

any of these nominations. Nobody comes and gives these fire-and-brimstone speeches about how bad these people are. Why? Because they are not. They have just been stalling and stalling. I repeat, this is the face of obstruction which we have been facing for 5 years during the Obama administration. Is it any wonder that the rule was changed that relates to nominations? We were spending all of our time trying to get the President to have a team rather than doing work on substantive legislation.

So we will see how late we have to work tonight. Whatever it is, we are going to do it. We are going to finish these nominations this week. If it goes into Friday, if it goes into Saturday, that is what we are going to do. We have to get this done.

Christmas is approaching, and I understand that. We all understand that. But this session of Congress does not end at Christmastime. We have work to do. We have to pass this budget. We have to do something for those Medicare patients. We have to do something for the military of this country with this Defense agreement that has been reached between the leaders of those two important committees—Armed Services and their counterpart in the House, whatever it is called.

So why waste this time? There is no reason to do this. Republicans are stalling. For what? To stop these nominations from going forward? They are going to go forward with a simple majority vote. I understand one of them may not go forward because some Democrats do not like the nominee, but that is the way it should be.

So we could confirm Nina Pillard right now. No one is saying a single word contrary to her being the quality candidate that we have said she is. She is nominated to sit on the District of Columbia Appeals Court, I repeat, some say the most important court in America; most say second only to the Supreme Court.

But instead, Republicans are insisting that we vote on her nomination many hours from now, after they have frittered away 30 hours of the Senate's time. There are no objections to her qualifications. The outcome of her vote is a foregone conclusion. So when people around here complain that they are not home with their families at Christmastime, here is the reason: Republicans' obstruction.

It is hard to imagine a more pointless exercise than spending hour after hour waiting for a vote on an outcome we already know. Republicans insist on wasting time simply for the sake of wasting time. Is it any wonder, I repeat, that the rule was changed? Here is why. It is no wonder Americans overwhelmingly support the changes made to the rules last month in order to make the Senate work again.

The Republican's partisan sideshow is another example of the kind of blatant obstruction that has ground the Senate to a halt. The work of the Sen-

ate has come to a standstill over the last 5 years. Members should be aware if Republicans stop squandering the Senate's precious time, rollcall votes are possible at any time this afternoon or this evening. It does not have to be like this.

With just a little bit of cooperation, we could hold votes in a timely manner so we can move on with the business before us. Unfortunately, we can not schedule votes without cooperation; that is part of the Senate rules. Cooperation is in short supply at the moment.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF CORNELIA T. L. PILLARD TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination which the clerk will report.

The bill clerk read the nomination of Cornelia T. L. Pillard, of the District of Columbia, to be United States Circuit Judge for the District of Columbia Circuit.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

SENATE RULES AND HEALTH CARE

Mr. McCONNELL. Mr. President, I just listened to the majority leader complaining about what we are doing this week. He is the one in charge of the schedule. He has spent a week here on nonessential nominations, none of which are emergencies, all of which could be handled later. It was his choice to spend the week on nominations that are not emergencies as opposed to doing things like passing a DOD authorization bill or things like taking up a budget resolution or things like doing a farm bill. So the majority leader has a choice as to what we are going to spend time on. He has chosen to spend this week on 10 nominations.

Yesterday I talked about the left's "ends justify the means" quest for power and the lengths to which they are willing to go to satisfy it. The Obama administration and its allies have done just about everything to get what they want one way or the other, even fundamentally altering the contours of our democracy when they could not get their way by playing by the rules.

We saw the culmination of that with the majority leader's power grab in the Senate last month. The real world consequences of that power grab are most sharply illustrated by the very nomi-

nee before us, which I believe I heard the majority leader commenting on what a stellar nominee this person is.

Professor Pillard may be a fine person, but she is not someone who should receive a lifetime position on the second highest court in the land. She will be confirmed, however, because of the Democratic majority's power grab a couple of weeks ago. So let's take a look at her legal views. They certainly make one thing clear: The nominee before us is a liberal ideologue; in other words, just the kind of person this administration is looking for to rubberstamp its most radical regulatory proposals on the DC Circuit.

Let's take the so-called Hosanna-Tabor case. Last year the Supreme Court reinforced a core First Amendment principle when it ruled unanimously that churches, rather than the government, could select their own leaders.

Every single justice sided with the church's argument in that case. Every single one. It makes sense. Freedom of religion is a bedrock foundation of our democracy. I think every member of this body would surely agree that the government does not have any business picking a group's religious leaders for them. But Professor Pillard seemed to have a very different view. Prior to the Court's unanimous decision, she said the notion that "the Constitution requires deference to church decisions about who qualifies as a minister" in the case before the Court seemed "like a real stretch."

This is the nominee, after the power grab, the Senate is about to confirm, who said that, "It is a real stretch that a church would be able to pick its own leaders." This is an astonishing judgment from somebody who is about to end up on what we believe is the second most important court in the land.

But she went on from that. The position of the church in the Hosanna-Tabor case represented a "substantial threat to the American rule of law." How do you like that, Mr. President? It is a substantial threat to the American rule of law that a church should be able to pick its own leaders. A substantial threat to the American rule of law.

This was a case decided the other way from Professor Pillard's position, 9 to 0. Talk about radical. Talk about extreme. No wonder they wanted a simple majority to be available to confirm a nominee like this. I mean, even the Court's most liberal justices, as I mentioned, disagreed with Professor Pillard on this one.

One of them characterized that kind of position as "amazing." This is a member of the Supreme Court in the 9-to-0 decision, characterizing Professor Pillard's view as "amazing." In other words, Professor Pillard must think that even the furthest left Supreme Court Justice is not far enough left for her. So you get the drift of where she is.

We rightly expect justices on our nation's highest courts to evaluate cases