

outsource the vetting of potential nominees to far-right organizations, many of them lobbying organizations, that want to stack the judiciary with ideological conservatives who are outside the mainstream. He promised a nominee who would overturn 40 years of jurisprudence established in *Roe v. Wade*. With the selection of Judge Gorsuch, it appears as though he is trying to make good on that promise.

When we confirmed Judge Gorsuch for the Tenth Circuit Court of Appeals—and I was a Member of the Senate at the time—I knew he was conservative, but I did not do anything to block him because I hoped he would not impose his personal beliefs from the bench. In fact, at his confirmation hearing in 2006, Judge Gorsuch stated that “precedent is to be respected and honored.” He said it is “unacceptable” for a judge to try to impose “his own personal views, his politics, [or] his personal preferences.” Yet, just last year, he tried to do that. He called for important precedent to be overturned because it did not align with his personal philosophy.

From my initial review of his record, that I have just begun, I question whether Judge Gorsuch meets the high standard set by Merrick Garland, whose decisions everybody would agree were squarely within the mainstream. And with the ideological litmus test that President Trump has applied in making this selection, the American people are justified to wonder whether Judge Gorsuch can truly be an independent Justice. So I intend to ask him about these and other important issues in the coming months.

Republicans rolled the dice last year. They subjected the Supreme Court and the American people to a purely political gamble. They ignored the Constitution and did something that had never been done before in this country.

I know President Trump likes to boast that he won the election in a massive landslide. Well, of course he didn’t. Secretary Clinton received more than 2.8 million more votes from the American people than President Trump. But more importantly, due to Senate Republicans’ political gambit, the U.S. Supreme Court clearly lost in this election. This is really no way to treat a coequal branch of government, and it is certainly not the way to protect the independence of our Federal judiciary—something that is the bedrock of our Constitution.

The President’s electoral college victory—which was far narrower than either of President Obama’s victories—is hardly a mandate for any Supreme Court nominee who would turn back the clock on the rights of women, LGBT Americans, or minorities; or a nominee who would use theories last seen in the 1930s to undermine all we have accomplished in the last 80 years. If he follows these right-wing lobbying groups who helped vet him for the President, if he follows what they want, then critical programs, like So-

cial Security and Medicare and Medicaid, key statutes, including the Civil Rights Act, the Voting Rights Act, and the Clean Air Act, could well be at risk.

So after nearly a year of obstruction—unconstitutional, unprecedented obstruction—I really don’t want to hear Republicans say we now must rush to confirm Judge Gorsuch. I know the President thinks they should, but I also wonder how seriously even he takes this. His announcement yesterday was like he was announcing the winner of a game show: I brought in these two people, and now here is the winner. We are talking about the U.S. Supreme Court; treat it with the respect it deserves.

For all of the Republican talk of Democrats setting the standard with the confirmations of Justice Sotomayor and Kagan, they ignored the standard they set in the shameful treatment of Chief Judge Garland. In fact, I remember when—and I was chairman at the time—when we set the schedule for the hearings and the vote on Justice Sonia Sotomayor, and I remember the Republican leader rushing to the floor and saying: Oh, this is terrible. You are rushing it. You are moving it so fast.

I pointed out that we were setting the schedule to the day—to the day—the same as we set for Chief Justice John Roberts. So I asked the obvious question: Are you telling me the schedule was OK for him but not OK for her? We followed the schedule.

We need time to look at all of these nominees.

I would note, as one who has tried cases in Federal courts, as a lawyer, and as one who has chaired the Judiciary Committee, I would say the courts are a vital check on any administration, especially one that, like this one, has found itself on the losing side of an argument in Federal court in only its first week—they lost on something that a first-year law student could have told them they were going to lose. But with great political fanfare, the President issued an order. Fortunately, the order was seen for what it was: No Muslims need show up in our country.

Judge Gorsuch, to be confirmed, has to show that he is willing to uphold the Constitution even against President Trump, even against the lobbying groups the President had vetting him.

His record includes a decade on the Federal bench. The Judiciary Committee must now carefully review his decisions. We have to conduct a thorough and unsparing examination of his nomination. That is what I will do, just as I have done for every nominee—everybody currently on the Supreme Court and many before them. Whether nominated by a Republican or a Democrat, I did a thorough and unsparing examination of their nomination. The Senate deserves nothing less. More importantly, the American people deserve nothing less.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

TRAVEL BAN

Mr. KAINES. Mr. President, I rise to speak on a special day. Today is my wife’s birthday. Today is National Freedom Day, when we recognize President Lincoln’s signing the 13th Amendment banning slavery. This is the reason we celebrate Black History Month in February.

Today, February 1, begins American Heart Month, acknowledging the great heart of the American people, as well as the need for health care.

But today, February 1, is also the first day of World Interfaith Harmony Week. In 2010, King Abdallah II of Jordan spoke before the U.N. General Assembly, and he asked the U.N. to declare a week every year to promote understanding and tolerance between the world’s religions. In his speech before the U.N., this is what King Abdallah said:

It is also essential to resist forces of division that spread misunderstanding and mistrust, especially among peoples of different religions. The fact is, humanity everywhere is bound together, not only by mutual interests, but by shared commandments to love God and neighbor, to love the good and neighbor. What we are proposing is a special week, during which the world’s people, in their own places of worship, could express the teachings of their own faith about tolerance, respect for others and peace.

The resolution was adopted unanimously at the U.N. General Assembly, and all nations, religions, and peoples were asked to observe it.

By happy coincidence, as the Presiding Officer knows, King Abdallah is in Washington right now. He visited with Senators here at the Capitol yesterday and today. Earlier today I met with him, and I told him I would speak in his honor in the hopes that his words might inspire us at a challenging time.

The word of last Friday’s Executive orders regarding immigration and refugees—orders which implemented the President’s campaign rhetoric to implement a Muslim ban—shocked the country this weekend. I traveled to Roanoke and Blacksburg, VA—communities in the southwestern portion of my Commonwealth. I was there to meet with local health care providers and students pursuing health care careers. I had planned the trip to go talk about the Affordable Care Act, but at my first event, two families came to me with a concern. Working together with Roanoke Catholic charities, they had helped settle a Syrian refugee family in Blacksburg 1 year ago. The Syrian family was a mom and dad and four kids. These sponsors told me how well the family was doing and how welcoming this community was in bringing this family to Virginia and taking them in.

The employer of the Syrian father runs a construction company, and he hired him to do construction work. He told me, kind of chuckling about it: Senator, not all my workers agree with me on politics, but no one better say a

bad word about their Syrian coworker around them.

He went on to describe how the employees at his construction firm had done a number of things, including collecting funds to help the children have soccer shoes there, in Southwest Virginia. But they didn't tell me this story because it is a happy story about resettlement of a family, although that is a point of the story.

Here is why they came to see me. The community was poised to welcome a second family from Syria—a mother, father, and five minor children—to meet them at the Roanoke airport tomorrow and help them find a home in the United States. This refugee family they were supposed to meet tomorrow fled Syria 4 years ago. They had been living in a refugee camp in Jordan, undergoing 4 years of vetting in the hopes they could come to America. Now, their sponsors pressed papers into my hand and said: What will happen to this family? Are they now shut out of the dream they have worked so hard to achieve? Are we now shut out from our desire to offer them the Christian hospitality of our community?

We have been working to get answers to these questions, but as of today, we know nothing about this family's fate.

There are so many questions I struggle to answer in the aftermath of these orders. The orders single out people based on their Muslim faith by targeting primarily Muslim nations and allowing exceptions to be made for Christians and other religious minorities. Why?

The orders single out seven countries—countries where citizens have been exposed to genocide and other crimes against humanity—while leaving countries that have actually exported terrorists to the United States untouched. Why?

The order was applied to legal permanent residents of the United States until clarified and also to brave people who had helped American soldiers on the battlefield, thereby earning a special immigrant visa status. Why?

We can have security procedures that are based on the danger of an individual rather than a stereotype about where they were born or how they worship.

I am called to reflect on these events by King Abdallah's words suggesting that the world should recognize this week as World Interfaith Harmony Week. He told us today that the order is being viewed with deep anxiety in his country, which is one of our strongest allies in the Arab world—indeed, in the entire world. I am called to reflect on these events by my own citizens in Roanoke and Blacksburg, working with a church group, who just want to serve others in a way commanded by their faith and by all faiths.

At the Presiding Officer's desk, there is a book of the rules of the Senate and there is also a Bible. In a week where all are called to reflect upon their own religious traditions of tolerance and

peace, there is wisdom in that Book for our Nation.

Exodus 22:21: "You shall not wrong or oppress an alien, for you were aliens in the land of Egypt."

Leviticus 19:34: "The alien who resides with you shall be to you as a citizen among you; you shall love the alien as yourself for you were aliens in the land of Egypt."

Deuteronomy 1:16: "Give the members of your community a fair hearing and judge rightly between one person and another whether citizen or resident alien."

Deuteronomy 10:18-19: "For the Lord your God loves the strangers, providing them with food and clothing. You shall also love the stranger for you were strangers in the land of Egypt."

Deuteronomy 24:17: "You shall not deprive a resident alien or an orphan of justice."

Deuteronomy 26:5: "A wandering Aramaean was my ancestor, he went down into Egypt and lived there as an alien."

Matthew 2:13-23: Jesus began his life as a refugee in Egypt.

Matthew 25:34: "I was hungry and you fed me. I was thirsty and you gave me drink. I was a stranger and you invited me into your home."

The traditions of this nation, other nations, religions, and peoples point us in the same direction. Pope Francis reminded us of these very words when he spoke to us in the fall of 2015 and told us—as individual leaders and as a nation—that the yardstick we use to measure and evaluate others is the yardstick that will be applied to us.

On this opening day of World Interfaith Harmony Week, I pray that we commit to peaceful understanding and appreciation of people from diverse faith backgrounds. I pray that the unjust immigration orders that target suffering people based on where they were born or how they worship will be rescinded. I pray that Congress and the administration will work together to set up appropriate security procedures that do not discriminate on the grounds of religion or national origin, and I pray that we will be true to our best principles and not sacrifice them for the sake of politics.

I yield the floor.

The PRESIDING OFFICER (Mr. LEE). The Senator from Colorado.

NOMINATION OF NEIL GORSUCH

Mr. GARDNER. Mr. President, as I stated repeatedly before the Presidential election of this past year, we stood, and continue to stand, at a very pivotal time in our Nation's history.

After 8 years of using the judicial and regulatory systems to push through its legislative agenda, the balance of power had shifted from what our Founders intended. Our Founders intended the Congress to make the laws and write the laws, the executive branch to implement the laws, and the judiciary to be guardians of the Constitution, not to make the laws.

That is why we said that the next President of the United States, wheth-

er they be Democrat or Republican, would have the opportunity to fill the vacancy on the Supreme Court, following the Biden rule—the edict that there wouldn't be a confirmation hearing for a Supreme Court nominee until after that year's Presidential election—to allow the American people to make their decision, giving the American people a say in the direction of this country for years to come. In return, they have given us this nominee.

It is with great pride that I rise today to talk about the nominee today—a fellow Coloradan, Judge Neil Gorsuch, President Trump's nominee to the Supreme Court. Judge Gorsuch comes to the Court with that unique western perspective that the Presiding Officer and I share. Our States of Utah and Colorado obviously like to see that western perspective shared at the Tenth Circuit Court, where it is housed in the West, but at every level of our courts and to the Supreme Court—adding to Justice Kennedy's background and to others who share that same perspective and history in the Supreme Court.

Born in Denver, Judge Gorsuch is a fourth-generation Coloradan, coming from a long line of individuals who have dedicated their life to service not only to the State of Colorado but to the Nation. His mother, Ann Gorsuch, served in the Colorado House of Representatives and, during the Reagan administration, she was the first female Administrator of the Environmental Protection Agency. His grandfather, John Gorsuch, founded one of Denver's largest law firms, Gorsuch Kirgis, where both he and Neil's father, Dave, practiced throughout the firm's successful 60-year-old history. His step-father, Robert Buford, was a former speaker of the Colorado House of Representatives who went on to become the head of the Bureau of Land Management.

Judge Gorsuch is also one of our country's brightest legal minds, with a sterling reputation, and significant experience as a Federal judge and a private litigator. He has impeccable academic credentials and is a widely respected legal scholar. He received his bachelor's degree from Columbia University, graduated from Harvard Law School, and was a Marshall scholar at Oxford University, where he obtained a doctorate in legal philosophy.

Of course, I cannot forget the summer he spent at the University of Colorado as well. Judge Gorsuch clerked for two Supreme Court justices—Byron White, a Colorado native as well. In fact, in his comments last night after the announcement of his nomination, Judge Gorsuch mentioned that he worked for the only Coloradan to serve on the Supreme Court and also the only leading rusher in the NFL to ever serve on the Supreme Court.

He also clerked for Justice Anthony Kennedy, as well as for Judge David Sentelle on the U.S. Court of Appeals for the DC Circuit. Following his clerkships, Judge Gorsuch went into private