

than 60 different firearms offenses. The Bureau of Alcohol, Tobacco, and Firearms posts on its Web site a reference guide to Federal firearms regulations. It is 243 pages long. But during the first decade of the 21st century, according to the Census Bureau, the percentage of intentional homicides from handguns, rifles, or shotguns all declined rather than rose.

Even more important than these legislative considerations is the fact that public policy in this area impacts fundamental constitutional rights. When other tragedies occur, even terrorist attacks, we often hear that such circumstances must not weaken our commitment to the Bill of Rights, and I do not believe we should do so now.

One of the disturbing arguments I have heard so often during this debate is that Americans do not “need” certain guns for certain activities or do not “need” to exercise their Second Amendment rights in certain ways. This dangerous view gets it exactly backwards. The place to start is with the individual right that the Constitution guarantees and the burden should be on the government to justify infringing or limiting that right. Imagine if the government told us how much speech or the exercise of religion we “need” under the First Amendment or if the government told us how much privacy we “need” under the Fourth Amendment. My liberal friends would howl in protest if we treated other provisions of the Bill of Rights in the way they want to treat the Second Amendment.

The Second Amendment guarantees a fundamental right of individuals to keep and bear arms. In fact, the Second Amendment merely codifies a right that already existed, a right that predates the Constitution itself. In 1982, when I chaired the Judiciary Subcommittee on the Constitution, we published a landmark report on the history of this fundamental right. More than 25 years before the Supreme Court officially said so, our report established that the Second Amendment “was intended as an individual right of the American citizen to keep and carry arms in a peaceful manner, for protection of himself, his family, and his freedoms.”

The President yesterday called it “shameful” that the Senate defeated gun control proposals that he favors. I disagree. There was nothing shameful about opposing legislation that failed to respond to the Newtown tragedy, that cannot prevent such tragedies from ever happening again, and that undermines the Bill of Rights.

Two things will always be true as we continue grappling with violence in our society: people, not guns, kill and harm other people and criminals will not obey the law. It does no good to pretend otherwise or legislate for a society in which those things are not true, in other words, for a society that does not exist. We have to address the society we have, a society we want to re-

main free, a society in which we are protected by the Constitution. I could not support the legislation before us because it failed to meet this standard.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2 p.m.

Thereupon, the Senate, at 12:44 p.m., recessed until 2 p.m. and reassembled when called to order by the Presiding Officer (Ms. HEITKAMP).

EXECUTIVE SESSION

NOMINATION OF ANALISA TORRES TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK

NOMINATION OF DERRICK KAHALA WATSON TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF HAWAII

The PRESIDING OFFICER. Under the previous order the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The legislative clerk read the nominations of Analisa Torres, of New York, to be United States District Judge for the Southern District of New York and the nomination of Derrick Kahala Watson, of Hawaii, to be United States District Judge for the District of Hawaii.

The PRESIDING OFFICER. Under the previous order, there will now be 15 minutes for debate equally divided in the usual form prior to votes on the nominations.

The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, Monday’s confirmation of Judge Beverly O’Connell marked the 150th confirmation of a Federal trial court nomination by President Obama. Thanks to Senate Republicans’ concerted effort to filibuster, obstruct and delay his moderate judicial nominees, it took almost 1 year longer to reach this milestone than it did when his Republican predecessor was serving as President, 10 months in fact. I have repeatedly asked Senate Republicans to abandon their destructive tactics. Their unwillingness to do so shows that Senate Republicans are still focused on obstructing this President, rather than helping meet the needs of the American people and our judiciary.

The ability of hardworking Americans to get their day in court and have their rights protected should not be subject to this kind of wrongheaded, partisan obstructionism. Today, the Senate is being allowed to vote on just 2 of the 15 judicial nominees ready for confirmation. Ten of the judicial nominees confirmed this year could and should have been confirmed last year.

There are still four judicial nominees in that category, who are part of the backlog on which Senate Republicans insist on maintaining. And like so many of President Obama’s district court nominees, Analisa Torres and Derrick Watson have had to wait more than 60 days after being voted on by the Judiciary Committee to be considered by the Senate. These systematic delays help explain why we remain more than 20 confirmations behind the pace we set with President Bush’s nominees. We can make up much of that ground if Senate Republicans would just agree to a vote on all 15 nominees currently pending on the Executive Calendar. All of them received bipartisan support in committee, and all but one were unanimously approved by the committee. There is no good reason for further delay, especially at a time when judicial vacancies remain at 85.

Let us clear the backlog of judicial nominees ready for confirmation. Republicans have recently started pointing to 2004. In 1 month in 2004, a presidential election year, we were able to clear a backlog of consensus nominees by confirming 20. This insistence on delay and holding over consensus nominees from 1 year to the next has been constant. Seventeen of the confirmations for which Senate Republicans now seek credit over the past 2 years should have been confirmed more than 2 years ago in the preceding Congress. That is when they allowed only 60 judicial confirmations to take place during President Obama’s first 2 years in office, the lowest total for a President in over 30 years. Indeed, during President Obama’s first year in office, Senate Republicans stalled all but 12 of his circuit and district nominees. That was the lowest 1-year confirmation total since the Eisenhower administration, when the Federal bench was barely $\frac{1}{2}$ the size it is today.

The fact is that we have these 15 nominees waiting for a vote. We have 15 judgeships that can be filled so that hardworking Americans in New York, Hawaii, Louisiana, California, Florida, Oregon, Pennsylvania, North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Missouri, Arkansas, New Mexico, Colorado, Kansas, Oklahoma, Utah, and Wyoming can have better access to justice. All Senate Democrats are prepared to vote on all of these nominees today.

Judge Analisa Torres is nominated to serve on the US District Court for the Southern District of New York. She currently serves as a New York State Supreme Court Justice. Previously, she served as an acting New York State Supreme Court Justice, a judge for the Civil Court of the City of New York, and as a judge for the Criminal Court of the City of New York. She received her A.B., magna cum laude, from Harvard University and her J.D. from Columbia Law School. Judge Torres has the strong support of her home State Senators, Senator SCHUMER and Senator GILLIBRAND.