the Washington, DC, area where many people have spoken out and yet the owner remains in opposition of changing a name that has been clear to him is found to be racially offensive to Native Americans.

So we are here today to ask our colleagues on the other side of the aisle to join us. Join us because it was hard to unite our side, but I know with a few of their voices we can move this issue further.

Why is tolerance so important? In the words of Kofi Annan, the Secretary General of the United Nations:

> Tolerance, intercultural dialogue, and respect for diversity are more essential than ever in a world where people are becoming more and more closely interconnected.

While that is a global view of the challenge we face, we need to practice that in reality here. That is why I was so happy we passed the Violence Against Women Act with a provision in it making sure that women in Indian Country would also be protected. We have to ask ourselves why did it take us so long to get that provision.

Even the U.N. Special Envoy on Indigenous Rights for Peoples around the world, James Anaya, also said that the NFL should change, basically saying it is a hurtful reminder and represents a long history of mistreatment in the United States of America. He cited the U.N. Declaration on the Rights of Indigenous Peoples:

> They use stereotypes to obscure the understanding and reality of Native Americans today and instead help to keep alive a racially discriminatory attitude.

So even the U.N., the world community, is calling on this community to deal with this issue and we should act. I hope my colleagues will help us in this effort to get the NFL to do the right thing.

I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

BARRON NOMINATION

Mr. WHITEHOUSE. There has been considerable discussion on the floor about the nominee to the First Circuit, David Barron, that has hinged around his tenure in the Office of Legal Counsel and an opinion he wrote specifying the outer bounds of Presidential authority in the area of defending our national security against Americans who have signed up with organizations that do us harm. I wish briefly to bring to the attention of this Chamber that it is not the only issue with respect to David Barron and the Office of Legal Counsel.

The Office of Legal Counsel has indeed had a scandal, and it is indeed related to David Barron, but it is related to David Barron in the best possible way, in that he is the one who cleaned up the scandal. The scandal in question—the Presiding Officer is a former attorney general of her State and she will understand this very clearly—the scandal in question related to the shabby opinions that were written by the Office of Legal Counsel to justify the torture program that was run by the Bush administration. When I say shabby, these were awful opinions. They were hidden from most peer scrutiny because they would not have stood up to peer scrutiny. They made errors as basic as failing to cite Fifth Circuit Court of Appeals decisions right on point.

There actually had been an incident in which the Department of Justice, where the Office of Legal Counsel is located, prosecuted a Texas sheriff for waterboarding victims in order to get confessions out of them. He was prosecuted as a criminal. He was convicted. The case went to the Fifth Circuit on appeal and in the course of their written decision on appeal, the Fifth Circuit Court of Appeals of the United States—one row below the U.S. Supreme Court—described the technique of water torture that was used, the waterboarding, and on a dozen separate occasions used the word ''torture'' to describe what was being done.

Look for that case in the Office of Legal Counsel. Look for that case in the opinion of Office of Legal Counsel about whether torture is accomplished by waterboarding, whether waterboarding is torture. It is not there. They didn't even cite the case. It was a case they could have found in their own files because the Department of Justice was the organization that had prosecuted this sheriff as a criminal for that act.

If you wanted to bring it up as a case and try to find a way to distinguish it, I could accept that. I probably would disagree with that analysis, but the failure to even cite the case, knowing how difficult it would be for the torture program to go forward, I think is a sign of either the worst kind of incompetence or a deliberate fix being put into the opinion of the Office of Legal Counsel.

Having served as a U.S. attorney as well, I think the Department of Justice should have the best lawyers in the country, and within the Department of Justice the OLC prides itself on being the best of the best. It was a disgraceful departure of that standard when the torture opinions were allowed to pass. They simply don't meet any reasonable test of adequacy. So on April 15, 2009, the Department of Justice withdrew the Office of Legal Counsel's CIA interrogation opinions. The memorandum for the Attorney General effecting that withdrawal was signed by none other than David Barron. This was the instance of a man who absolutely did the right thing. He helped clean up a terrible mess that had been left at the Department of Justice. We should be proud of the conduct of David Barron at the Office of Legal Counsel.

I ask unanimous consent that the 1-page memorandum for the Attorney General signed by David Barron be printed in the RECORD.

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

WITHDRAWAL OF OFFICE OF LEGAL COUNSEL CIA INTERROGATION OPINIONS

Four previous opinions of the Office of Legal Counsel concerning interrogations by the Central Intelligence Agency are withdrawn and no longer represent the views of the Office.

APRIL 15, 2009.

MEMORANDUM FOR THE ATTORNEY GENERAL

Sections 3(a) and 3(b) of Executive Order 13491 (2009) set forth restrictions on the use of interrogation methods. In section 3(c) of that Order, the President further directed that ''unless the Attorney General with appropriate consultation provides further guidance, officers, employees, and other agents of the United States Government may not, in conducting interrogations, rely upon any interpretation of the law governing interrogation . . . issued by the Department of Justice between September 11, 2001, and January 20, 2009.'' That direction encompasses, among other things, four opinions of the Office of Legal Counsel: Memorandum for John Rizzo, Acting General Counsel of the Central Intelligence Agency, from Jay S. Bybee, Assistant Attorney General, Office of Legal Counsel, Re: Interrogation of al Qaeda Operative (Aug. 1, 2002); Memorandum for John A. Rizzo, Senior Deputy General Counsel, Central Intelligence Agency, from Steven G. Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel, Re: Application of 18 U.S.C. §§2340–2340A to Certain Techniques That May Be Used in the Interrogation of a High Value al Qaeda Detainee (May 10, 2005); Memorandum for John A. Rizzo, Senior Deputy General Counsel, Central Intelligence Agency, from Steven G. Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel, Re: Application of 18 U.S.C. §§234–2340A to the Combined Use of Certain Techniques in the Interrogation of High Value al Qaeda Detainees (May 10, 2005); and Memorandum for John A. Rizzo, Senior Deputy General Counsel, Central Intelligence Agency, from Steven G. Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel, Re: Application of United States Obligations Under Article 16 of the Convention Against Torture to Certain Techniques that May be Used in the Interrogation of High Value al Qaeda Detainees (May 30, 2005).

In connection with the consideration of these opinions for possible public release, the Office has reviewed them and has decided to withdraw them. They no longer represent the views of the Office of Legal Counsel.

DAVID J. BARRON,
Acting Assistant Attorney General.

Mr. WHITEHOUSE. I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER (Ms. HEITKAMP). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT REQUESTS—H.R. 4031 and S. 1982

Mr. RUBIO. Thank you, Madam President.

I am here on the floor today to talk about an issue that has received a tremendous amount of attention, and