

We are telling ourselves what Neville Chamberlain once told himself about a different problem from hell in an earlier time; that is, and I quote Neville Chamberlain, "a quarrel in a far away country between people of whom we know nothing." Where is our outrage? Where is our shame?

It is true that our options to help in the conflict in Syria were never good, and they certainly are worse and fewer now. But no one should believe that we are without options, even now, and no one should believe that doing something meaningful to help in Syria requires us to rerun the war in Iraq. That is an excuse for inaction. That is not a question of options or capabilities; it is a question of will.

These images of the human disaster in Syria haunt me. They should haunt all of my colleagues and all Americans. But what haunts me even more than the terror unfolding before our eyes in Syria is the thought that we will continue to do nothing meaningful about it, and how that deadens our national conscience, how it calls into question the moral sources of our great power and the foundations of our global leadership, and how many years from now an American President will stand before the world and the people of Syria, as previous Presidents have done after previous inaction in the face of mass atrocities in far away lands, and say what all of us know to be true right now: That we could have done more to stop the suffering of others. We could have used the power we possess, limited though it may be; we could have exercised the options at our disposal, imperfect though they may be, and we could have done something. It is to our everlasting embarrassment that we did not.

That future President will apologize for our current failure. Shame on us if we let history repeat itself that way.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, I very much appreciate Senator MCCAIN's stunning delivery on this horrible situation going on in Syria.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I have a unanimous consent request just to get us through the day. I ask unanimous consent that notwithstanding lack of receipt of the papers if they have not arrived from the House, it be in order for the majority leader or his designee to move to concur in the House amendment to S. 25 at 1:30 p.m. today; if the message has arrived prior to 1:30 p.m., then the Chair lay before the body the message from the House at 1:30 p.m. and I then be recognized to move to concur in the House amendment to S. 25; that there be up to 30 minutes of debate equally divided between the two leaders or their designees; that upon the use or yielding back of time, the Senate proceed to vote on the motion to concur in the House amendment;

and the motion to reconsider be considered made and laid upon the table, with all of the above occurring with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, we are going to have up to four votes starting at 11:30 a.m., and then at 1:30 p.m. we will come back and finish some other business today. We hope to have a lot of votes today. I am aware, as I mentioned last night, we are following the storm on an hourly basis, and we should know within the next few hours how accurate the reports of the snowstorm—good or bad—will be.

Mr. MCCAIN. Mr. President, I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TOOMEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. TOOMEY. Mr. President, I ask unanimous consent to speak in morning business.

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

ADEGBILE NOMINATION

Mr. TOOMEY. Mr. President, fairly recently, the President of the United States nominated a candidate to lead the Civil Rights Division of the Justice Department. His name is Debo Adebile. I am here this morning to explain to my colleagues why I believe that Mr. Adebile is a very bad choice to run the Civil Rights Division of the Justice Department.

To make my case clear, I need to start with a story of a slain Philadelphia police officer. His name was Daniel Faulkner. This is a picture of Daniel Faulkner. It is important to tell his story. It is a story that begins 32 years ago. Many people have never heard this story, others have perhaps forgotten, since it was some time ago.

But the fact is that Danny Faulkner can no longer speak for himself and those who have tried to speak for him have often been drowned out by some powerful and wealthy voices that have had a political agenda and that have perversely defended his killer rather than the memory of Daniel Faulkner.

The story begins late at night on December 9, 1981. It was actually in the early morning hours that 25-year-old Philadelphia police officer Daniel Faulkner stopped a car that was driving in Philadelphia. The driver got out of the car and began to assault Officer Faulkner. The driver's brother Mumia Abu-Jamal was watching the incident from across the street. When he saw what was happening and as Officer

Faulkner attempted to handcuff the driver of the car, Abu-Jamal ran up to the car and shot Officer Faulkner in the back. As Officer Faulkner was falling, he got off a shot, but the shot did not seriously wound Mumia Abu-Jamal.

Officer Faulkner then collapsed on the ground. While he was lying on the ground, helpless, defenseless, and severely wounded, Mumia Abu-Jamal stood over him and pumped four more bullets into him, including five bullets to the face, which killed Danny Faulkner on the spot.

Abu-Jamal himself was quickly apprehended. There were police who were on the next block over, and they got there almost immediately. They arrested Mumia Abu-Jamal. They took him to the hospital because he had been wounded, and while he was at the hospital he bragged about the fact that he had just shot a police officer and stated that he hoped the police officer would die.

Given these facts, Mumia Abu-Jamal's guilt was never in any serious question. There was a trial. There were four eyewitnesses to the shooting. There were three other witnesses who heard Mumia Abu-Jamal brag about the murder he had committed while he was in the hospital. In addition, there was ballistic and forensic evidence that made his guilt completely obvious to everyone. So it was not surprising that a jury took only 3 hours to convict Mumia Abu-Jamal after the trial occurred. It took them a further 2 hours to sentence him to death.

Then, instead of allowing Daniel Faulkner's young 24-year-old widow and his extended family to grieve in peace, a group of political opportunists decided this would be the case they would use to launch a campaign to further their political agenda. They fabricated a whole set of claims that Mumia Abu-Jamal was somehow framed. They spread lies about the trial. They organized a rally. Amazingly, what they were doing was portraying Mumia Abu-Jamal as a victim when, in fact, he was unquestionably a cold-blooded murderer.

It was part of a bigger campaign to turn Abu-Jamal into a celebrity and use him by those who had an agenda to attack America's criminal justice system. Unfortunately, to a large extent it worked. Abu-Jamal the murderer became somewhat of a celebrity in certain Hollywood circles. In Paris, they even named a street after him, and there were plenty of high-priced lawyers who lined up to volunteer their time to jump on this cause and to file endless series of appeals in a case that was an open-and-shut case. This, of course, among other things, had the effect of forcing Danny Faulkner's widow to relive this tragedy, this disaster for her, time after time, for decade after decade.

This gross abuse of justice, this travesty of justice had been going on for nearly three decades when in 2009 the

NAACP Legal Defense Fund, or the LDF, decided to volunteer its time, considerable resources, and its donor funds to join in this fray, to join in this travesty, initially as an amicus to the trial and then as co-counsel.

The President's nominee to run the Civil Rights Division, Mr. Debo Adegbile, was the person responsible for the LDF's decision and its behavior in this outrageous set of circumstances. At the time, he was the LDF's director of litigation, and, as Mr. Adegbile told our own Senate Judiciary Committee during his testimony, he "supervised the entire legal staff" at LDF. That was 18 lawyers. He was also, if one looks at the LDF's site, responsible for "providing leadership and coordination regarding both litigation and non-litigation legal advocacy" and was also, according to the LDF's own description, "responsible for LDF's advocacy both in the courts of law and in the court of political opinion." So all of the legal, public, and political actions LDF was taking, it was taking under the direction, the supervision, and the authority of Mr. Adegbile.

It is important to understand this. There is a very clear legal principle that a supervising lawyer has the responsibility for the actions undertaken by the lawyers who report to him. That is the case in these circumstances, as well as the fact that the LDF openly acknowledges this.

What is it that the LDF lawyers then did in the circumstances of this case? When they should have been pursuing their historic role of providing the truth and justice for American people, they were advancing neither cause.

It is also important to point out that this was never a case of a criminal deserving a legal defense. Criminals do deserve appropriate legal counsel in their defense. The fact is that the trial had occurred decades ago. Abu-Jamal had multiple high-cost lawyers volunteering their time. He had plenty of lawyers. He didn't need more lawyers. What Mr. Adegbile did was he decided to join a political cause. That is what he decided to do. That is what this was all about. In my view, by doing so he demonstrated his own contempt for and, frankly, a willingness to undermine the criminal justice system of the United States.

Under Mr. Adegbile's oversight, the LDF spread misinformation about the trial, about the circumstances, and about the jury. He promoted division and strife among the American people and blocked justice for Danny Faulkner and Danny Faulkner's family. These LDF lawyers promoted the myth that Mumia Abu-Jamal was somehow a heroic political prisoner and that he was framed. In fact, he was a coward and an unrepentant murderer.

Under Mr. Adegbile's oversight, in January 2011 the LDF issued a press release decrying what I quote as the "grave injustices embodied" in Abu-Jamal's case.

In May 2011 two of the lawyers reporting to Mr. Adegbile traveled to

France for a rally on behalf of this murderer Mumia Abu-Jamal. One of these LDF lawyers said she was "overjoyed" that Mumia Abu-Jamal's death sentence was suspended but bemoaned the fact that he would not have a new trial so he could be set free.

Another LDF lawyer described Abu-Jamal as "people who are innocent" but "will continue to be put to death in America." Later, the same lawyer would falsely state that there was an absence of forensic evidence tying Abu-Jamal to Officer Faulkner's death. The fact is that there was forensic evidence. There were four eyewitnesses to the murder, and there were three witnesses to the subsequent bragging by Abu-Jamal about the murder.

At another rally again celebrating this murderer, one of the LDF lawyers supervised by Mr. Adegbile gushed: "It is absolutely my honor to represent Mumia Abu-Jamal." This attorney went on to say: "And there is no question in my mind, there is no question in the mind of anyone at the Legal Defense Fund, that the justice system has completely and utterly failed Mumia Abu-Jamal."

I have to say I agree the justice system failed, but the justice system failed Danny Faulkner, not Mumia Abu-Jamal.

Now we are faced with a situation where an individual who was directly responsible for some of these terrible injustices that have been done in the wake of Danny Faulkner's murder has been nominated to a high-ranking position in the Justice Department. The Civil Rights Division is an extremely important division in the Justice Department. The head of this division plays a very important role. And what is his responsibility? According to the division's Web site, the Civil Rights Division "fulfills a critical mission in upholding the civil and constitutional rights of all individuals." Of course, this requires that the head of the Civil Rights Division have an absolute commitment to truth and to justice.

I do not believe Mr. Adegbile's nomination is consistent with the goal of promoting truth and justice in America. I do not believe Mr. Adegbile's nomination is consistent with respect for America's legal system and rule of law. I do not believe Mr. Adegbile's nomination is consistent with justice for the family of Officer Danny Faulkner or for anyone else who cares about the law enforcement community across this country. For these reasons, I will oppose Mr. Adegbile's nomination to head the Civil Rights Division, and I urge my colleagues to do the same.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. I ask unanimous consent to proceed on my leader time.

The ACTING PRESIDENT pro tempore. The Senator has that right.

The Senator is recognized.

HEALTH CARE

Mr. MCCONNELL. Yesterday President Obama was asked about the administration's latest ObamaCare delay. Instead of finally explaining to the American people why he believes certain employers would get ObamaCare exemptions while the middle class should not, he just doubled down again on the same old talking points. It is truly disappointing.

I wish he would finally agree to work with Republicans on a way to replace ObamaCare with bipartisan reforms that could help the middle class and those who are hurting the most because this much is now perfectly clear: ObamaCare is not working the way the administration promised. It is hurting the middle class, it is eliminating incentives to work in the middle of a jobs crisis, and it will lower overall compensation—things such as salaries, wages, and benefits for the American people—with those who earn the least potentially the most negatively impacted of all.

ObamaCare is a law that is not fair, and this is essentially true for many of those it purports to help. For all the disruption and pain, it is a law that will still leave 31 million Americans uninsured at the end of the day. That is why it is not surprising when we hear that nearly 90 percent—9 out of 10—of the new enrollees in ObamaCare exchange plans are actually folks who were already insured, many of them simply shifting from plans they liked to more expensive plans the government thinks they should have. This leads so many Americans to ask: What was the point? What was the point of ObamaCare?

For months the folks in my State have watched the administration hand out exemption after exemption to its friends and waiver after waiver to the politically connected. They are left to think, how is that fair? More than one-quarter of a million Kentuckians received notice last year that their health insurance plans would be canceled because of ObamaCare. Kentuckians lost plans they liked and wanted to keep. Many realized that they wouldn't be able to afford new coverage or that new plans wouldn't cover the doctors and hospitals they have come to know and trust or that massively increased premiums and deductibles would radically alter the ways they lived and worked.

So while I am sure the folks who conceived the law meant well, this much seems perfectly clear by now: Trying to run folks' lives from hundreds of miles away is not the way to help. It is often the way to make things worse.

Kentuckians are capable of making the decisions that worked best for them, for their own medical needs and financial situations. I am sure there is some think-tank report that might disagree. I know there is no end to well-