

nominee in American history; Justice Kavanaugh got an astonishing and disgraceful spectacle; and Justice Barrett received baseless, delegitimizing attacks on her integrity.

Now, this history is not the reason why I oppose Judge Jackson. This is not about finger-pointing or partisan spite. I voted for a number of President Biden's nominees when I could support them, and just yesterday, moments after the Judiciary Committee deadlocked on Judge Jackson, they approved another judicial nominee by a unanimous vote.

My point is simply this: Senate Democrats could not have less standing to pretend—pretend—that a vigorous examination of a nominee's judicial philosophy is somehow off limits.

My Democratic friends across the aisle have no standing whatsoever to argue that Senators should simply glance—just glance—at Judge Jackson's resume and wave her on through.

Our colleagues intentionally brought the Senate to a more assertive place. They intentionally began a vigorous debate about what sort of jurisprudence actually honors the rule of law. This is the debate Democrats wanted. Now it is the debate Democrats have. And that is what I will discuss tomorrow—why Judge Jackson's apparent judicial philosophy is not well suited to our highest Court.

#### VOTE ON MOTION

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to discharge.

The yeas and nays have been previously ordered.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 127 Ex.]

#### YEAS—50

Baldwin	Hickenlooper	Reed
Bennet	Hirono	Rosen
Blumenthal	Kaine	Sanders
Booker	Kelly	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Leahy	Sinema
Carper	Lujan	Smith
Casey	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden
Heinrich	Peters	

#### NAYS—50

Barrasso	Ernst	McConnell
Blackburn	Fischer	Moran
Blunt	Graham	Murkowski
Boozman	Grassley	Paul
Braun	Hagerty	Portman
Burr	Hawley	Risch
Capito	Hoeven	Romney
Cassidy	Hyde-Smith	Rounds
Collins	Inhofe	Rubio
Cornyn	Johnson	Sasse
Cotton	Kennedy	Scott (FL)
Cramer	Lankford	Scott (SC)
Crapo	Lee	Shelby
Cruz	Lummis	Sullivan
Daines	Marshall	

Thune	Toomey	Wicker
Tillis	Tuberville	Young

(Mr. PADILLA assumed the Chair.)  
The VICE PRESIDENT. On this vote, the yeas are 50, the nays are 50.

The Senate being equally divided, the Vice President votes in the affirmative, and the motion is agreed to.

The nomination is discharged and will be placed on the calendar.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER (Mr. PADILLA). Under the previous order, the Senate will resume legislative session. The majority leader.

#### EXECUTIVE SESSION

EXECUTIVE CALENDAR—Motion to Proceed

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 860.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. SCHUMER. 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 legislative clerk called the roll.

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 128 Leg.]

#### YEAS—53

Baldwin	Hickenlooper	Reed
Bennet	Hirono	Romney
Blumenthal	Kaine	Rosen
Booker	Kelly	Sanders
Brown	King	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Leahy	Shaheen
Carper	Lujan	Sinema
Casey	Manchin	Smith
Collins	Markey	Stabenow
Coons	Menendez	Tester
Cortez Masto	Merkley	Van Hollen
Duckworth	Murkowski	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden
Heinrich	Peters	

#### NAYS—47

Barrasso	Graham	Portman
Blackburn	Grassley	Risch
Blunt	Hagerty	Rounds
Boozman	Hawley	Rubio
Braun	Hoeven	Sasse
Burr	Hyde-Smith	Scott (FL)
Capito	Inhofe	Scott (SC)
Cassidy	Johnson	Shelby
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Cramer	Lee	Tillis
Crapo	Lummis	Toomey
Cruz	Marshall	Tuberville
Daines	McConnell	Wicker
Ernst	Moran	Young
Fischer	Paul	

The motion was agreed to.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER (Mr. LUJAN). The clerk will report the nomination.

The bill clerk read the nomination of Ketanji Brown Jackson, of the District of Columbia, to be an Associate Justice of the Supreme Court of the United States.

#### CLOTURE MOTION

Mr. SCHUMER. Mr. President, I proudly and happily send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill 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. 860, Ketanji Brown Jackson, of the District of Columbia, to be an Associate Justice of the Supreme Court of the United States.

Charles E. Schumer, Richard J. Durbin, Patrick J. Leahy, Dianne Feinstein, Sheldon Whitehouse, Amy Klobuchar, Christopher A. Coons, Richard Blumenthal, Mazie Hirono, Cory A. Booker, Alex Padilla, Jon Ossoff, Patty Murray, Raphael G. Warnock, Sherrod Brown, Elizabeth Warren, Margaret Wood Hassan, Tina Smith, Ben Ray Lujan, Jacky Rosen.

The PRESIDING OFFICER. The Senator from Texas.

#### NOMINATION OF KETANJI BROWN JACKSON

Mr. CORNYN. Mr. President, later this week, perhaps in a day or two, the Senate will vote on the nomination of Judge Ketanji Brown Jackson to serve as a member of the U.S. Supreme Court.

Last week, I laid out my reasons for my opposition to this nomination, and yesterday, I voted against her nomination in the Judiciary Committee. But I want to make clear that my vote against Judge Jackson is not a rebuke of her legal knowledge, her experience, or her character. Judge Jackson is obviously very smart. She has vast practical experience, which I think is very useful. She is likeable. And she is very clearly passionate about her work.

The Senate's constitutional duty to provide advice and consent, though, requires us to look beyond Judge Jackson's resume and personality to understand her judicial philosophy and the lens through which she views her role as a judge.

Certainly, the Senate must evaluate whether Judge Jackson will act fairly and impartially. We have also got to make a judgment whether she will leave her personal beliefs and her policy preferences at the door and whether she will respect the bounds of her role as a judge or attempt to establish new judge-made law.

This last point is absolutely critical, in my view. The Founders wisely established a system of checks and balances to ensure that no person or institution wields absolute power. The legislative branch, of course, makes law; the executive branch enforces the law; and the judicial branch interprets the law. We have each got our responsibilities under the Constitution.