

[Jan. 8, 2019]

PEOPLE FOR THE AMERICAN WAY: CONSERVATIVES' DISHONEST USE OF 'RELIGIOUS BIGOTRY' TO DEFLECT ATTENTION FROM NOMINEE'S DISTURBING RECORDS

(By Rev. Leslie Watson Malachi)

Happy New Year! Well, for most of us it should be—unless you are fighting to protect our courts. New year, same old tactic by conservatives, who are hoping to insulate narrow-minded judicial nominees from scrutiny by smearing people who ask critical questions about their records and rhetoric.

This dishonest "religious bigotry" strategy has been around as long as the organized effort to shift the federal judiciary to conservatism and reverse decades of precedent that protect Americans' legal and constitutional rights. In the recent past, for example, these groups have charged some Catholic senators with wanting to keep Catholics off the federal bench.

The latest smear is being pushed by the notoriously right-wing editorial board of the Wall Street Journal, which has run an attack on Senators Kamala Harris and Mazie Hirono. The Journal's editorial is an over-the-top response to written questions submitted by Sens. Harris and Hirono to federal court nominee Brian Buescher about his commitment to upholding legal equality for LGBTQ Americans and American women's legal right to abortion.

In their questions, the senators noted Buescher's long-time membership in the Knights of Columbus, a Catholic fraternal organization that does much laudable charitable work, but which was also a top funder of anti-marriage-equality efforts and supports restrictions on federal family-planning funds. Before the 2016 election, the group's influential leader declared that Catholics cannot vote for candidates who support abortion rights.

Given these facts, the senators asked Buescher whether he could assure litigants that he would deal with these issues fairly and impartially as a federal judge. (Buescher's answer stated that while he had run for political office as a "pro-life candidate," as a judge he would "faithfully apply all United States Supreme Court and Eighth Circuit Court of Appeals precedent on all issues, including *Roe v. Wade*" and *Obergefell*.)

The Journal's editorial board responded to the senators' reasonable line of questioning with outrage and horror. By seeking to protect LGBTQ equality and reproductive rights, and asking questions about the Knights' public policy positions, the editorial implied, Sens. Harris and Hirono were resurrecting the kind of anti-Catholic bigotry directed at John F. Kennedy and earlier presidential candidate Al Smith. The editorial said the questions were part of a "distressing pattern" that seeks to "banish" religious people from public life—the kind of false charge Religious Right groups have often leveled to deflect criticism of their political agendas or tactics.

This is not only absurd, but an insult to American voters.

The Journal also gave space to conservative African American pastor Eugene Rivers to repeat the charge, saying that the senators' questions were "about silencing believers of any kind whose views differ from the progressive view on social issues." He unbelievably suggested that opponents of Buescher's confirmation would be voting to deny his chance to be a public servant based on his baptism in the Catholic Church.

These inflammatory charges are designed to create distraction. It is not only acceptable, but necessary for senators to explore whether a nominee for a powerful lifetime

job as a federal judge will uphold every Americans' rights. In the case of Buescher this is doubtful, given that as an unsuccessful candidate for attorney general of Nebraska, he said he did not believe LGBT Americans should be protected by anti-discrimination laws the way people are protected from racial or ethnic discrimination. It was also at this time that he declared that he supported the "complete reversal" of *Roe v. Wade*. Buescher has a long record as a partisan ideological warrior, an additional reason cited by the Leadership Conference on Civil Rights in opposing his confirmation.

Religious freedom is a core constitutional principle, and as the Constitution makes clear, there must be no religious test for public office. We rely on the federal courts to enforce all Americans' constitutional rights. That means judges, regardless of their religious or personal beliefs, must be counted on to uphold Americans' legal protections. Subsequently, a person's political positions or legal ideology grounded in their faith does not make those legal and political stances off-limits to questioning or criticism.

With Senate Republicans rubber-stamping even President Trump's most extreme and unqualified nominees, right-wing intimidation tactics must not prevent senators from fulfilling their constitutional obligation to ensure that lifetime federal judges are committed to protecting the rights of all Americans.

Thank you, Senators Harris and Hirono! It's a new year, and it's time to retire this old dishonest tactic of silencing and attempts to shame. Let the questions be asked and let them be answered.

[From the Honolulu Star-Advertiser, Jan. 6, 2019]

LETTER TO THE EDITOR

(By Gary Edwards)

With regard to Donna L. Ching's letter ("Leave religion out in vetting qualifications," *Star-Advertiser*, Dec. 27): While I agree that a person's religious affiliation, alone, should not be a means of exclusion for public office, I do not agree that religion should be "left out of the conversation."

One of the real concerns in vetting candidates for public office is how they will apply their personal beliefs, including their religion, to the role they seek to fill. And while freedom of religion is a vital right, so is freedom from religion.

Significant damage can be done to our society by those who would seek to impose their religious beliefs and values on others through the force of law. These beliefs and values do not always align with the principles of our Constitution, and laws based on them would deny others their freedom and fair treatment.

I'm glad U.S. Sens. Mazie Hirono and Kamala Harris are probing these issues.

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[From the Wall Street Journal, Jan. 15, 2019]

SENATORS WERE RIGHT TO ASK THOSE QUESTIONS ON RELIGION

(By Michael Keegan)

Regarding your editorial "Kamala Harris's Dark Knights" (Jan. 3): Sens. Harris and Mazie Hirono's questions for Brian Buescher were focused on appropriate and important questions, namely whether the nominee could be counted on as a federal judge to recognize and protect the legal equality of LGBTQ Americans and the right of American women to have access to safe and legal abortion.

You charge that such questioning is about trying to "banish" people from public life for their religious beliefs and associations. In re-

ality, protecting the legal rights of all Americans of all faiths by ensuring that nominees for powerful lifetime seats on America's federal courts are committed to enforcing them is one of senators' most important responsibilities, one that the current Republican majority has abandoned in its rush to achieve ideological domination of the courts.

ADDITIONAL STATEMENTS

TRIBUTE TO KORI KELLER

• Mr. DAINES. Mr. President, this week I have the honor of recognizing Kori Keller of Yellowstone County for her impact on the Billings community, through her work at the Ramsey Keller Memorial.

Mrs. Keller, a Billings native, has dedicated her time to aiding parents who have undergone the hardship of losing a child too young. Mrs. Keller and her husband lost their precious daughter Ramsey soon after she was born.

As a way of honoring their daughter, Kori and her husband founded the Ramsey Keller Memorial. The Ramsey Keller Memorial is dedicated to helping families who have lost children under the age of 1 year old. The foundation raises money through both an annual race and a pink-tie affair to pay for the funerals of Montana infants that have passed away before their first birthday. Since then, Kori has been an advocate and provided comfort for numerous parents going through the same hardships she experienced.

I congratulate Kori on her growing role in the State of Montana. She has been a constant source of hope and aid to families going through similar hardships she has endured. I look forward to seeing the success of the Ramsey Keller Memorial, as it continues to pour into Montana family's lives.●

REMEMBERING EUCARIO BERMUDEZ

• Mr. RUBIO. Mr. President, I would like to honor the life and legacy of Colombian-American journalist and broadcaster, Eucario Bermudez. Bermudez, a beloved south Florida radio legend amongst the Hispanic community, died earlier this month after years of service to the Hispanic community in the State of Florida. Today I pay tribute to Eucario's life, with immense gratitude for his work and dedication.●

RECOGNIZING INDIAN PASS RAW BAR

• Mr. RUBIO. Mr. President, today I would like to highlight the hard work and unique entrepreneurial spirit that can be found across my home State of Florida. As chairman of the Senate Committee on Small Business and Entrepreneurship, each week I recognize a small business that exemplifies hard work and dedication toward the local