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Senate

The Senate met at 10 a.m. and was called to order by the Honorable BRIAN SCHATZ, a Senator from the State of Hawaii.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God, our fortress, we live under Your protection. Keep America safe from the forces of evil that come against it. Lead our Senators away from the trap of trusting only in their resources so that they will never forget that nothing truly succeeds without You. You do great things, O Lord. Your thoughts are too deep for us to comprehend without the gift of Your discernment. Give Your spirit's discernment to our lawmakers. Show them Your ways and teach them Your paths. Be their strength and shield this day and always.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BRIAN SCHATZ led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 7, 2013.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BRIAN SCHATZ, a Sen-

ator from the State of Hawaii, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. SCHATZ thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume executive session to consider the nomination of John Brennan to be the Director of the Central Intelligence Agency. I ask unanimous consent that the time until 12:30 and the time from 2:00 until 3:00 be equally divided in the usual form, and that I be recognized at 3 p.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, the Senate will recess from 12:30 until 2 p.m. today. Both the majority and minority have caucus meetings. Cloture was filed on the nomination this morning. If no agreement is reached, we are going to vote Saturday morning. I hope we can arrive at an earlier vote, but everyone should note we have sent directives to all of the Senators on this side indicating we may need a vote on Saturday. We need to do this because we have to be on the continuing resolution on Monday, and we have to finish that next week because the next week is the budget and we have to do that before the break we take for Easter.

REGULAR ORDER

Mr. REID. Mr. President, my Republican colleagues love to extol the virtues of regular order. If only we could

get back to regular order, they say, we could function again. Yesterday, we saw both sides of that.

On the one hand, my Republican colleagues did practice regular order. On the other, they didn't. Let's take the one they didn't.

They demanded a 60-vote threshold for confirmation of a very qualified nominee, Caitlin Halligan, to be United States Court of Appeals Judge for the DC Circuit. Republicans once again hid behind a cloture vote—filibuster, by another term—to prevent a simple up-or-down vote on this important nomination. They took the easy way out.

On the other hand, one Republican Senator did return to regular order. As is his right, he spoke for as long as he was able to speak. And that is a filibuster. After 12 hours standing and talking, this is how Senator PAUL ended his filibuster:

I would go for another 12 hours to try to break Strom Thurmond's record, but I've discovered there are some limits to filibustering and I'm going to have to take care of one of those in a few minutes here.

Well, I have been involved in a few filibusters, as RAND PAUL was yesterday, and what I have learned from my experiences with talking filibusters is this: To succeed, you need strong convictions but also a strong bladder. It is obvious Senator PAUL has both.

We should all reflect on what happened yesterday as we proceed with other nominations, including a lot of judicial nominations. This can be a Senate where ideas are debated in full public view and obstruction happens in full public view as well or it can be a Senate where a couple Senators obstruct from behind closed doors without ever coming to the Senate floor.

BLOODY SUNDAY

Mr. REID. Mr. President, forty-eight years ago today, a young man by the name of JOHN LEWIS set out on a march across Alabama, from Selma to Montgomery. By his side were a few hundred

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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freedom-loving men and women calling for an end to discrimination violence against African Americans.

Today, JOHN LEWIS is a distinguished member of the U.S. House of Representatives, but back then when he was a young civil rights leader, he was determined to fight injustice and force the United States to live up to its founding principle that all people are created equal.

I had the good fortune to go—not this year but a year or two ago—down to Selma and participate in this reenactment. JOHN LEWIS was there, as I saw on TV a few days ago. It was a cold day when I went there, and you saw them all bundled a few days ago. And on the day of the march, you see the TV pictures of JOHN LEWIS with a long coat, and he had a backpack. I asked him what was in the backpack. He said, I thought I would be arrested and I would be put in jail. I had in that backpack an apple and a book I was reading.

After being viciously beaten, JOHN LEWIS doesn't know what happened to his apple, his book, or his backpack. But what a legend he has become. He wasn't arrested that day. Instead, JOHN and the peaceful protesters by his side were met a few blocks into their march by State troopers with dogs, fire hoses, and clubs, and they used every one of them against these marchers. Many of the marchers, including JOHN LEWIS, were viciously beaten.

The terrible violence of that day, known as Bloody Sunday, was broadcast across the country. For the first time the bloody reality of the struggle for equal rights was beamed into America's living rooms. Bloody Sunday marked the turning point in the civil rights movement as Americans cried out against the injustice and bloodshed they saw on the television screens.

Later that month protesters finally completed that march from Selma to Montgomery, and more than 25,000 patriots converged on the Alabama State Capitol Building. From the steps of the Alabama capitol, Dr. Martin Luther King spoke of the power of peaceful resistance. This is what he said:

Selma, Alabama, became a shining moment in the conscience of man. If the worst in American life lurked in its dark street, the best of American instincts arose passionately from across the nation to overcome it.

Six months later President Johnson signed the Voting Rights Act of 1965, and that is where Senator Thurmond, whom I had the good fortune of serving with here, took to the floor and gave that speech for 24 hours.

I may disagree with Strom Thurmond, but he had a right to talk. RAND PAUL had a right to talk.

The Supreme Court last week considered striking sections of the law barring areas with a history of discrimination from changing voting practices without Federal approval. That is what the Voting Rights Act was all about. Critics say those protections are no longer necessary. But anyone who

waited hours to cast a ballot in 2012 knows that is not true. A 102-year-old woman waited 8 hours to vote. And anyone who has watched the State legislature pass laws designed to intimidate eligible voters and keep the poor, minorities, and the elderly from the polls knows the fight for freedom is not over.

America has made great strides to eradicate racism, thanks to legends such as JOHN LEWIS. But, together, we must guard that progress with vigilance, keeping in mind the sacrifices made by so many 48 years ago today.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

BRENNAN NOMINATION

Mr. MCCONNELL. Mr. President, yesterday the junior the Senator from Kentucky took to the Senate floor to exercise his rights as an individual Senator in pursuit of an answer from the Attorney General concerning the rights of U.S. citizens.

The filibuster was extended, heartfelt, and important, and I wish to say a few words in reaction to that effort and, as well, on the nomination of John Brennan to be Director of the Central Intelligence Agency.

The question he raised was entirely appropriate and should have already been answered by the Obama administration.

First, I wish to state for the RECORD and to correct any misimpression that yesterday's long debate was a criticism of the Senate's oversight of our Nation's intelligence activities. In fact, the Senate Select Committee on Intelligence is responsible for conducting vigorous oversight of our Nation's intelligence activities, and I want to make clear that they were not the subject of last night's debate. The members of that committee conduct that oversight in a professional, responsible manner, and selflessly serve the rest of the Senate in that capacity.

Let me assure the Senate, the activities of the intelligence community are closely monitored and overseen by the Intelligence Committee, to include all counterterrorism activities.

Most recently, the committee has conducted a serious and much-needed inquiry into the terrorist attack on the temporary mission facility in Benghazi, Libya, and has conducted a thorough review of John Brennan's nomination to be Director of the Central Intelligence Agency. Thanks to the leadership of Chairman FEINSTEIN and Vice Chairman CHAMBLISS, the committee has made significant progress in reviewing Mr. Brennan's record, the intelligence related to the terrorist threat in Libya, and in reviewing the administration's legal opinions concerning some overseas activities.

Second, in reviewing Mr. Brennan's nomination, Senator PAUL has asked a series of questions of the executive branch. Senator PAUL has a right to ask questions of the administration, and the administration has a responsibility to answer in keeping with the rules established for oversight of intelligence activities and for protecting sensitive information.

The specific question, however, is not an intelligence-related question but a straightforward legal question: Does the President have the authority to order the use of lethal force against a U.S. citizen who is not a combatant on U.S. soil without due process of law?

To his credit, John Brennan directly answered the question motivating Senator PAUL's filibuster: The Central Intelligence Agency does not conduct lethal operations inside the United States, nor does it have the authority to do so. What is befuddling is why the Attorney General has not directly and clearly answered the question.

The U.S. military no more has the right to kill a U.S. citizen on U.S. soil who is not a combatant with an armed unmanned aerial vehicle than it does with an M-16. The technology is beside the point. It simply doesn't have that right, and the administration should simply answer the question. There is no reason we cannot get this question answered today. And we should get the question answered today. Frankly, it should have been answered a long time ago.

Last, during Senator PAUL's filibuster, I noted that I cannot support John Brennan's confirmation. During January of 2009, the President issued a series of Executive orders which, in my judgment, weakened the ability of our intelligence community to find, capture, detain, and interrogate terrorists. As President Obama's senior adviser on counterterrorism, Mr. Brennan has been a fierce defender of the administration's approach to counterterrorism as articulated by the Executive orders I just referred to. He has been a loyal, dogged defender of the administration's policies, policies with which I seriously disagree. My greatest concern is that the Director of Central Intelligence must be entirely independent of partisan politics in developing objective analysis and advice that he gives to the President. After 4 years of working within the White House, confronting difficult policy matters on a daily basis, and having attempted to defend the administration's policies—sometimes publicly, sometimes to the media, and occasionally to the Senate—I question whether Mr. Brennan can detach himself from those experiences.

For that reason I will oppose his nomination.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order the leadership time is reserved.