

OFFICE OF THE REPUBLICAN LEADER,
U.S. SENATE,
Washington, DC, June 25, 2012.

Mr. WILLIAM T. (BILL) ROBINSON III,
President, American Bar Association, 321 North
Clark Street, Chicago, IL.

DEAR MR. ROBINSON: We were surprised to receive your letter of June 20, 2012 urging, for the first time, confirmation of particular circuit court nominees despite the existence of the Leahy-Thurmond Rule. By any objective measure—overall circuit court vacancy rate, vacancies on the respective circuit courts, or judicial emergency designation—our appellate courts are doing, at least as well, and in most respects much better, now than when our democratic colleagues invoked the Rule both times during the last administration. Given this exceptionally fair treatment of President Obama's judicial nominees, it is curious that your organization would choose now to urge the Senate not to follow its practice of suspending the processing of circuit court nominations in the months preceding a presidential election. This unprecedented action raises questions about the American Bar Association's objectivity and neutrality.

While the circuit court vacancy rate in June 2008 was the same as it is now, there were twice as many judicial emergencies in the circuit courts at that time. The Fourth Circuit Court of Appeals, in fact, was in crisis. Fully one-fourth of its seats were empty, even though the prior administration had nominated outstanding individuals to fill them. Despite the crisis facing the Fourth Circuit in June of 2008, our democratic colleagues refused to process any of President George W. Bush's four, well qualified nominees.

For instance, the Senate twice had unanimously confirmed Judge Robert Conrad to the important positions of United States Attorney and federal district court judge. By this time in June of 2008, his nomination to the Fourth Circuit had been pending for 344 days. Our democratic colleagues refused to process his nomination, notwithstanding support from home state senators, a unanimous well qualified rating from your organization, and—in contradistinction to any of the three nominees mentioned in your letter—the Administrative Office of the U.S. Courts had declared the vacancy to which he was nominated to be a judicial emergency.

Senate democrats refused to process three other qualified nominees to the Fourth Circuit. Steve Matthews had support from home state senators, and by this time in 2008, had been pending for 293 days. Judge Glen Conrad had been confirmed to the district court in 2003 by the unanimous vote of 89-0. Both home state senators, one republican and one democrat, strongly supported his nomination. Rod Rosenstein, the then and current U.S. Attorney for Maryland, also would have filled a judicial emergency on the Fourth Circuit. Nonetheless, democrat home state Senators blocked his nomination—incredibly—for the reason that he was doing a “good job” as U.S. Attorney and “that’s where [they] need him.”

Our democratic colleagues’ record with respect to these nominees was so abysmal that even the Washington Post editorial board called them to task, writing, “[T]he Senate should act in good faith to fill vacancies—not as a favor to the president but out of respect for the residents, businesses, defendants and victims of crime in the region the 4th Circuit covers.” The ABA, by contrast, said nothing when Senate democrats invoked the Leahy-Thurmond Rule and stopped processing circuit court nominations in June of 2008. These outstanding nominees, along with others like Peter Keisler—who by this date in June of 2008 had been bottled up in

committee for an astonishing 727 days—did not merit any special consideration by the ABA in the months preceding the last presidential election.

The situation on our circuit courts was equally dismal in June of 2004 when President Bush was concluding his first term in office. The overall vacancy rate on our circuit courts was much higher than it is now. And the Sixth Circuit, like the Fourth Circuit in 2008, was in crisis, with fully one-fourth of its seats empty, even though the prior administration had nominated qualified individuals to fill those vacancies as well. And as in 2008, the ABA said nothing when our democratic colleagues cited the Leahy-Thurmond Rule—this time to justify filibustering several circuit court nominees in the months preceding the 2004 presidential election.

The ABA presents itself to the public as a non-partisan, professional organization. However, it has chosen to advocate for this Administration's circuit court nominees in the few remaining months before this presidential election, when it chose not to do so before either of the last two presidential elections despite much more compelling circumstances. This sort of selective advocacy is precisely why so many people question the ABA's professed neutrality.

We will continue to work with the senate majority to process judicial nominations, consistent with the practices of the Senate—practices strongly defended by our Democratic colleagues during the previous administration and about which the ABA said nothing. Indeed, the Senate will vote on another judicial nomination tomorrow. If confirmed, that will be the 151st lower court confirmation already for this Administration, in addition to two Supreme Court nominations—a confirmation total far greater than what was achieved under comparable circumstances during the last administration. We hope that in the future the ABA will take a balanced approach to assessing the judicial confirmation process in the Senate.

Sincerely,

MITCH MCCONNELL,
Republican Leader,
U.S. Senate.
CHUCK GRASSLEY,
Ranking Member, Ju-
diciary Committee
U.S. Senate.

RECOGNIZING THE SISTERS OF ST. JOSEPH OF BRENTWOOD, NY

Mr. SCHUMER. Mr. President, We rise today to honor three great American heroes and their devoted organization. In Long Island, NY there are three American nuns that have been working to ease the burden of the poor and the sick and educate our youth for the past 80 years.

Sister Francis Gerard Kress, Sister Edward Joseph Murphy and Sister Alice Francis Young are all nuns with the Sisters of St. Joseph of Brentwood, NY and have given this order and their community over 80 years of service.

Mrs. GILLIBRAND. The Sisters of St. Joseph first came to the United States to Carondelet, MO in 1836, and established a school dedicated to the education of deaf children. Mother Austin Kean, accompanied by Sister Baptista Hanson and Sister Theodosia Hegeman, came to Brooklyn in 1856 to found what is now, the Sisters of St. Joseph of

Brentwood, NY. The goal of the Sisters of St. Joseph continues to be to foster love, unity and reconciliation among all people and with this earth. For over 150 years, the Sisters of St. Joseph of Brentwood, NY have been faithful in their vision to serve the world and its people. Since the creation of the Sisters of St. Joseph of Brentwood order in 1856, there has been over 2,500 Sisters to serve, and currently there are 588 serving or in retirement throughout the United States.

There is not enough time in this Congress to fully describe the work and accomplishments of the Sisters of St. Joseph. But I would like to highlight some of the work of these three remarkable nuns.

Sister Alice Francis Young joined the Convent of the Sisters of St. Joseph in 1932, and since then has proven to be a pioneer and integral force in early childhood education. Sister Young's career milestones include helping to start the first Head Start program in New York, working as a master teacher at St. Joseph's College in Brooklyn for 20 years, and being a professor of child study at St. Joseph's for over 40 years. She has helped educate thousands of children and given them the ability to reach their potential.

Sister Francis Gerard Kress has been a Sister of St. Josephs for 80 years, working on community activism and being a champion for health care and environmental protection. In September 1982, Sister Kress testified before the U.S. House of Representatives Subcommittee on Water Resources and in doing so shed light on her work around the environmental dangers that existed near Newton Creek in Williamsburg, Brooklyn, NY. Her work has since helped to protect a community from these dangers and enlighten the Nation to the importance of the Clean Water Act.

Sister Edward Joseph Murphy is 99 years old and joined the Order of the Sisters of St. Joseph in 1932. She spent her life educating at the primary and secondary levels, helping children throughout this Nation improve their lives through education and community service, as well as help new arrivals to this Nation with English by way of her Orders' English as a Second Language programs. Sister Murphy also spent over 20 years caring for the community and residents of Merrick, Long Island, NY by visiting homes, nursing homes and hospitals, bringing food and toys, and assisting in times of crisis.

For the past 80 years, Sister Francis Gerard Kress, Sister Edward Joseph Murphy and Sister Alice Francis Young have dedicated their lives for the betterment of others in New York, the United States and around the world. We are humbled to have the opportunity to recognize the life and service of these amazing women and everlasting mark they left on so many.

Mr. SCHUMER. Mr. President, we would like the United States Senate to

recognize and honor the work of the Sisters of St. Joseph of Brentwood, NY; and the lifelong dedication of Sisters Francis Gerard Kress, Edward Joseph Murphy and Alice Francis Young for their 80 years of service to their religion, professions and country.

REMEMBERING GORE VIDAL

Mrs. BOXER. Mr. President, today I rise to pay tribute to the great talents and accomplishments of Gore Vidal, the extraordinary American writer who died this week at age 86 in California, where he spent the last 9 years of his life.

Gore Vidal was a child of the Senate—or more precisely, a grandchild of the Senate. His maternal grandfather was Senator Thomas Pryor Gore of Oklahoma, and the writer's happiest childhood memories were of the times he lived at Senator Gore's Washington home. According to Vidal's New York Times obituary, "He loved to read to his grandfather, who was blind, and sometimes accompanied him onto the Senate floor." Vidal himself later said, "At something like 13 or 14, I wanted to be a politician, but knew that I was a writer. . . ."

This change of career path worked out best for everyone. Gore Vidal's prose was elegant and crystal clear, and his range as a writer has seldom been equaled. His essays, perhaps his greatest triumph, utilized and displayed his wide-ranging interests, encyclopedic learning, and dazzling wit. He also wrote more than two dozen novels including a series on American political history that is widely read and admired on both sides of the aisle—as well as plays, screenplays, television dramas, and two volumes of memoirs.

Gore Vidal twice ran for office, losing a 1960 run for Congress in upstate New York and a 1982 Senate primary in California. Despite these political setbacks, he remained convinced that "There is no human problem which could not be solved if people would simply do as I advise." He dispensed his advice with great wit and intelligence for more than 60 years, and America is far the richer for it.

DROUGHT IMPACT

Mr. CARDIN. Mr. President, I rise today to speak about the devastating impact the drought gripping nearly 80 percent of the country is having on food producers.

Fewer natural occurrences are more devastating to agricultural production than extreme drought. The drought conditions the United States is facing today are considered the worst the country has seen in more than 50 years.

Data computed in the Palmer Drought Severity Index indicate that the severity of the current drought is on par with the Dust Bowl of the 1930s.

USDA has determined that more than 1,000 counties in 26 States, encompassing more than two thirds of the

lower 48, are experiencing drought conditions. Drought conditions stretch from coast to coast and encompass nearly every State south of 42nd parallel west of the Mississippi River while also including nearly all of Florida, Alabama, Georgia and South Carolina. It is also worth noting that farmers on Delmarva peninsula are coping with a drought of their own as well as record high temperatures.

While these conditions undoubtedly present challenges for commodity growers, agricultural science, modern farming techniques and a series of financial support programs help commodity growers cope with increasingly difficult growing conditions.

These advances in farming, combined with robust grower supports like commodity direct payments and federally subsidized crop insurance premiums, along with a high market price for corn, driven by increased demand for corn from a variety of sectors, including ethanol producers who must meet government mandates to produce 15.2 billion gallons of ethanol this year, all help U.S. grain growers survive this difficult growing season.

Our national farm support programs are centered on assuring the financial security of commodity growers. However, there is little to no assurances on the availability and affordability of corn feed for livestock and poultry and for food production broadly.

This issue hits very close to home for me as Maryland's poultry industry continues to struggle tremendously during this drought because there is so little corn feed available. What feed is available is extremely expensive.

Feed accounts for more than 75 percent of the cost of raising poultry. Corn futures project the price of corn hitting \$9 dollars a bushel by the end of the summer. As the price of feed continues to rise, feed costs will make up an even greater percentage of the cost to grow birds to market weight.

And unlike raising hogs and cattle, which ruminant species that can eat other types of feed like soybeans or hay, chickens can only eat grains—in other words corn.

To understand how important the availability of affordable corn is let's take a look at chicken by the numbers:

As of today, the price per bushel of corn is \$8.20.

One bushel of corn equals 56 pounds of shelled corn.

On average, it takes 7 weeks and 13½ pounds of corn to raise a single chicken to market weight.

Market weight for a single chicken is approximately six pounds, although the weight of the bird that is actually meat is probably somewhere closer to three or four pounds.

Approximately four birds can be raised, from egg to slaughter, on a bushel of shelled corn—or, a little more than \$2 worth of corn.

The retail price for a whole three pound chicken at a popular Maryland supermarket chain is \$6 (at \$2 per lb).

That means that the retail price of a pound of chicken is equal to the price of corn feed. And corn is just one input cost to raising poultry.

Clearly market conditions like this are not sustainable for maintaining a viable domestic poultry industry.

Domestic poultry, beef, and pork producers operate without the safety nets commodity growers have. Those domestic producers that are still owned by U.S.-based companies are at an even greater disadvantage, because many of the foreign owned meat and poultry companies in the U.S. can afford to operate at a loss for extended periods of time because they have financial backing from state-run banks overseas.

Our meat and poultry producers are in dire need of relief if they are going to survive into the future. One way to provide some relief for poultry and livestock growers would be to modify the Renewable Fuel Standard's ethanol production mandate for corn ethanol so as to provide our farmers better access to the corn stocks they need.

Food producers—including livestock and poultry producers, who use tremendous amounts of corn to raise their livestock and produce food—do not have the luxury of a mandated market for their products.

I understand the important role domestic ethanol production will play in helping our Nation achieve greater energy security. However, the nurturing and growth of our domestic biofuels industry must not come at the expense of our domestic food supply. In other words, we cannot sacrifice U.S. food security for energy security. That is why I do not support the use of food based feedstocks like sugar and corn to be commercially produced into ethanol.

Domestic food production is reaching a state of crisis driven by the increasing cost of inputs, like corn, that the food producers have to unfairly compete with industries that are operating with under government production mandates.

That is why Senators BOOZMAN, MIKULSKI and I introduced legislation making a simple change to the Renewable Fuel Standard to help provide domestic food producers access to corn.

This legislation will link the amount of corn ethanol required for the RFS to the amount of U.S. corn supplies. This legislation sets up a process so that when the USDA reports on U.S. corn supplies towards the end of each year, based upon the ratio of corn stocks to expected use, there could be a reduction made to the RFS mandate for corn ethanol. This is a commonsense solution to make sure that we have enough corn supplies to meet all of our corn demands.

Once a year, the administrator of the Environmental Protection Agency will review the current corn crop year's ratio of U.S. corn stocks-to-use ratio in making a determination of the RFS.

Another way to deliver some of this needed relief would be for the House to immediately pass the Senate Farm Bill