

the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. We have laid out tomorrow to some degree. We have other work to do tomorrow. If we have some cooperation from both sides, we can finish sometime midafternoon; otherwise, it could be a while.

UNANIMOUS CONSENT AGREEMENT—S. 1086

Mr. REID. I ask unanimous consent that at a time to be determined by me, with the concurrence of Senator MCCONNELL, the Senate proceed to the consideration of Calendar No. 309, S. 1086; further, that the cloture motion filed on Thursday, February 27, with respect to the motion to proceed be withdrawn. This is the child care block grant legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that Senator HARKIN be recognized, Senator COLLINS follow after him, then Senator BOXER follow after Senator COLLINS.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

ADEGBILE NOMINATION

Mr. HARKIN. Earlier today a vote was taken in the Senate that, to this Senator, marked about the lowest point that I think this Senate has descended in my 30 years here. I don't say that lightly. I was in Congress during the impeachment process trial for President Clinton. I thought that was a low, but it didn't compare to what happened today.

The vote on Debo Adebile to be Assistant Attorney General for the Civil Rights Division at the Department of Justice sent a strong message. This is the message we sent today and, young people, listen up.

If you are a young White person working for a law firm and have a chance to defend someone who has done something wrong—even a heinous crime—my advice from what happened today is you should feel free to go ahead and do your job as a lawyer. Who knows? You might wind up as the Chief Justice of the U.S. Supreme Court one day.

However, if you are a young Black person working on civil rights issues at the NAACP legal defense fund and you—under your obligations as an attorney—are called upon to handle an appeal for someone who committed a heinous crime, the message sent today is you're putting your career on the line.

If you fulfill your duty as a lawyer, you will be denied by the Senate from being an assistant attorney general in the U.S. Department of Justice. We have a double standard, a terrible double standard.

While in private practice, the Chief Justice of the Supreme Court defended

a mass murderer in Florida who committed eight murders. He is the Chief Justice of the Supreme Court. Did we hear one peep from the Republican side? I didn't hear anyone on this Senate floor at that time raising it as any issue at all for his qualifications to be a judge on the appeals court or to be the Chief Justice of the Supreme Court, and rightfully so. It should have never been an issue. He was fulfilling his legal obligations and his moral duty as a lawyer.

Debo Adebile, working as an attorney for the NAACP legal defense fund, did nothing different. He was only asked to work on an appeal. And because of that, and only because of that, he was excoriated on the Senate floor and denied his opportunity to be an Assistant Attorney General for Civil Rights.

Did anyone raise an issue of his qualifications? No. He is eminently qualified. But person after person spoke about the heinous murder that took place in Philadelphia, the murder of a police officer by a young Black man who had bragged about it—a heinous crime, a horrible crime. Debo Adebile didn't defend him at trial. He only filed appeals aimed at protecting the defendant's civil rights and the civil rights of all Americans.

I listened to the Senator from Pennsylvania this morning. He had a big poster with a picture of the police officer and his wife on their wedding day. He was talking about how horrible a crime this was, how the murderer had bragged about it, and all that is terrible.

But it had nothing to do with Debo Adebile. The Senator from Pennsylvania said it is why Mr. Adebile should not be approved to be an assistant attorney general, because he worked as a lawyer on a defendant's appeal.

What about the Chief Justice of the Supreme Court? He defended a person who killed eight people. I don't see my friends on the Republican side of the aisle clamoring to institute an impeachment process. Maybe they did not know that John Roberts defended a mass murderer. But now that they do, are they going to try to impeach the Chief Justice because he fulfilled his legal obligation to defend a murderer?

I hope you see the ridiculousness of that argument and how unfair it was for Debo Adebile to be denied—not on the basis of any qualifications but because he was fulfilling his duty as a lawyer. I have not heard one person say he is unqualified or he has done something that would disqualify him. No. He did what he was supposed to do within his legal profession—and he was denied.

Shame. Shame on this Senate. Shame on every Senator who claims to be a lawyer, who went to law school, raised their hand and was sworn into the bar. Shame on every lawyer who voted against Mr. Adebile because he worked on an appeal.

If somebody had some question about his qualifications or felt that Mr. Adebile is totally unqualified, that is a different story. I challenge anyone to come forward with anything remotely connected to his qualifications that would show him to be unqualified.

I wish to read—and I will close shortly—a quote from James Silkenat, the president of the American Bar Association. Listen up, lawyers.

He said:

A fundamental tenet of our justice system and our Constitution is that anyone who faces loss of liberty has a right to legal counsel. Lawyers have an ethical obligation to uphold that principle and provide zealous representation to people who otherwise would stand alone against the power and resources of the government—even to those accused or convicted of terrible crimes.

Continuing:

I was alarmed to learn that there is some opposition to Mr. Adebile's nomination based solely on his efforts to protect the fundamental rights of an unpopular client while working at the legal defense fund. His work, like the work of ABA members who provide thousands of hours of pro bono legal services every year, is consistent with the finest tradition of this country's legal profession and should be commended, not condemned.

Shameful. It was a shameful vote today, a rush to judgment based upon emotion.

I will not name any names, but I had one Senator say: My head tells me he should be confirmed, but my guts, my emotion, say no.

We make our decisions based on that around here? God help us. Maybe we ought to all go back and think about "To Kill a Mockingbird." Read the book, watch the movie, and know what it is to stand against the powers of government and defend someone who is unpopular.

Mr. Adebile wasn't even the defense attorney. He only worked on an appeal relating directly to legal issues particularly important to the civil rights community.

Shame on the Fraternal Order of Police. Shame on them. I have been one of their strong supporters for my 30 years, but shame on them for doing this. Shame on them. They mounted a campaign against Mr. Adebile just on that one thing. Shame on all of us here, especially the lawyers—especially the lawyers. It was a rush to judgment and a shameful episode in the history of the Senate.

I know Senator REID filed a motion to reconsider. I hope he will, and I hope people will pray on this and think back, especially the lawyers who are in the Senate. Think about it. Think about the ethical obligation, the ethical obligation to do what he did—and he did nothing wrong. Hopefully Mr. Adebile, on a motion to reconsider, will have the votes to take his position as Assistant Attorney General for Civil Rights in the Justice Department.

It is a shameful day for the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I thank my colleague from California for allowing me to precede her in speaking on the Senate floor this evening. I very much appreciate her courtesy.

(The remarks of Senator COLLINS pertaining to the introduction of S. 2081 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I was very interested in listening to both my colleagues, TOM HARKIN, who I thought was very passionate about the need to understand that when people do pro bono work, as Justice Roberts did, or they work for an organization, as our nominee did making the case a jury was perhaps tainted, that that not be used against them. I think he was passionate. I think Senator COLLINS makes a good point. I do wish to say she is totally right. The IRS should never, ever be used politically. We have gone through that in our lifetime, and it is absolutely wrong. I agree. But I also wish to point out that any organization taking big tax deductions which cost people money, but they are political—whether they are on the left, the right or the center—have to stop what they are doing too. I think she points out it is a careful balance.

We also don't want Members of Congress to intimidate and harass the IRS. That is wrong and a very careful balance. I look forward to looking at her bill to see if this oversight commission is something free from politics. That, to me, is the key. IRS should never be used politically.

MILITARY JUSTICE IMPROVEMENT ACT

Mrs. BOXER. I rise in strong support of the Military Justice Improvement Act. I am so proud to stand with 17 of the 20 women Members of this Senate on both sides of the aisle and with a large number of colleagues from both sides—a majority—to fight for real change in the way our military addresses the epidemic of military sexual assault.

When one is in Washington for a while—and I have been in Washington for a while. Thanks to the good people of California, I was elected to the House in 1982 and took my seat in 1983. I have seen this issue get worse and worse. The issue of sexual assault in the military is not new. Unfortunately, it is decades old.

It was 23 years ago that dozens of women and men were sexually harassed and assaulted in the halls of a Las Vegas hotel during the Tailhook Association's annual convention. The 1991 Tailhook scandal focused a national spotlight on the issue of military sexual assault, and then-Secretary of Defense Dick Cheney declared after it was over a zero tolerance policy.

I have to be completely blunt with everybody who may be listening to

this. The fact is, after Tailhook and all of these promises from everybody, I thought we would never see this epidemic grow as it has. I thought we stopped the epidemic of sexual assault in the military because it was heinous to see what they did when everyone said it would be over.

Let's take a look at how many Secretaries of Defense made a pledge. We will start from the bottom and work our way up to the top.

Secretary Cheney in 1993 said:

Well, we've got a major effort underway to try to educate everybody, to let them know that we've got a zero-tolerance policy where sexual harassment's involved.

So a real commitment from then Defense Secretary Cheney.

The next year it was Secretary William Perry. In 1996, he said:

For all reasons, therefore, we have zero tolerance for sexual harassment.

Then it was Secretary William Cohen. In 1997, he said:

I intend to enforce a strict policy of zero tolerance of hazing, of sexual harassment, and of racism.

Now we move to Donald Rumsfeld in 2004:

Sexual assault will not be tolerated in the Department of Defense.

These are beautiful words. But I say to those listening: Nothing has stopped this epidemic—Democratic or Republican Secretaries of Defense, it doesn't matter.

Then Robert Gates, who served both Republican and Democratic Presidents, what did he say.

This is a matter of grave concern. I have zero tolerance for sexual assault.

Leon Panetta, under President Obama:

We have absolutely no tolerance for any form of sexual assault.

I take sexual assault allegations very seriously. We have no place in the military for sexual assault.

Currently, Secretary Chuck Hagel, under President Obama:

It's not good enough to say we have a zero tolerance policy. We do.

But what does it mean? How does it translate into changing anything? I want to know.

These crimes have no place—no place—in the greatest military on earth.

We all agree with that. But here is what this shows you: Seven Secretaries of Defense, Republicans and Democrats, all these years—the first one being Dick Cheney in 1992—have all promised zero tolerance, and the problem of sexual assault in the military gets worse.

So Senator GILLIBRAND has issued a call to action. She has written a terrific bill, working with Republicans and Democrats, and we are getting a vote on the bill tomorrow—assuming we can break a filibuster, because there is a filibuster and we have to file cloture and we need a supermajority of 60 in order to get to an up-or-down vote.

So these promises to me ring hollow. I like so many of these people. I have

worked with so many of them. They are good people. They care. But these words are hollow. We have to change the way we deal with sexual assault in the military, and that is what this vote is about tomorrow. But we have to break a filibuster.

Here is what has happened to those who have come forward: Instead of justice, sexual assault survivors have faced retaliation, revictimization, and further abuse. Instead of justice, survivors have been kicked out of the military while their attackers go unpunished.

I will share some deeply troubling statistics which speak to the scope of this problem: 26,000 cases of sexual assault occurred in the U.S. military in 2012 and 1.2 percent were prosecuted.

Mr. President, I know how deeply you care about this. You were responsible for protecting justice for the people of Connecticut. What if you had a range of cases and only 1.2 percent were prosecuted? I am sure you would admit that something was very wrong. Of course, your record speaks for itself.

The point I am making is this: How can anyone defend the status quo? Yet we have a group of people here in the Senate who are defending the status quo. Yes, they are making changes around the edges. I give them that, and I am very happy with that. But they are not getting to the root cause of the problem, which is who decides whether these cases go forward. Who is the decider? That is why the Gillibrand amendment is so critical.

So I want people to keep this chart in their minds. These are all the assaults. The number prosecuted is 1.2 percent. That means that of the estimated 26,000 sexual assaults, only 302 were prosecuted. Keep that in mind—26,000 sexual assaults in the military and only 302 were prosecuted.

Let me give another troubling figure. One in five female servicemembers reported experiencing unwanted sexual contact while serving in the military. One in five female servicemembers reported experiencing unwanted sexual contact while serving in the military. There is something wrong with the culture there. These women are putting their lives on the line, and what do they get for it? One in five is experiencing unwanted sexual contact. And by the way, many of the men are too. But we have this statistic we wanted to share.

What is this misconduct that these women—one out of five women—in the military are facing, unwanted sexual contact? This means they are experiencing rape, sexual assault, and unwanted sexual contact while serving in the military. But they don't report it because they are too scared, and that is why the Gillibrand bill is so critical, and that is why we need to make sure we defeat that filibuster—because you cannot and should not filibuster justice. Let's get an up-or-down vote. How many more women and men will become victims of these heinous crimes