

According to Gallup, 84 percent of Americans disapprove of the way Congress is doing its job. Or perhaps more accurately, not doing its job.

Indeed, from 1900 through 1980, it took the Senate a median of 17 days after nomination to confirm or reject a Supreme Court nominee.

Like today's senators, those senators took an oath to support the Constitution and "faithfully discharge the duties of [their] office."

Now, however, scorched-earth partisanship has thoroughly compromised Congress's ability to operate functionally. More than 100 days have passed since President Obama nominated Judge Garland—and there aren't even any plans to begin hearings yet.

No wonder so many Americans believe our government is severely broken.

If we truly want to make Congress a collaborative enterprise that efficiently works in the interests of the American people, the American people must apply pressure directly to senators like McConnell, Burr, and Portman.

While some people might insist that these senators are simply fighting partisanship with partisanship, blocking a nominee that a Democrat president is trying to force upon American voters without their say, that's a false equivalency.

President Obama is a democratically elected official, faithfully discharging the duties of his office. In democracies, we aren't always governed by the people or the parties that we voted for. But when officials are elected, we must respect their authority, as long as they're exercising that authority within the bounds of whatever regulatory frameworks are in place to guide them. (In this case, it's the Constitution.)

Every American citizen should understand this. And our elected officials shouldn't just understand this—they should be setting an example that all Americans can follow. Instead, McConnell and his colleagues are doing the opposite.

Ultimately, they're not telling President Obama that they don't think his nominee is a good one. They're saying that they refuse to acknowledge President Obama's legitimacy as an elected official.

This kind of partisanship is endemic in Washington, DC now. But this latest behavior is such an egregious example of Congressional dysfunction that Senator McConnell and his colleagues must be held accountable.

That's why I have signed this Change.org petition urging McConnell to give Judge Garland a hearing, and why I strongly encourage others to join me.

Our elected officials must understand that we, the American people, expect them to perform the duties of their office, even when that means working with other elected officials from different parties.

They must understand that we're fed up with business as usual in Washington, DC. They must understand that we want leaders who look for opportunities to collaborate and work together productively, instead of pursuing obstructionism that serves political parties rather than citizens.

So let Mitch McConnell know that it's time to quit abdicating around. Tell him to do his job and schedule a hearing for Judge Merrick Garland now.

IS TRUMP'S ATTACK ON JUDGE RACIST? IF IT QUACKS LIKE A DUCK . . .

(By Steven Dettelbach)

Judge Gonzalo Curiel, the latest victim of Donald Trump's racist attacks, is not allowed to defend himself under the judicial rules. So I will defend him.

I will defend him as a fellow, former federal prosecutor. I will defend him because I

am the husband of an immigrant from Mexico and the father of our two children. And I will defend him as an American, because what Donald Trump is doing is decidedly un-American.

Curiel is a respected jurist. Before becoming a judge, he made a name for almost two decades as a federal prosecutor, investigating and prosecuting Mexican drug cartels. As a former U.S. attorney and career prosecutor myself, I know firsthand that these cases are some of the most difficult and dangerous in our criminal justice system. That work earned Curiel death threats from those same Mexican cartels he fought, threats that did not deter him from protecting this nation for a moment.

Unlike Trump, Curiel comes from Midwestern working-class roots. He was born just hours to the west of here—a place Trump will visit to become the GOP nominee—in Indiana. His parents came to this country and became citizens. His father worked in the steel mills, just like those who built our community, to help put his son through both Indiana University and law school. He was first appointed to the bench in California by another immigrant, Republican Gov. Arnold Schwarzenegger, and then elevated to the federal bench by President Obama after unanimous U.S. Senate confirmation. Curiel's life is a true American success story.

None of this matters to Trump, though. All that matters to Trump are that: 1) Trump thinks he is losing in the Trump University lawsuit before Curiel and 2) the judge's parents came to this country from Mexico, which is of course the only reason he can possibly be losing the lawsuit. Apparently, when things don't go Trump's way, he plays the race card.

In truth, Trump can't hold a candle to Curiel. Unlike Trump, Curiel has done more than talk about protecting our borders. He spent two decades on the border, fighting dangerous drug cartels. Unlike Trump, Curiel was not born as heir to a real estate empire. He earned all he has achieved through hard work and merit.

I am a lawyer. I know that it can be frustrating when a case does not go your way. But Trump's response to losing in that case is to play the race card. That temperament is not only un-presidential, it is dangerous.

Those supporting Trump need to re-evaluate whether lending their own credibility to his racist rants is still tenable. If country really does come before party, how can anyone who calls himself an American leader still support this man who openly berates public servants based on their race?

As a U.S. attorney, I saw the way career law enforcement like Gonzalo Curiel worked to protect us. As a parent, I tell my children that all citizens in this nation must be judged based on what they accomplish, not how they look or where their parents were born. That is America.

Trump evidently understands neither of these basic points. Trump and his supporters say they value plain talk. Well, here is some: Ignoring a person's record and judging him based on ethnic heritage is the definition of racism. Trump did just that. What does that make him?

Quack.

Mr. MENENDEZ. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Under the previous order, the question is, Will the Senate advise and consent to the Martinotti nomination?

Mr. THUNE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Utah (Mr. LEE).

Mr. DURBIN. I announce that the Senator from Ohio (Mr. BROWN) is necessarily absent.

The PRESIDING OFFICER (Mr. TOOMEY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 5, as follows:

[Rollcall Vote No. 118 Ex.]

YEAS—92

| | | |
|------------|------------|------------|
| Alexander | Flake | Murray |
| Ayotte | Franken | Nelson |
| Baldwin | Gardner | Paul |
| Barrasso | Gillibrand | Perdue |
| Bennet | Grassley | Peters |
| Blumenthal | Hatch | Portman |
| Booker | Heinrich | Reed |
| Boozman | Heitkamp | Reid |
| Boxer | Heller | Roberts |
| Burr | Hirono | Rounds |
| Cantwell | Hoeven | Rubio |
| Capito | Inhofe | Sanders |
| Cardin | Isakson | Schatz |
| Carper | Johnson | Schumer |
| Casey | Kaine | Scott |
| Cassidy | King | Sessions |
| Coats | Kirk | Shaheen |
| Cochran | Klobuchar | Shelby |
| Collins | Lankford | Stabenow |
| Coons | Leahy | Tester |
| Corker | Manchin | Thune |
| Cornyn | Markey | Tillis |
| Cotton | McCain | Toomey |
| Cruz | McCaskill | Udall |
| Daines | McConnell | Vitter |
| Donnelly | Menendez | Warner |
| Durbin | Merkley | Warren |
| Enzi | Mikulski | Whitehouse |
| Ernst | Moran | Wicker |
| Feinstein | Murkowski | Wyden |
| Fischer | Murphy | |

NAYS—5

| | | |
|-------|-------|----------|
| Blunt | Risch | Sullivan |
| Crapo | Sasse | |

NOT VOTING—3

| | | |
|-------|--------|-----|
| Brown | Graham | Lee |
|-------|--------|-----|

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order the Senate will now resume legislative session.

STOP DANGEROUS SANCTUARY CITIES ACT—MOTION TO PROCEED—Continued

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the