

NAACP Legal Defense Fund, or the LDF, decided to volunteer its time, considerable resources, and its donor funds to join in this fray, to join in this travesty, initially as an amicus to the trial and then as co-counsel.

The President's nominee to run the Civil Rights Division, Mr. Debo Adegbile, was the person responsible for the LDF's decision and its behavior in this outrageous set of circumstances. At the time, he was the LDF's director of litigation, and, as Mr. Adegbile told our own Senate Judiciary Committee during his testimony, he "supervised the entire legal staff" at LDF. That was 18 lawyers. He was also, if one looks at the LDF's site, responsible for "providing leadership and coordination regarding both litigation and non-litigation legal advocacy" and was also, according to the LDF's own description, "responsible for LDF's advocacy both in the courts of law and in the court of political opinion." So all of the legal, public, and political actions LDF was taking, it was taking under the direction, the supervision, and the authority of Mr. Adegbile.

It is important to understand this. There is a very clear legal principle that a supervising lawyer has the responsibility for the actions undertaken by the lawyers who report to him. That is the case in these circumstances, as well as the fact that the LDF openly acknowledges this.

What is it that the LDF lawyers then did in the circumstances of this case? When they should have been pursuing their historic role of providing the truth and justice for American people, they were advancing neither cause.

It is also important to point out that this was never a case of a criminal deserving a legal defense. Criminals do deserve appropriate legal counsel in their defense. The fact is that the trial had occurred decades ago. Abu-Jamal had multiple high-cost lawyers volunteering their time. He had plenty of lawyers. He didn't need more lawyers. What Mr. Adegbile did was he decided to join a political cause. That is what he decided to do. That is what this was all about. In my view, by doing so he demonstrated his own contempt for and, frankly, a willingness to undermine the criminal justice system of the United States.

Under Mr. Adegbile's oversight, the LDF spread misinformation about the trial, about the circumstances, and about the jury. He promoted division and strife among the American people and blocked justice for Danny Faulkner and Danny Faulkner's family. These LDF lawyers promoted the myth that Mumia Abu-Jamal was somehow a heroic political prisoner and that he was framed. In fact, he was a coward and an unrepentant murderer.

Under Mr. Adegbile's oversight, in January 2011 the LDF issued a press release decrying what I quote as the "grave injustices embodied" in Abu-Jamal's case.

In May 2011 two of the lawyers reporting to Mr. Adegbile traveled to

France for a rally on behalf of this murderer Mumia Abu-Jamal. One of these LDF lawyers said she was "overjoyed" that Mumia Abu-Jamal's death sentence was suspended but bemoaned the fact that he would not have a new trial so he could be set free.

Another LDF lawyer described Abu-Jamal as "people who are innocent" but "will continue to be put to death in America." Later, the same lawyer would falsely state that there was an absence of forensic evidence tying Abu-Jamal to Officer Faulkner's death. The fact is that there was forensic evidence. There were four eyewitnesses to the murder, and there were three witnesses to the subsequent bragging by Abu-Jamal about the murder.

At another rally again celebrating this murderer, one of the LDF lawyers supervised by Mr. Adegbile gushed: "It is absolutely my honor to represent Mumia Abu-Jamal." This attorney went on to say: "And there is no question in my mind, there is no question in the mind of anyone at the Legal Defense Fund, that the justice system has completely and utterly failed Mumia Abu-Jamal."

I have to say I agree the justice system failed, but the justice system failed Danny Faulkner, not Mumia Abu-Jamal.

Now we are faced with a situation where an individual who was directly responsible for some of these terrible injustices that have been done in the wake of Danny Faulkner's murder has been nominated to a high-ranking position in the Justice Department. The Civil Rights Division is an extremely important division in the Justice Department. The head of this division plays a very important role. And what is his responsibility? According to the division's Web site, the Civil Rights Division "fulfills a critical mission in upholding the civil and constitutional rights of all individuals." Of course, this requires that the head of the Civil Rights Division have an absolute commitment to truth and to justice.

I do not believe Mr. Adegbile's nomination is consistent with the goal of promoting truth and justice in America. I do not believe Mr. Adegbile's nomination is consistent with respect for America's legal system and rule of law. I do not believe Mr. Adegbile's nomination is consistent with justice for the family of Officer Danny Faulkner or for anyone else who cares about the law enforcement community across this country. For these reasons, I will oppose Mr. Adegbile's nomination to head the Civil Rights Division, and I urge my colleagues to do the same.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. I ask unanimous consent to proceed on my leader time.

The ACTING PRESIDENT pro tempore. The Senator has that right.

The Senator is recognized.

HEALTH CARE

Mr. MCCONNELL. Yesterday President Obama was asked about the administration's latest ObamaCare delay. Instead of finally explaining to the American people why he believes certain employers would get ObamaCare exemptions while the middle class should not, he just doubled down again on the same old talking points. It is truly disappointing.

I wish he would finally agree to work with Republicans on a way to replace ObamaCare with bipartisan reforms that could help the middle class and those who are hurting the most because this much is now perfectly clear: ObamaCare is not working the way the administration promised. It is hurting the middle class, it is eliminating incentives to work in the middle of a jobs crisis, and it will lower overall compensation—things such as salaries, wages, and benefits for the American people—with those who earn the least potentially the most negatively impacted of all.

ObamaCare is a law that is not fair, and this is essentially true for many of those it purports to help. For all the disruption and pain, it is a law that will still leave 31 million Americans uninsured at the end of the day. That is why it is not surprising when we hear that nearly 90 percent—9 out of 10—of the new enrollees in ObamaCare exchange plans are actually folks who were already insured, many of them simply shifting from plans they liked to more expensive plans the government thinks they should have. This leads so many Americans to ask: What was the point? What was the point of ObamaCare?

For months the folks in my State have watched the administration hand out exemption after exemption to its friends and waiver after waiver to the politically connected. They are left to think, how is that fair? More than one-quarter of a million Kentuckians received notice last year that their health insurance plans would be canceled because of ObamaCare. Kentuckians lost plans they liked and wanted to keep. Many realized that they wouldn't be able to afford new coverage or that new plans wouldn't cover the doctors and hospitals they have come to know and trust or that massively increased premiums and deductibles would radically alter the ways they lived and worked.

So while I am sure the folks who conceived the law meant well, this much seems perfectly clear by now: Trying to run folks' lives from hundreds of miles away is not the way to help. It is often the way to make things worse.

Kentuckians are capable of making the decisions that worked best for them, for their own medical needs and financial situations. I am sure there is some think-tank report that might disagree. I know there is no end to well-