

of programs carried out in Philadelphia, you will see almost every innovative reform that has been proposed in urban schools.” So it is no surprise that Dr. Clayton received all manner of awards and honors. Let me mention a few: the Dr. Constance E. Clayton Chair in Urban Education at the Graduate School of Education at the University of Pennsylvania, which was named in her honor—the first endowed professorship in the United States to be named after an African-American woman. She received the Distinguished Daughters of Pennsylvania Award and the Humanitarian Service Award from the Philadelphia Commission on Human Relations, as well as the 2008 Star Community Commitment in Education Award from the Philadelphia Education Fund, just to name a few. She has received honorary doctorates from 17 colleges and universities, not to mention being a visiting professor at Harvard Graduate School of Education. I could go on and on today.

She currently serves as trustee of the Philadelphia Museum of Art, chairing the African and Afro-American Collections and Exhibits Committee and is a life member of the Delta Sigma Theta Sorority, where she has served in multiple leadership roles.

Connie Clayton’s life has been a life of service. We know that in our State capitol—the building has the following inscription: “All public service is a trust given in faith and accepted in honor.” Dr. Clayton honored the trust of public service. She validated the faith that the parents of all those students placed in her to carry out that trust, and she always put schoolchildren first. So on behalf of those students and their parents and everyone else her work touched in the course of her long career, it is my distinct privilege to honor Dr. Constance E. Clayton in celebration of Black History Month on the Senate floor today. I want to convey our gratitude for her devotion to education and, of course, to the children of Philadelphia.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CORNYN. Madam President, it has been since January 20 when President Trump was inaugurated that we have been trying to get his Cabinet choices confirmed here in the Senate. Unfortunately, it has been slow-walked to the point now that tonight we are going to be voting on the President’s nominee to lead the Commerce Department, Mr. Wilbur Ross. I am grateful to Mr. Ross for wanting to serve the country in this way. I think President Trump has chosen wisely as to the Commerce Secretary.

One of the things President Trump said Mr. Ross will do is enter into the negotiation process on NAFTA, the North American Free-Trade Agreement. In my part of the world, in Texas, NAFTA is viewed positively; it is not a dirty word.

Some people have suggested that trade somehow has a negative impact on our economy, but I believe the evidence is to the contrary. As a matter of fact, just between Mexico and the United States—5 million jobs depend on binational trade between Mexico and the United States. I know from time to time we have differences of views with Mexico. I saw that Secretary Kelly and Secretary Tillerson were in Mexico City on Wednesday talking about some of those differences but reassuring our Mexican counterparts of our sincerity and good will in trying to work through those. But the fact is, we share a common border with Mexico. What happens in Mexico has an impact on the economy and public safety in the United States and vice versa.

So I am actually grateful for the conversation I have had with the Secretary of Commerce nominee, Wilbur Ross and that he is interested in updating NAFTA, the North American Free-Trade Agreement, rather than throwing the baby out with the bath water. I think that is a positive approach and one that I certainly support.

We have a lot more Cabinet posts that remain vacant in the executive branch because our friends across the aisle have decided that somehow serves their political interests. But it does not serve the public’s interests and it does not serve the country’s interests to have a brandnew administration without the ability of the President to pick and choose the people he wants to help him govern the country. It creates more problems, and it also prevents us from getting on with the other important business of the Congress and working together with this President to try to move the country forward in so many important ways.

I am glad we will actually consider Congressman ZINKE’s nomination for the Department of Interior later this evening, but we are going to have to go through this arduous process, this procedural process of cloture and postcloture time-burning before we can actually vote on this qualified nominee. I have said before that by holding up these qualified nominees, they are not only preventing the executive branch from working for the benefit of the American people, but they are also keeping us from our other job. After we get out of the personnel business, we need to get about the business of legislating and producing results for the American people. So I hope that at some point and at some point soon, our Democratic friends will let us move on from the confirmation process and get down to work where we can make that progress.

NOMINATION OF NEIL GORSUCH

One of the areas in which I am very excited about our ability to effect change will be in considering the President’s nominee to fill the seat left vacant by the tragic passing of Justice Antonin Scalia. It has been a month since President Trump nominated Judge Neil Gorsuch to that position. As Americans—including Members of the Senate—are familiarizing themselves with his incredible record, I have been glad to see folks on both sides of the aisle speak so well of him, not just his sterling character and his sterling legal career but how he appears to be really the role model for the type of person you would want to see sitting on the Supreme Court of the United States. Those who know him and his work understand that he exemplifies the integrity, intellect, and accomplishment we would expect from someone on our highest Court.

Some of our colleagues across the aisle—notably the minority leader—have complained that Judge Gorsuch has refused to prejudge certain issues he has been asked about that will likely come before him as a member of the Supreme Court of the United States. I think Judge Gorsuch has it right. It is common practice for Supreme Court nominees, reflecting the judicial ethics of not deciding cases before they are actually presented, to decline to answer those sorts of speculative questions. Justice Ginsburg, whom the minority leader clearly respects, made this point eloquently, and Supreme Court nominees have adhered to the norm ever since. If following the well-conceived practices developed by people like Justice Ginsburg of declining to answer questions about how they would decide a case if it came before the Supreme Court—certainly if that is the rule she would embrace, then that ought to be good enough for Judge Gorsuch as well.

I think it reflects the fact that our friends across the aisle who are looking for something to complain about with Judge Gorsuch simply can’t find anything, and so they are creating this false choice of asking him to decide cases before he even assumes the bench on the Supreme Court, which clearly is unethical for any judge to do because judges are not politicians running on a platform; a judge’s job is to decide the law according to the law and the Constitution. How can you possibly know before the case is presented what the facts might be or how the issue might be presented to the court?

Every ethicist, every legal scholar who has had a chance to comment on such things understands that we can’t ethically require judges to say how they would decide cases before they go on the court. If they did, I think they would be disqualified from serving because they would really be just a politician wearing a black robe but one who is unaccountable to the American people since they serve literally for life.

Editorial boards across the country and even former Obama administration officials have recognized Judge Gorsuch as a man who would “help restore confidence in the rule of law.” Before he was even announced as the nominee, an editorial in the Denver Post, his hometown newspaper, encouraged President Trump to select him. They called Judge Gorsuch “a brilliant legal mind and talented writer.” That same paper, by the way, endorsed Hillary Clinton for President. But they agree that Neil Gorsuch is a tremendous nominee for the Supreme Court.

Just last week, the Washington Post issued an article titled “Simply stated, Gorsuch is steadfast and surprising.” Well, that is a very concise way to put it, and it is actually a great summary. He is steadfast in his belief in originalism; that is, the text of the Constitution actually means what it says, not based on some desire to see some particular policy affected that has nothing to do with the literal text of the Constitution. That is what judges do—they interpret a written Constitution, not an evolving Constitution or decide cases based on their public policy preferences.

It is clear that Judge Gorsuch is independent. He interprets the law as a judge should—with fairness and without bias.

To put it another way, Judge Gorsuch is exactly the kind of nominee you would hope to see from any administration, and it is gratifying to see him nominated to this important seat by President Trump. I am sure, because of the qualities I have described, that is why he was previously confirmed unanimously by the U.S. Senate to his current position on the U.S. Court of Appeals for the Tenth Circuit.

Judge Gorsuch is a tremendous jurist and scholar. He will be appearing before the Senate Judiciary Committee in March for questioning by members of the Judiciary Committee, and then there will be a vote. He has been confirmed by the Senate before unanimously, as I said, because he was then and is now a mainstream pick with an exceptional legal record. The more we learn about him, it seems the more we hear from folks along his journey from childhood, to law school, to his professional life, commending his intellect, integrity, and his strong sense of character. I believe he is simply the right man for the job. I look forward to considering him before the Judiciary Committee and to confirming him soon.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

CALLING FOR THE APPOINTMENT OF A SPECIAL COUNSEL

Mr. LEAHY. Madam President, I have been concerned. As I read the press and talk with officials, I learn more about the troubling connections between the Russian Government and President Trump’s campaign and administration.

We already knew—it is very, very factual—that Russian President Putin ordered a multifaceted campaign to undermine public faith in our election and to help President Trump win in November. That is something all of us as Americans should be concerned about. Whether you are a Republican, a Democrat, or an Independent, when you have that kind of an attack on our democracy, it is a concern to all of us.

Reports indicate that Trump officials were in repeated contact with senior Russian intelligence officials during this time. This comes on the heels of the President’s National Security Advisor having to resign after providing misleading details on conversations he had with the Russian Ambassador concerning U.S. sanctions. But there is a lot we still don’t know, including the extent of the contacts, who directed them, whether people who at one point or another left the Trump campaign were involved, whether there was collusion, and, of course, the obvious question: What did the President know and when he did he know it?

The American people deserve to know the facts. They deserve a full and fair investigation that is free from any political influence. The White House has already demonstrated it is not going to respect the independence of this investigation. The fact that the White House Chief of Staff attempted to use the FBI—in violation of Justice Department policies—to suppress news reports about Russian contacts reveals why we really can’t trust the White House to play by the rules. And, of course, the rules are very, very clear.

For these reasons, I am calling on Attorney General Sessions to step aside on this issue and to appoint a special counsel to conduct an independent investigation. That is not an attack on Attorney General Sessions. I have known him for 30 years. I just want to make sure we do not have these continuing questions about what the President knew and when he knew it.

Even a cursory review of the Justice Department’s recusal standards reveals that the Attorney General does not—indeed, cannot—have the independence necessary to assure wary Americans that this investigation will be driven by the facts, not by relationships. Certainly those who have served as prosecutors—Attorney General Sessions has; I have—know that there are times when the prosecutor has to step aside and let someone else do it just so that everybody can be confident in the investigation.

In fact, Justice Department regulations mandate that “no employee shall

participate in a criminal investigation or prosecution if he has a personal or political relationship with . . . [a]ny person or organization substantially involved in the conduct that is the subject of the investigation.” Of course, a “political relationship” is defined as “a close identification with an elected official . . . arising from service as a principal adviser thereto.” Prior to his confirmation, when we were holding the confirmation hearings on then-Senator Jeff Sessions, I asked him whether he met the standard. It is not really a close call. The rule perfectly describes the relationship between Attorney General Sessions and President Trump. But he brushed the question off, claiming that he was “merely . . . a supporter of the President’s during the campaign.”

Well, that is an obvious mischaracterization of the role he played as a top adviser to the Trump campaign. Attorney General—then-Senator—Sessions was widely recognized as a central figure in the campaign. He had his fingerprints all over the President’s policies. In fact, one of the President’s top advisers, Steve Bannon, even called him the President’s “clearinghouse for policy and philosophy.” That is a pretty close connection. I could hardly think of anything closer. To suggest the Attorney General was just “a supporter” and that he did not have a “political relationship” with the Trump campaign, when you look at the Bannon comments, that is patently false.

If the Attorney General refuses to follow the Department’s recusal standard—now as the head of the Department, well, then, I would hope he would follow his own recusal standards. Last year, just days before the election, then-Senator Sessions and other Trump campaign surrogates wrote an op-ed. He criticized then-Attorney General Lynch for not recusing herself from matters involving Secretary Clinton. The basis of his complaint was a “39-minute conversation”—to use his words—that Attorney General Lynch had with former President Bill Clinton in Phoenix, AZ. I would hope he would set the same standard for himself that he sets for others because it is kind of hard to talk about a half-hour conversation and say that requires recusal when it comes to the Clintons, but a year’s worth of vigorously campaigning with and vigorously advising does not when it comes to the Trump campaign. A year working on the Trump campaign doesn’t count, but 39 minutes talking to former President Clinton does? Come on. If that is the standard for recusal in one case—I won’t do the math on how many times 39 minutes goes into a year, but I would say, using Jeff Sessions’ own standards, he has far, far, far more reason to recuse himself in this matter.

During the 20 years I have worked with him, Jeff Sessions has often spoken of his commitment to the rule of law. I know he feels strongly about