

The Senate also has a constitutional responsibility—to give the nominee a fair hearing and a timely vote.

This is about democracy and protecting the institution of the Supreme Court.

What we are seeing from Republicans is a clear pattern of obstruction. They have shut down the government, threatened not to pay our debts, and halted the nomination process before it has even begun.

This divisiveness is a detriment to our democracy, an affront to justice, and an insult to the American people, who deserve to have their nation's highest court working at full capacity.

Republicans have said that there is no precedent for confirming a Supreme Court nominee during an election year. That is blatantly wrong: six Justices have been confirmed in presidential election years, including three Republican appointees.

Since the 1980s, Congress has almost never left any vacancy during a single Supreme Court session.

What is unprecedented in modern history is denying the President of the United States a hearing or vote on a nomination to the Supreme Court.

And yet that's what the Republican plan is. It's hard not to see this as an effort to delegitimize the nation's first black president.

Republicans have been trying to derail President Obama ever since he took office.

And now, whoever ends up being nominated for the Supreme Court, regardless of qualifications, will be rejected simply because he or she is an Obama nominee.

The disdain Republicans have for Obama is so great that they are willing to trample on the U.S. Constitution to prevent him from appointing a judge to the Supreme Court.

The U.S. Constitution—the very document that Republicans like to accuse the President of ignoring—states that the president “shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . Judges of the Supreme Court.”

Not only does he have the right, he has a duty to appoint a judge to the Court.

Now, President Obama made clear that he seeks judges “who approach decisions without any particular ideology or agenda, but rather a commitment to impartial justice, a respect for precedent, and a determination to faithfully apply the law to the facts at hand.”

There is nothing radical about the President's position. His comments speak to his respect for the law and the seriousness he brings to the nomination process.

Republicans must do their job as it relates to that process—earnestly debate and then vote on the person nominated by the President.

There are many hotly debated issues in our country—immigration, gun reform, health care, campaign finance; issues that necessitate the maximum strength of the Supreme Court.

The American people deserve far better than attempts by Republican politicians in Washington to stack the Supreme Court with far-right judges who will forgo impartial justice to advance the conservative agenda.

They expect their government to work for them, and Senate Republicans must meet that expectation by swiftly filling the vacancy on the Court.

SUPREME COURT VACANCY

SPEECH OF

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 2016

Ms. JACKSON LEE. Mr. Speaker, sixteen days ago, and just moments after learning the sad news that Antonin Scalia, the most senior Justice on the Supreme Court, had died in his sleep at the age of 79, the Republican Senate Majority Leader, announced emphatically that “this vacancy should not be filled until we have a new President.”

Later that evening, the Senate Majority Leader's position was echoed at a presidential primary debate in South Carolina by every Republican presidential candidate.

Justice Scalia may have had many qualities but none endeared him more to his admirers on that debate stage and across the country than his professed devotion to the rule of law, his exaltation of the doctrine of “original intent,” and his insistence that the meaning of the Constitution is to be divined only from the strictest reading of the text.

Given the praise heaped on Justice Scalia by Republican senators and presidential candidates, it is passing strange indeed that they claim to be honoring his memory by taking a position that repudiates the very principles Justice Scalia devoted his life to advancing.

Mr. Speaker, so-called “strict constructionists” claim that the Constitution is to be interpreted according to its literal text.

Well, there is nothing clearer than the provision in Article II, Section 2, which states that the President “with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court[.]”

To read the Constitution as containing a limitation restricting the President's exercise of this power in the fourth year of his term of office would be to treat the Constitution as a “living document” and to engage in the type of judicial activism that Justice Scalia opposed and fought during his 30 years on the Court.

Indeed, just three years ago, at Southern Methodist University in Dallas, Justice Scalia in discussing his judicial philosophy, expressed his view of the Constitution: “It's not a living document. It's dead, dead, dead.”

If it had been the original intention of the Framers to restrict the President from nominating Supreme Court Justices to fill vacancies occurring in the fourth year of his or her term, they would have manifested that intent clearly, explicitly, and unmistakably, as they did in conditioning Supreme Court appointments to the advice and consent of the Senate and in prohibiting the President from exercising the Pardon Power in cases of impeachment.

Mr. Speaker, disregarding the procedure expressly set forth in the Constitution for filling vacancies on the Supreme Court because it may not result in the appointment of one's preferred justice makes a mockery of the “rule of law,” adherence to which is claimed to be the most sacred principle of both judicial and political conservatives.

The bottom line is this: for those who revered Justice Scalia, cherish his memory, and wish to do honor to the work of his life, the way forward is clear.

And that is for Republican senators to gladly receive, when it is put forward, President Obama's nominee to fill the vacancy left by the death of their hero and discharge their constitutional duty to advise and consent (or not consent) to the nomination as reflected by an up or down vote on the nominee.

Republican senators protest there is an 80 year precedent against confirming a Supreme Court nominee during an election year, and besides, there is not sufficient time even if they wished to do so.

This is a short horse soon curried.

The most recent instance where there was a vacancy on the Supreme Court in an election year occurred not 80 but 28 years ago, in 1988, during the administration of President Reagan.

That vacancy was filled on February 3, 1988 by the appointment of Justice Anthony Kennedy, who was confirmed 97–0 by a Democrat-controlled Senate.

The Justice Kennedy nomination is the controlling precedent, as Justice Scalia would recognize.

The erudite Justice would say to anyone claiming otherwise, “*Leges posteriores priores contrarias abrogant*,” which is Latin for the canon of judicial interpretation that “the last expression of the people prevails.”

There are 326 days left in President Obama's term, which is more than sufficient time for the President to nominate, and for the Senate to consider and vote to confirm or reject his nominee.

Since 1900, there have been 60 Supreme Court vacancies.

The average time taken to fill these 60 vacancies is 73 days, which is less than 25% of the time remaining in the President's term.

The average time to fill each of the 13 vacancies since 1975 is a mere 67 days.

And of the current members of the Supreme Court, the average time is 74 days, the longest being the 99 days taken to confirm the controversial nomination of Justice Clarence Thomas in October 1991.

Mr. Speaker, as is often noted, elections have consequences; they also impose responsibilities and duties.

And one of the most important duties imposed by the Constitution on the President is to nominate persons to fill vacancies on the Supreme Court and for the Senate to consider those nominations with dispatch.

The Supreme Court is the nation's highest court and its essential and indispensable role in our constitutional system is to provide definitive interpretations of American law and the Constitution.

Its decisions are the law of the land binding in every state and territory.

The Supreme Court is the only judicial tribunal capable of providing the legal clarity and certainty required for the legal system to function and give meaning to the rule of law.

President Obama has announced that he intends to fulfill the responsibility devolved upon him by the Constitution and will submit to the Senate a nominee to fill the large shoes left by the late Justice Antonin Scalia.

The Senate should fulfill its constitutional duty to advise and consent, or withhold its consent, by casting an up or down vote on that nomination.

That is the way to pay fitting tribute to Justice Scalia, to honor the Constitution, and to keep faith with the American people.

CELEBRATING THE INDIANA
BOROUGH BICENTENNIAL

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2016

Mr. SHUSTER. Mr. Speaker, I rise today to congratulate the Indiana Borough in Pennsylvania's 9th Congressional District for reaching a huge milestone: its Bicentennial.

Officially incorporated on March 11, 1816, countless citizens of the Indiana Borough have contributed to and witnessed the impressive development of a uniquely welcoming and enterprising community over the past 200 years. As a proud American city, Indiana can claim as one of its many notable contributions to our country to have had citizens participate in the Civil War, World Wars I and II, the Korean conflict, the Vietnam War, and our wars in Iraq and Afghanistan. What's more, the borough has helped develop citizens who have contributed meaningfully to just about every aspect of our society, including: business, education, medicine, the arts, and politics. As many of my constituents know, Indiana Borough is also the hometown of famous Hollywood actor Jimmy Stewart. Additionally, it is home to the Indiana University of Pennsylvania, which attracts thousands of bright students to the area each year.

As the product of a region that has experienced the benefits of a strong coal industry, I am also proud to highlight Indiana Borough's contributions to the rich heritage associated with coal mining. There can be no doubt that over the past 200 years, the Indiana Borough has contributed an invaluable spirit as well as list of accomplishments and successful residents to the Commonwealth of Pennsylvania, and I am certainly proud to represent this borough and its citizens.

As such, it is with great pleasure that I congratulate the Indiana Borough and its remarkable citizens on this Bicentennial milestone, and wish them an even brighter future.

RECOGNITION OF GUY PRESTON
RICHARDSON

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2016

Mr. GUTHRIE. Mr. Speaker, I rise today to honor and remember the life of Guy Preston Richardson Sr. of Danville, Kentucky, who passed away on Friday, December 11, 2015.

Guy was a World War II veteran, serving in the U.S. Army from 1944–1946. He earned his paratrooper wings, and served in the 11th Airborne that fought in the Battle of Mount Macolod and liberated the Philippines. Guy was awarded the Bronze Star and was part of the honor guard to witness the return of General Douglas MacArthur.

After serving with the occupation forces in Japan for a year, he returned to Danville, Kentucky, in 1946 to attend Centre College on the G.I. Bill. It was there that he met the love of his life, Sue Swan. Following graduation, Guy went into his family's grocery business, which he successfully managed for more than 50 years.

Mr. Richardson was an active member of the First Presbyterian Church of Danville for more than 60 years, serving as a Stephen Minister, Sunday school superintendent, deacon, elder, and trustee. He was a former president of the Rotary Club of Danville when, as a survivor of polio, he led the effort to raise local money to eradicate polio. He was also a former president of the Boyle County Chamber of Commerce, and served on the boards of the Boyle County Library, Ephraim McDowell Hospital and Central Kentucky Federal Savings Bank.

A lifelong, passionate student of politics and policy, Guy was the model of an engaged citizen. He managed numerous campaigns for State Representative Joe Clarke over the course of 20 years. He was a leader in the local civil rights movement to integrate the Danville schools, and was part of Dr. Martin Luther King's 1964 march in Frankfort, KY. He is survived by his wife of 66 years, Sue, their four children, and many grandchildren.

True to his abiding faith, Guy Richardson sought justice and was dedicated to his community in Boyle County and the Commonwealth of Kentucky.

HONORING MRS. LORI PAULSON
OF LAS CRUCES, NEW MEXICO

HON. STEVAN PEARCE

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2016

Mr. PEARCE. Mr. Speaker, I rise today to recognize and honor an outstanding citizen in the great State of New Mexico, Mrs. Lori Paulson. Lori, despite being diagnosed with pancreatic cancer in 2013, has dedicated the last two years to the betterment of her community, and beloved New Mexico State University. She is undoubtedly an inspiration and role model to all she meets. In the last two years, Lori has become more than a friend or mentor to the NMSU football team, she has become family.

During both the 2014 and 2015 football season, Lori served as the Aggies' honorary captain—attending practices and events with the team, even participating in the opening coin tosses during every home game.

Throughout her time with the team, Lori has helped players through injury and personal tragedy. Recently, Lori took another step to help the school and team she loves—she gifted \$100,000 to the football program in the creation of the Lori Paulson Football Excellence Fund. When asked about the donation, Lori simply stated—“It's just me confirming what I have always said, which is that I believe in them.”

Lori is an exemplary Aggie. We can all learn from her selfless dedication and courage. As a fellow Aggie and New Mexican, it is an honor to rise and recognize Lori's commitment to her community and alma mater.

PERSONAL EXPLANATION

HON. TERRI A. SEWELL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2016

Ms. SEWELL of Alabama. Mr. Speaker, during the votes today, March 1, 2016, I was in-

escapably detained and away handling important matters related to my district and the State of Alabama.

If I had been present, I would have voted:

Yes on H.R. 136.

Yes on H.R. 3735.

HONORING THE WOMEN WHO
SERVED DURING WORLD WAR II
FOR THEIR CONTRIBUTIONS TO
THE UNITED STATES OF AMERICA

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2016

Mrs. MILLER of Michigan. Mr. Speaker, I along with Representative DINGELL would like to recognize an incredible group of women today. On May 29, 1943, in the midst of war, a new image appeared on the cover of the Saturday Evening Post. Created by Norman Rockwell, it was an image of a woman who was strong and brave. The image acted as an introduction to heroes the American people had already come to know. These heroes, known as Rosie the Riveters, have been solidified in our national memory as champions. Initially, there was uncertainty as to whether or not women should be allowed to work in industries and fill positions that were previously only occupied by men. However, as the war moved on, women began to fill positions in the workplace and keep American industry, and the war effort, afloat. Slogans such as “The More Women at Work the Sooner We Win” were sprawled across newspapers and magazines and appealed to women's patriotism and willingness to serve.

As a part of Women's History Month, on March 22nd, we will welcome a group of “Original Rosies” to the United States Capitol to celebrate their tremendous contributions to our nation.

To these women we say: through your service during the Second World War, you played an invaluable role in the war effort and victory as a part of the Greatest American Generation. Your rigorous work and passionate love of our great country are arguably what sustained the American people, at home and abroad, during a volatile time of war and uncertainty. You made great personal sacrifices and served with such infectious zeal that you were able to reinvigorate the war effort and inspire, encourage, and support your communities. Since your time serving during the War, the number of working women in the United States has never fallen to pre-war levels; this is one of countless examples of your legacy. Your generation paved a path for the generations of women to follow.

We are grateful for the work you have done. We honor you and recognize your work as a symbol of American strength and ingenuity. Rosie's story inspires us. You inspire us, and we will continue to tell your stories to our children and grandchildren to ensure the American spirit, which you embody, never leaves our hearts. Your spirit is a reminder to the American people that we, too, can do something more for our country.