democratic side, I urge my colleagues to join me in defending the rule of law by not putting into a lifetime appointment somebody who thinks that he can ignore court orders and certainly not by saying "f you" to the courts; that that person not be confirmed by this body. We need to do our jobs by rejecting this nominee.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mr. SCHIFF. Mr. President, the Senate this week is considering a nominee so patently unfit to be a Federal judge, so lacking in the temperament, integrity, and judgment to serve as an arbiter of the Nation's laws, that the chorus of opposition has grown deafening and the facts revealing his unfitness for office are too voluminous to be ignored.

I am speaking, of course, of Emil Bove, the lawyer whose misconduct was so egregious, his fellow prosecutors in the Southern District of New York thought he should be demoted; someone whose management of cases was so flawed that a Federal judge not only concluded that his team had misled the court but that it withheld exculpatory evidence. The court then ordered the case dismissed, and the Southern District prosecutor's office didn't even bother to try to refute the case. It was that tainted by Mr. Bove's leadership of that team.

After Bove left the U.S. Attorney's Office under the threat of demotion, he became one of Donald Trump's criminal defense lawyers, losing the hush money payment to a porn star case in which Donald Trump is convicted of dozens of felonies.

Bove, though, turned that loss and his blind obedience to Trump into a top position at the Department of Justice. And now, for the past months, it seems like every time there has been an abuse of power at the Justice Department, Emil Bove either directed it, supervised it, or carried it out himself.

When Donald Trump wanted to purge the Justice Department of prosecutors who worked diligently to investigate the January 6 insurrection, Bove was the instrument of his vengeance. When Trump wanted to purge the Department of prosecutors who proved to juries beyond a reasonable doubt that the violent offenders who attacked police officers that day did so to interfere with the peaceful transfer of power, Emil Bove was there to punish not the criminals but the prosecutors.

When Stephen Miller and then-FBI Director Nominee Kash Patel worked to carry out an additional purge of career FBI officials who worked on the January 6 investigations, Emil Bove was there too.

Earlier this year, when the Trump administration wanted a justification to freeze grants already approved from the Greenhouse Gas Reduction Fund and they wanted to trump up some justification—some rationale for trying to prevent the distribution of these funds—whom did they turn to? Well, of course, they turned to Emil Bove. He and then-U.S. Attorney Ed Martin pressured the head of the Criminal Division for the DC U.S. Attorney's Office to open a criminal investigation into the fund. But there was a problem. There was no evidence of criminal activity. There was no probable cause. There was no predication.

How do we know this? How do we know the opening of this case or the threat of opening this case was bogus? Because the Chief of the Criminal Division in that office resigned rather than comply with this unethical edict.

When Trump's DOJ sought to dismiss a serious and credible corruption case against the mayor of New York Eric Adams, who was the one who ordered career prosecutors to drop the case? That is right, Emil Bove.

Time after time, we have seen career public servants stand up to abuses of power like this and refuse to obey, leaving careers they loved at the Justice Department rather than be part of Bove's perversion of justice.

I served for almost 6 years in the Justice Department. I know the sense of mission that the lawyers in that Department feel and how much they love serving and appearing before a court and introducing themselves on behalf of the United States. It is not a job that people give up easily or for no reason. I also know that, when put in the position of choosing to follow their ethics and the law or choosing to obey a dishonorable and dishonest instruction from a supervisor, yes, they will resign their posts, and so many have.

Acting U.S. Attorney Danielle Sassoon was ordered by Bove to dismiss the indictment against Eric Adams. In refusing, she called it what it was: an "improper offer of immigration enforcement assistance in exchange for the dismissal of his case"—in other words, a quid pro quo.

I just want to underscore for people what this means and how astonishingly abnormal and unethical this action was.

The Justice Department intervened in a criminal case in New York over the objection of the prosecutors handling the case, including the acting U.S. attorney, to dismiss that corruption case against a public official, not because there was a lack of evidence—they didn't even try to claim that—not because there was any prosecutorial misconduct—they didn't even try to argue that—but because he was useful to the President on his immigration policy. It is an edict from Bove that says: If you do the President's bidding, we have got your back; we will make your corruption case go away—a quid pro quo.

Now, interestingly, they didn't want it to go away completely. They wanted it to go away without prejudice—that is, so they could bring it back if he didn't do exactly what the President wanted. Anyone who has ever served in the Justice Department can tell you just how unethical that is.

Rather than obey those orders from Bove, Acting U.S. Attorney Sassoon resigned, and many others followed.

One of them said:

I expect you will eventually find someone who is enough of a fool or . . . a coward to file your motion. But it was never going to be me.

No, it didn't have to be him because it was enough for Emil Bove. He is

there whenever Donald Trump needs someone to carry out his will, regardless of ethical or even legal considerations. And dedicated public servants, career prosecutors are standing up, willing to risk their jobs and willing to risk retaliation by a vindictive President.

Some of those brave attorneys have come to our committees as whistleblowers. In one case, Erez Reuveni, a 15-year veteran at the Department who worked in both Republican and Democratic administrations, shared with our committee that Emil Bove told DOJ's lawyers that they would need to consider telling the courts "f you" and ignore any such court order that might get in the way of the Trump administration's strategy of rapid deportation without due process. In fact, Bove's lawyers at the DOJ would go on to lie to the judge and violate court orders, prompting the judge to issue an order to show cause why they should not be held in contempt.

Senator WHITEHOUSE is exactly right: The court of appeals has delayed that hearing on the order to show cause why those lawyers under Bove's supervision should not be held in contempt. And my colleagues here want to rush this thing through. Well, what will they say if the judge finds that Bove and others at the Justice Department willfully ignored court orders? What will they say once they have given him a lifetime tenure on the court of appeals?

During Bove's confirmation hearing, I asked him about his "f you" instruction, and he made the dubious claim that he couldn't recall. Now, that is remarkable. It is not like we are talking about events that happened 10 years ago. This was, like, 2 months ago, just a few weeks ago. I think I would remember if I had told other lawyers that we should say "f you" to the courts.

So either he instructs them frequently to say "f you" to the courts, such that he wouldn't remember this particular occasion, or he is being dishonest with us. But his use of that vulgar injunction was corroborated by other DOJ lawyers in text messages. So we really don't need to wonder about this.

As one DOJ lawyer texted another:

Guess it's find out time on the "f you."

Well, now it is "find out" time for the U.S. Senate, when we find out whether we are willing to confirm just anybody—no matter how unfit, no matter how terrible the record, no matter how abundant the evidence. It is "find out" time for the U.S. Senate.

What was Bove's role in tasking the DOJ and the FBI to scour old Epstein files and flag mentions of Donald Trump? I know my colleague Senator BOOKER has tried to find out, and Senator DURBIN has tried to find out. We don't know because Bove refuses to tell us, but we do know that his fellow criminal defense lawyer, Todd Blanche—he and Blanche were the two lawyers who represented Trump in that

"hush money payment to a porn star" case. Todd Blanche is now rushing to meet with Epstein's chief coconspirator in jail. It is self-evident that Blanche is there to represent the President's personal interests, not the public's interest, and Bove represents exactly the same problem.

With Bove's nomination, we are about to find out if Republicans are content to give a man so routinely in defiance of the rule of law a lifetime job of interpreting it on behalf of millions of Americans.

We wanted to hear from those whistleblowers like Erez Reuveni, who is just one of the hundreds of public servants who is speaking out, but Republicans have declined our request for testimony and additional hearings, even as they have rushed to jam through this nomination for a lifetime position. Sadly, we will all have a lifetime to regret it.

Like so many of his unfit Cabinet nominees, Donald Trump is daring Senate Republicans to oppose him. I hope and pray they will because the pattern is clear: Emil Bove takes orders from Donald Trump, and that is it. His only merit is blind obedience, not to the law but to the President, and not just to any President but one who is also a convicted felon.

So I urge my colleagues to look at Bove's record of disrespect for the law and reject this dangerous nominee.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BOOKER. Mr. President, I have seen something I haven't seen since I have been on the Judiciary Committee, which is a complete chorus of condemnation of a circuit court judge. We have had every single person express an interest in coming down here from the Democratic members of that committee to condemn our moving forward at such a rapid pace on this nomination.

Now, I would love to just leave it there, but there is something that needs to be even more urgently focused on because, as much as it might seem that this is Democrat v. Republican, I am very happy to see already that some Republicans—not enough for us to stop this nomination, but this will be a bipartisan group of opponents. It is rare, in this time of fierce partisanship, to see some Republicans looking at the evidence, looking at what Mr. Bove has said, looking at what Mr. Bove has done, looking at how he has insulted the very office that he hopes to hold of a judge and a judge's orders. People who are looking objectively at the facts are starting to see that this would be a terrible mistake in a bipartisan way. That gives me some hope that, with the hours left on the clock, perhaps others, too, will take the time to understand a few things.

One, clearly, I believe and others, not just Democrats but career prosecutors, career public defenders—we have seen judges, and we have seen so many people come forward from both sides of the

aisle to say this is wrong, that it would be wrong for the Senators to do this. This is why we are starting to see some Republicans show more interest and, at least, more than one come forward and say they will not support this nominee. It is because the facts are so glaringly clear that this is someone who has no respect for the rule of law, that this is someone who has shown no temperament to be a judge, that this is someone who has been condemned for his lack of ethics, who has withheld exculpatory evidence as a prosecutor, who has been given the worst Brady violation condemnation from a judge. There are so many things that are troubling about this individual that, on the face of it, it is why so many career professionals are coming forward to say that we should not be moving forward.

The second reason people are having pause is that we are rushing this nomination before questions are answered. Too many people are moving too quickly on the other side of the aisle to get this done before questions are answered, before information is obtained for the record. This body, which is supposed to be deliberative and is supposed to advise and consent, should not be moving forward if they are to honor the obligations that we have.

Let me give the multiple reasons as to why we are moving too quickly without information on substantive things, which should raise alarms for all of my colleagues.

We asked to hear the testimony of a whistleblower who came forward with tangible evidence—texts and emails—showing that Emil Bove instructed the DOJ's attorneys to ignore a court order if it impeded Trump's agenda. Bove said "f you" to the courts. Republicans on the Senate Judiciary Committee refused to hold a hearing to meet with this whistleblower, who is not a Democrat but a career prosecutor. Instead, we saw the vote being rammed through the committee.

Senator KIM and Senator BLUMENTHAL and members on the Homeland Security and Governmental Affairs Committee, which has oversight on the question of whether DHS violated a court order, asked the whistleblower to testify before them under oath. That committee has also not concluded its oversight. It is just a stunning and alarming fact that my colleagues on the Republican side have disregarded the credible account of someone who dedicated 15 years to public service and jeopardized their career and reputation to come forward at a time when people who step forward and tell the truth often face real reprisals.

In 2018, many former Southern District of New York prosecutors took the unprecedented step of alerting Emil Bove's supervisors to his unethical conduct as a prosecutor, calling him the "drunk driver of prosecutors," saying that he was reckless and dangerous in the way that he went about prosecutions. This is an unprecedented step of former SDNY prosecutors.

Two years later, Emil Bove was responsible for the biggest Brady violation in the Southern District of New York's history. He withheld exculpatory evidence, resulting in the DOJ's having to toss out a case after a guilty verdict. His actions were so egregious that the judge used them as an example of what a prosecutor should never do. Many of my colleagues and I on the Judiciary Committee have requested more information from the Southern District of New York about his tenure. We still have not gotten it. Yet we are moving forward.

No. 3, finally, after receiving credible information of Emil Bove's role in the Trump administration's burying of evidence about what is going on right now—the man who was in the central position to know what was going on with the Epstein files—we have made legitimate requests to him about this, and he has not responded. There are so many questions about Mr. Trump's interest in hiding whatever their files are and in contradicting themselves. Either there are truckloads of evidence and lists or there are not, but Emil Bove was the Acting in the Justice Department, at the time, and now we have even more reason to question Emil Bove.

Just hours ago, it was revealed that the DOJ told Donald Trump that his name appears many times in those files. Emil Bove was the top official at the DOJ, who also happens to be Trump's personal lawyer. We should know what his role was in reversing course on releasing those files. It would be unconscionable for the Senate to move forward with his confirmation with those answers not being provided.

As I told the Judiciary Committee, there is a false urgency around this nominee. The only reason for this urgency is that the President wants his loyalists on the Federal bench without facing any more scrutiny as to what he knows and what his role was. Even without answering these questions, there is more than enough in his record that disqualifies Bove from having a lifetime appointment to one of the courts. But let's go one more—January 6.

Bove's role in the Trump administration's effort to erase the tragic events of the January 6 attack on the Capitol is disqualifying.

As one of his first official acts, Trump pardoned nearly 1,600 people who attacked this Capitol, including 200 people who violently assaulted law enforcement officers. Bove was one of the highest ranking officials at DOJ. He said under oath that he advised the President on these pardons.

Then he turned from freeing dangerous people convicted of assaulting police officers from prison to punishing—punishing—the dedicated law enforcement agents who investigated those cases. Bove wrote a memo saying that prosecuting those who attacked the Capitol was a "grave national injustice," so he went after those pros-

ecutors. He fired those Federal prosecutors and FBI agents who worked on the January 6 investigation. Bove then demanded a list of every single FBI employee who touched one of those cases and in doing so exposed thousands of law enforcement officials to potential retribution by the pardoned and dangerous January 6 offenders. They are now roaming free.

Several of these prosecutors reached out to my Republican colleagues and wanted to share their concerns, but not one person agreed to meet with them.

The President can nominate judges to the courts, but—and this is critical—he can only do so by and with the advice and consent of the Senate. This is a constitutional duty imposed on this House, and it requires us, every single Senator, to fully and fairly consider every nominee.

Willful ignorance does not excuse any of us from our responsibility to seek the truth. It does not excuse us from our constitutional duty to provide advice and consent.

I plead with my colleagues: Look at the facts. Give it your scrutiny. Analyze this nominee. Look at his record.

Emil Bove has shown time and time again his disrespect for the very office he seeks to hold. For God's sake, we have a whistleblower who brought testimony, receipts, texts, and emails showing that Bove said—despite the fact that he denied it in our hearings—"f you" to court orders. He withheld evidence that could have helped to release an innocent person or a defendant. He broke his code of conduct. He broke his ethics. He advised on the January 6 pardons and then fired the dedicated law enforcement agents who investigated and prosecuted violent insurrectionists. And now he has critical information regarding the Epstein files.

There is a lot of pressure these days to hastily push a person through who cannot be trusted on the Federal bench. There is a lot of pressure these days to rubberstamp nominees. There is a lot of pressure these days to look the other way even though the evidence is clear. There is a lot of pressure these days. But some of my Republican colleagues have broken and are standing despite the pressure and are saying this person does not belong on the bench. I am grateful that some of my Republican colleagues are standing up and doing the right thing.

There is a lot of pressure these days. There are a lot of threats. The President has put enormous pressure on people in the Republican Party who stand up and do the right thing.

Yet I have seen profiles in courage. In the first Trump administration, I saw it numerous times. I can tell you their names—Corker, Flake. I saw my colleagues who, in times of great distress, stood up when we had a trial here—multiple people said the President was guilty; who voted against judges who were not fit for the highest office in the land; who voted against

nominees for his administration. I have seen time and time again the courage of Republicans in times of distress.

I don't know of another case I have seen in my 14 years in the Senate where someone so unqualified for the bench is before us. But somehow, right now, it just seems to be too few Republicans willing to stand up with the courage of their convictions to call it like it is, to do their constitutional duty, to look squarely at the qualifications of this judge and see what professionals, prosecutors, judges by the hundreds from both parties have come forward and said to this body: Do not let him go forward.

There are just a few hours left before our final vote on this nominee. This is a time for another profile of courage. I am hoping my Republican colleagues will look at the evidence and join with the conclusion held by so many patriots in our country and not let this man get to one of our highest courts in the land.

The PRESIDING OFFICER (Mr. HUSTED). The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, as we close this colloquy, I want to thank my colleagues who have come to the floor: Senators DURBIN, KIM, WELCH, WHITEHOUSE, HIRONO, SCHIFF, and now my great friend and colleague Senator BOOKER.

To my Republican friends, let me just say that there is ample evidence on the record already to say no to this nominee. But even if you disagree, what is undeniable here is the point that Senator BOOKER just made and that I made at the very beginning: This record is incomplete. The questions are unanswered.

Just today, I wrote to Attorney General Bondi about the report and investigation that was done by the Office of Professional Responsibility. We have had no access to it. It was done because of a conclusion by the court in a case before it between 2019 and 2021 in the Nejad case that criticized Mr. Bove for offering little in the way of supervision when material was denied to the defendant and the case had to be dismissed. The extent and scope of that investigation has never been disclosed. That is just one example of material that we have a right to see that raises questions that we should insist on being answered.

That letter almost certainly will never get a response—certainly not in time for our vote. But my Republican colleagues will be haunted by those questions. They will be compelled to answer those questions one day to their conscience because this nominee is different.

This nominee should be rejected.

I yield the floor.

Mr. SCOTT of Florida. Mr. President, I ask unanimous consent that the next rollcall vote occur.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

VOTE ON SZABO NOMINATION

The question is, Will the Senate advise and consent to the Szabo nomination?

Mr. SCOTT of Florida. 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 bill clerk called the roll.

Mr. BARRASSO. The following Senators are necessarily absent: the Senator from Alabama (Mrs. BRITT), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Oklahoma (Mr. MULLIN), and the Senator from North Carolina (Mr. TILLIS).

Further, if present and voting, the Senator from North Carolina (Mr. TILLIS) would have voted "yea."

The result was announced—yeas 49, nays 47, as follows:

[Rollcall Vote No. 432 Ex.]

YEAS—49

Banks	Graham	Moreno
Barrasso	Grassley	Murkowski
Blackburn	Hagerty	Paul
Boozman	Hawley	Ricketts
Budd	Hoeven	Risch
Capito	Husted	Rounds
Cassidy	Hyde-Smith	Schmitt
Collins	Johnson	Scott (FL)
Cornyn	Justice	Scott (SC)
Cotton	Kennedy	Sheehy
Cramer	Lankford	Sullivan
Crapo	Lee	Thune
Cruz	Lummis	Tuberville
Curtis	Marshall	Wicker
Daines	McCormick	Young
Ernst	Moody	
Fischer	Moran	

NAYS—47

Alsobrooks	Hickenlooper	Rosen
Baldwin	Hirono	Sanders
Bennet	Kaine	Schatz
Blumenthal	Kelly	Schiff
Blunt Rochester	Kim	Schumer
Booker	King	Shaheen
Cantwell	Klobuchar	Slotkin
Coons	Lujan	Smith
Cortez Masto	Markey	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Fetterman	Murray	Warren
Gallego	Ossoff	Welch
Gillibrand	Padilla	Whitehouse
Hassan	Peters	Wyden
Heinrich	Reed	

NOT VOTING—4

Britt	Mullin	Tillis
McConnell		

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's actions.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby

move to bring to a close debate on the nomination of Executive Calendar No. 131, Matthew Lohmeier, of Arizona, to be Under Secretary of the Air Force.

John Thune, Ted Budd, Katie Boyd Britt, Todd Young, Roger Marshall, Tommy Tuberville, Deb Fischer, Shelley Moore Capito, John Barrasso, Tim Scott of South Carolina, Steve Daines, Marsha Blackburn, Eric Schmitt, Pete Ricketts, Mike Crapo, Cindy Hyde-Smith, Tim Sheehy.

The PRESIDING OFFICER. Under the previous order, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Matthew Lohmeier, of Arizona, to be Under Secretary of the Air Force, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. BARRASSO. The following Senators are necessarily absent: the Senator from Alabama (Mrs. BRITT), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Oklahoma (Mr. MULLIN), and the Senator from North Carolina (Mr. TILLIS).

The yeas and nays resulted—yeas 49, nays 47, as follows:

[Rollcall Vote No. 433 Ex.]

YEAS—49

Banks	Graham	Moreno
Barrasso	Grassley	Murkowski
Blackburn	Hagerty	Paul
Boozman	Hawley	Ricketts
Budd	Hoeven	Risch
Capito	Husted	Rounds
Cassidy	Hyde-Smith	Schmitt
Collins	Johnson	Scott (FL)
Cornyn	Justice	Scott (SC)
Cotton	Kennedy	Sheehy
Cramer	Lankford	Sullivan
Crapo	Lee	Thune
Cruz	Lummis	Tuberville
Curtis	Marshall	Wicker
Daines	McCormick	Young
Ernst	Moody	
Fischer	Moran	

NAYS—47

Alsobrooks	Hickenlooper	Rosen
Baldwin	Hirono	Sanders
Bennet	Kaine	Schatz
Blumenthal	Kelly	Schiff
Blunt Rochester	Kim	Schumer
Booker	King	Shaheen
Cantwell	Klobuchar	Slotkin
Coons	Lujan	Smith
Cortez Masto	Markey	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Fetterman	Murray	Warren
Gallego	Ossoff	Welch
Gillibrand	Padilla	Whitehouse
Hassan	Peters	Wyden
Heinrich	Reed	

NOT VOTING—4

Britt	Mullin	Tillis
McConnell		

The PRESIDING OFFICER (Mr. RICKETTS). On this vote, the yeas are 49, the nays are 47. The motion is agreed to.

The motion was agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.