

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

The question is, Will the Senate advise and consent to the Brady and Lelling nominations en bloc?

The nominations were confirmed en bloc.

#### EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Executive Calendar Nos. 548 through 551 and all nominations placed on the Secretary's desk; that the nominations be confirmed, the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any statements related to the nominations be printed in the RECORD; that 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.

The nominations considered and confirmed are as follows:

##### IN THE COAST GUARD

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271(d):

##### *To be rear admiral*

Rear Adm. (lh) Pat DeQuattro  
Rear Adm. (lh) William G. Kelly  
Rear Adm. (lh) John P. Nadeau  
Rear Adm. (lh) Joanna M. Nunan  
Rear Adm. (lh) David G. Throop

The following named officer for appointment to serve as the Director of the Coast Guard Reserve in the grade indicated under title 14, U.S.C., section 53(b):

##### *To be rear admiral (lower half)*

Rear Adm. Andrew S. McKinley

The following named officer for appointment in the United States Coast Guard Reserve to the grade indicated under title 10, U.S.C., section 12203(a):

##### *To be rear admiral (lower half)*

Capt. James M. Kelly

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271(e):

##### *To be rear admiral (lower half)*

Capt. Thomas Allan  
Capt. Laura M. Dickey  
Capt. Douglas M. Fears  
Capt. John W. Mauger  
Capt. Nathan A. Moore  
Capt. Brian K. Penoyer  
Capt. Matthew W. Sibley

#### NOMINATIONS PLACED ON THE SECRETARY'S DESK

##### IN THE COAST GUARD

PN1259 COAST GUARD nominations (10) beginning GEORGE BAMFORD, and ending TABITHA A. SCHIRO, which nominations were received by the Senate and appeared in the Congressional Record of November 16, 2017.

PN1260 COAST GUARD nominations (71) beginning STEPHEN J. ADLER, and ending TORRENCE B. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of November 16, 2017.

PN1261 COAST GUARD nominations (171) beginning LAWRENCE F. AHLIN, and ending RUSSELL R. ZUCKERMAN, which nominations were received by the Senate and appeared in the Congressional Record of November 16, 2017.

PN1277 COAST GUARD nomination of Meghan K. Steinhaus, which was received by the Senate and appeared in the Congressional Record of November 27, 2017.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

#### MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

#### NOMINATIONS OF STEVEN GRASZ, JAMES HO, AND DON WILLETT

Mr. DURBIN. Mr. President, this week, Senate Republicans sought to confirm the 10th, 11th, and 12th circuit court nominees of the year. The Republican-controlled Senate has been moving at warp speed to try to confirm President Trump's circuit court nominees as quickly as possible. Twelve circuit court nominees is the same number of nominees confirmed in the first years of Presidents Obama, Bush, and Clinton combined.

In quickly rushing through President Trump's picks for these critical lifetime appointments, my Republican colleagues have been abandoning long-standing norms of due diligence and careful scrutiny. They want to rubberstamp these nominees despite a lack of complete information about the nominees' records and despite clear warning signs about the nominees' ideologies, temperaments and judgment.

Consider the nominees that came before us this week.

Eighth Circuit nominee Steven Grasz received a rare unanimous "not qualified" rating from the American Bar Association. Only 4 out of 1,755 nominees reviewed by the ABA since 1989 have received this rating. For those who are not aware, the ABA has worked since the Eisenhower administration to conduct a confidential peer review process for vetting judicial candidates. For their review of Mr. Grasz, the ABA conducted 207 interviews with his peers. These interviews revealed some very troubling things. People familiar with Mr. Grasz raised serious concerns about his objectivity, his gratuitously rude conduct, and his deeply held partisan loyalty. Those are major red flags for a lifetime appointment to the Federal bench.

After the ABA's review committee voted Mr. Grasz unanimously "not qualified" for the bench, rather than

reconsidering their support for the nominee, a number of my Republican colleagues decided to aggressively attack the ABA. One Senator described the ABA as "blatant partisans with a sad track record of hackery."

These criticisms are over the top. The ABA peer review and vetting process provides the Senate with valuable information to consider when we decide how to vote on nominees. President Obama took ABA ratings seriously enough that he did not nominate anyone who received a "not qualified" rating.

Of course, Senators do not have to vote on nominees solely based upon ABA ratings. For example, I voted in committee for Kansas District Court nominee Holly Teeter despite the "not qualified" rating that she was given by the ABA. I have voted against nominees who received "well qualified" ratings, such as Neil Gorsuch, because I had serious questions about their judgment and their objectivity.

It would be foolish for Senators to ignore the ABA's peer review process altogether. In Mr. Grasz's case, his ABA rating is just one of many troubling signs. Just look at some of the controversial things Mr. Grasz has said and written. He wrote in a law review article that courts can ignore jurisprudence that they consider to be "questionable." He wrote that the legacy of *Roe v. Wade* was "moral bankruptcy." He described the possibility of Nebraska recognizing same-sex marriages as a "grave danger." He falsely claimed that the term "sexual orientation" could include bigamy and pedophilia. He tried to amend the Omaha city charter because he was upset about a 2012 city ordinance protecting LGBT employees from workplace discrimination.

In Mr. Grasz's case, I share the ABA's unanimous view that he lacks the proper temperament and judgment to sit on the circuit court, and I am deeply concerned about his extreme views. That is why I opposed his nomination.

I also could not support the nomination of James Ho for the Fifth Circuit, for several reasons. First, I am very troubled by Mr. Ho's responses when I asked him whether waterboarding is torture and illegal under U.S. law. He said, "It has always been my understanding that Congress enacted legislation for the purpose of expressing its serious opposition to waterboarding as illegal under U.S. law." That is not an answer about what the law says; that is an evasion. Mr. Ho should have said, with no equivocation and no uncertainty, that waterboarding is illegal, that it is cruel, inhuman, and degrading and that it is torture. That is the law under the 2006 McCain Torture Amendment.

This is a critical issue for me. I am deeply troubled that we are, once again, seeing nominees come before the Senate, like Mr. Ho and Greg Katsas, who are tap dancing around this issue. We need to take a clear stand when it comes to waterboarding.

This is not some abstract hypothetical for Mr. Ho. He wrote a 2002 Office of Legal Counsel memo for John Yoo that was cited in the infamous Bybee torture memo. It is critical that the Senate get access to Mr. Ho's memo. The Bybee torture memo was a dark chapter in our Nation's history, and Mr. Ho's work was cited in it more than once. I cannot in good conscience vote for Mr. Ho's nomination without seeing what he wrote.

In 2014, when former OLC attorney David Barron was nominated by President Obama to the First Circuit, Chairman GRASSLEY insisted on seeing his OLC memos. Chairman GRASSLEY wrote of Mr. Barron: "The Senate simply cannot evaluate whether this nominee is fit for lifetime appointment to one of the nation's most important courts without complete access to his writings." The chairman's standard should apply to Mr. Ho's nomination as well.

I also have serious concerns with personal views that Mr. Ho has publicly expressed—in particular, his writings in opposition to campaign finance laws and the op-ed Mr. Ho wrote in praise of Jeff Mateer, who has described transgender children as part of "Satan's plan." I could not support Mr. Ho's nomination.

I also was compelled to oppose the nomination of Don Willett to the Fifth Circuit. Justice Willett provided us with one of the more troubling nomination hearings we have had in recent years. The key moment was when Senator FEINSTEIN asked him if he stood by beliefs he expressed in a 1998 memo. In this memo, Willett explained his opposition to the issuance of a gubernatorial proclamation declaring "Business Women's Week" in Texas.

Willett's memo said:

I resist the proclamation's talk of 'glass ceilings,' pay equity (an allegation that some studies debunk), the need to place kids in the care of rented strangers, sexual discrimination/harassment, and the need generally for better 'working conditions' for women (read: more government.) . . . I strongly resist anything that shows we believe the hype.

When Senator FEINSTEIN asked Justice Willett if he still held these beliefs, he was silent for 10 and a half painful seconds before he asked Senator FEINSTEIN to repeat the question. She did, and I repeated the question too; yet Justice Willett never gave the committee a straight answer. He should have, if he wanted to earn my vote.

Justice Willett is a prolific tweeter, and he has sent tweets that appear to mock same-sex marriage and transgender students. This raises questions about his judicial temperament. Justice Willett also has expressed troubling views about what he calls "judicial passivism." He said it is "corrosive" when judges "are not active in preserving the limits our Framers actually enshrined." Justice Willett seems to think that courts should be activist in limiting laws that he sees as

burdening economic freedoms, such as regulations that protect the health and safety of working people.

In short, Justice Willett has not convinced me that he is in the mainstream when it comes to temperament and judgment, and I could not support his nomination.

Before I was a Senator, I was a lawyer in downstate Illinois, and I looked up to Federal judges. I thought that, to get that job, you had to be a cut above. Otherwise, you wouldn't make it through the Senate's rigorous advice and consent process, but sadly, this Republican Senate is turning advice and consent into a rubberstamp assembly line when it comes to Trump nominees.

Republicans want to pack the courts with judges who will support President Trump's agenda, and so they are hurrying to confirm as many of his picks as possible, even if they are not qualified or if we don't have all the information we need to evaluate them or if the nominees won't give us straight answers at their hearings. Our Federal judiciary is being diminished as a result.

I wish my Republican colleagues would stand up for an independent judiciary and a meaningful advice and consent process. We should not be rushing to hand lifetime appointments to problematic nominees. Instead, we should take our due diligence and vetting obligations seriously and only put people on the bench whose qualifications, integrity, independence, and judgment are indisputable.

Because that was not the case with this week's nominees, I could not support them.

#### THE EL MOZOTE MASSACRE

Mr. LEAHY. Mr. President, those of us who remember the massacre at El Mozote, El Salvador, are reminded that last week was the 36th anniversary of that horrific tragedy.

For those who are not aware, on December 11, 1981, Salvadoran soldiers, including an elite battalion trained and equipped by the United States, systematically murdered more than 900 innocent men, women, and children. The Salvadoran military high command falsely denied the crimes had occurred, and their denials were echoed by the U.S. Embassy and the State Department. For more than 35 years, the perpetrators of the massacre avoided justice, due to the cover-up and an amnesty law passed in 1993, but in 2016, the Salvadoran Supreme Court overturned that law and the case was reopened. Let us hope that those who ordered, participated in, and covered up those crimes against humanity will finally receive the punishment they deserve.

On December 2, good friend Congressman JIM MCGOVERN traveled to El Salvador. More than any other Member of Congress, JIM has been a tireless advocate for human rights and justice in that country. After returning to Wash-

ington, on December 11, JIM spoke about the El Mozote massacre in the House of Representatives. I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Five-Minute Special Order, Monday,  
December 11, 2017]

36TH ANNIVERSARY OF THE EL MOZOTE  
MASSACRE

(By James P. McGovern (MA))

Mr. Speaker, thirty-six years ago, nearly one thousand men, women and children were murdered by Salvadoran soldiers in El Mozote, El Salvador. It's considered one of the worst massacres in modern Latin American history.

On December 2nd, I traveled to El Mozote with a delegation led by the Washington Office on Latin America. Four hours after leaving San Salvador, we arrived at El Mozote in the northern region of Morazán, near the border of Honduras.

Three decades ago, El Mozote included about 20 houses on open ground around a square. Facing the square was a church and, behind it, a small building known as "the convent," used by the priest to change into his vestments when celebrating Mass. Nearby was a small school house.

Our delegation sat in the town square with survivors and victims of the massacre. We listened to their stories, shared prayers for their loss and suffering, toured the grounds where this atrocity took place, and visited memorials the community built to commemorate and preserve this tragic history. We also heard from lawyers with Cristosal, a U.S.-based NGO providing legal aid to the association of victims and survivors.

On December 10, 1981, the Salvadoran army brigade based in San Miguel and the Atlacatl Battalion, an elite infantry unit based in San Salvador, arrived in El Mozote. Over the next two days, these troops methodically and viciously murdered the town's residents and those of nearby villages.

On the morning of December 11th, troops assembled the people in the town square. They separated the men from the women and children and locked them in separate groups in the church, the convent, and various houses. According to eye-witness accounts, they then interrogated, tortured, and executed the men at several different sites.

Around noon, they began taking the women and girls in groups, separating them from their children and machine-gunning them after raping them. Many families were ordered to remain in their homes while soldiers set fire to the houses.

Over 140 of the children, some mere infants, were jammed into "the convent" next to the church. There, soldiers blocked the doors, aimed guns through the windows, and fired into the mass of children, murdering them all in cold blood. They then threw an incendiary bomb into the building, collapsing the roof and adobe walls.

I walked with members of the community to the site where the children were murdered. A garden cultivated in their memory blooms on the site where they perished. A mural on the side of the church facing the garden depicts tiny angels ascending to heaven.

Beneath the mural are plaques with the names and ages of the children killed so brutally. They range from zero to sixteen years. Walking on such hallowed ground, I was deeply moved and outraged by the atrocity that took place there.

In October 1990, the Salvadoran courts opened an investigation into the El Mozote