

Hispanic firefighter sued the city of New Haven in 2003, alleging racial discrimination after the city threw out the results of an exam used for promotion of the city's firefighters. The test results had shown that White firefighters had outperformed minority applicants. The Supreme Court ultimately ruled against New Haven and held that the city's abandonment of the test results constituted intentional discrimination against the White firefighters. Mr. Bolden subsequently helped ensure that the city complied with the Court's order and defended the decision against collateral attacks.

To his credit, Mr. Bolden did such an outstanding job of ensuring compliance with the Supreme Court's decision that the named plaintiff—firefighter Frank Ricci—wrote a letter strongly supporting Mr. Bolden's nomination. Let me quote some of this letter:

It was apparent to me from our initial dealings whether as a plaintiff or union representative that the Mayor had made a great choice in the selection of the new Corporation Counsel. Although Victor represented the City and therefore would be naturally presumed an adversary it never felt that way. Through the remainder of the litigation from the U.S. Supreme Court decision to the final judgments Victor displayed and has always displayed the attributes one could hope for in a jurist. He's always conscious that there are real people affected by decisions that are made but he is also very deliberate in those decisions with an unwavering commitment to the law. Victor is a consummate professional with unquestionable integrity. These observations are not limited to me but have been the topic of many discussions between me and others, including those inside and outside the fire service. I cannot think of anyone who would make a finer addition to our federal judiciary than him. And I could not have a greater honor than to write this correspondence supporting that.

I ask unanimous consent to have printed in the RECORD the full letter of support.

Third, Mr. Bolden's criticisms of the Supreme Court's decision in *Shelby County v. Holder* in a 2013 editorial were shared by a substantial number of legal scholars and Senators, including me. As I have said, the *Shelby County* decision was a dreadful decision and wrongly decided. A narrow majority of the Court decided to substitute its own judgment over the exhaustive legislative findings of Congress showing that racial discrimination in voting still occurs. Instead, the Court chose to effectively strike down the heart of the Voting Rights Act by holding that the coverage formula for preclearance was outdated. I authored a bipartisan bill along with Congressmen SENSENBRENNER and JOHN LEWIS on this, but to this date, not a single Senate Republican has signed on. In short, I believe that Victor Bolden's views on voting rights are well within the mainstream. Nevertheless, Mr. Bolden has stated for the RECORD that he "would faithfully apply Supreme Court and Second Circuit precedent" on the issue.

Lastly, Mr. Bolden has been criticized for authoring an amicus brief on

behalf of the NAACP Legal Defense and Educational Fund in *District of Columbia v. Heller*. At the time Mr. Bolden authored the amicus brief, the controlling precedent in the Supreme Court's jurisprudence was *United States v. Miller*, which did not hold that there was an individual right to bear arms outside of the context of a "well regulated Militia." Accordingly, the brief that Mr. Bolden filed actually cited to Supreme Court precedent that was controlling on the issue at the time. Now that the Supreme Court has decided *Heller*, Mr. Bolden has testified under oath that he "would faithfully apply the Supreme Court's decision in *District of Columbia v. Heller* and other Second Amendment jurisprudence" and all other areas of the law.

Senators should not vote against Mr. Bolden for advocating on behalf of a client using the applicable Supreme Court precedent at the time. I have heard that some Senators have been continuing to distort Mr. Bolden's record on the Senate floor during his cloture vote. I can only hope that these distortions and fabrications are dismissed as they rightly should be.

Mr. Bolden is an outstanding nominee and a substantial majority of the ABA Standing Committee on the Federal Judiciary has also rated him "well qualified." I wholeheartedly support this nominee and would strongly urge my fellow Senators to do the same.

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

JULY 25, 2014.

Hon. PATRICK J. LEAHY,  
*Chairman, Senate Judiciary Committee, U.S. Senate, Washington, DC.*

DEAR SENATOR LEAHY: I write this correspondence with great excitement and enthusiasm to support the nomination and appointment of Attorney Victor Bolden to the U.S. District Court of Connecticut.

I have known and worked with Attorney Bolden for more than 5 years. I first met him around the time that he was appointed Corporation Counsel for the City of New Haven. Our first interactions surrounded an ongoing legal matter that I was the lead plaintiff, Ricci et al. v. DeStefano et al.

As a member, representative and current Secretary-Treasurer of New Haven Fire Fighters IAFF Local 825, positions I've held for over 16, these were challenging times. Emotions and frustrations surrounding this issue were somewhat raw to say the least. The relationship between the plaintiffs, union and the City, especially the Corporation Counsel was completely broken and seemed irreparable.

Luckily that was about to change. It was apparent to me from our initial dealings whether as a plaintiff or union representative that the Mayor had made a great choice in the selection of the new Corporation Counsel. Although Victor represented the City and therefore would be naturally presumed an adversary it never felt that way. Through the remainder of the litigation from the U.S. Supreme Court decision to the final judgments Victor displayed and has always displayed the attributes one could hope for in a jurist. He's always conscious that there are real people affected by decisions that are made but he is also very deliberate in those decisions with an unwavering commitment

to the law. Victor is a consummate professional with unquestionable integrity. These observations are not limited to me but have been the topic of many discussions between me and others, including those inside and outside the fire service. I cannot think of anyone who would make a finer addition to our federal judiciary than him. And I could not have a greater honor than to write this correspondence supporting that.

If you have any questions or there is something more that you feel I could be helpful with please do not hesitate to contact me.

Respectfully,

LT. FRANK RICCI.

#### VOTE ON PEPPER NOMINATION

The PRESIDING OFFICER. Prior to the vote, there will be 2 minutes of debate on the Pepper nomination.

Mr. LEAHY. I ask unanimous consent that all time be yielded back.

The PRESIDING OFFICER. Without objection, all time is yielded back.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Pamela Pepper, of Wisconsin, to be United States District Judge for the Eastern District of Wisconsin?

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Carolina (Mrs. HAGAN), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Michigan (Mr. LEVIN) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Louisiana (Mr. VITTER).

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

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 288 Ex.]

YEAS—95

Alexander	Fischer	Merkley
Ayotte	Flake	Mikulski
Baldwin	Franken	Moran
Barrasso	Gillibrand	Murkowski
Begich	Graham	Murphy
Bennet	Grassley	Murray
Blumenthal	Harkin	Nelson
Blunt	Hatch	Paul
Booker	Heinrich	Portman
Boozman	Heitkamp	Pryor
Boxer	Heller	Reed
Brown	Hirono	Reid
Burr	Hoeven	Risch
Cantwell	Inhofe	Roberts
Cardin	Isakson	Rockefeller
Carper	Johanns	Rubio
Casey	Johnson (SD)	Sanders
Coats	Johnson (WI)	Schatz
Coburn	Kaine	Schumer
Cochran	King	Scott
Collins	Kirk	Sessions
Coons	Klobuchar	Shaheen
Corker	Leahy	Shelby
Cornyn	Lee	Stabenow
Crapo	Manchin	Tester
Cruz	Markey	Thune
Donnelly	McCaill	Toomey
Durbin	McCasikill	Udall (CO)
Enzi	McConnell	Udall (NM)
Feinstein	Menendez	

Walsh Warren Wicker  
Warner Whitehouse Wyden

## NOT VOTING—5

Chambliss Landrieu Vitter  
Hagan Levin

The nomination was confirmed.

## VOTE ON SANNES NOMINATION

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate prior to a vote on the Sannes nomination.

Mr. REID. I yield back all time.

The PRESIDING OFFICER. Is there objection?

Without objection, all time is yielded back.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Brenda K. Sannes, of New York, to be United States District Judge for the Northern District of New York?

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Carolina (Mrs. HAGAN) and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Louisiana (Mr. VITTER).

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

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 289 Ex.]

## YEAS—96

Alexander	Franken	Murkowski
Ayotte	Gillibrand	Murphy
Baldwin	Graham	Murray
Barrasso	Grassley	Nelson
Begich	Harkin	Paul
Bennet	Hatch	Portman
Blumenthal	Heinrich	Pryor
Blunt	Heitkamp	Reed
Booker	Heller	Reid
Boozman	Hirono	Risch
Boxer	Hoeven	Roberts
Brown	Inhofe	Rockefeller
Burr	Isakson	Rubio
Cantwell	Johanns	Sanders
Cardin	Johnson (SD)	Schatz
Carper	Johnson (WI)	Schumer
Casey	Kaine	Scott
Coats	King	Sessions
Coburn	Kirk	Shaheen
Cochran	Klobuchar	Shelby
Collins	Leahy	Stabenow
Coons	Lee	Tester
Corker	Levin	Thune
Cornyn	Manchin	Toomey
Crapo	Markey	Udall (CO)
Cruz	McCain	Udall (NM)
Donnelly	McCaskill	Walsh
Durbin	McConnell	Warner
Enzi	Menendez	Warren
Feinstein	Merkley	Whitehouse
Fischer	Mikulski	Wicker
Flake	Moran	Wyden

## NOT VOTING—4

Chambliss Landrieu  
Hagan Vitter

The nomination was confirmed.

## VOTE ON ARLEO NOMINATION

The PRESIDING OFFICER. Under the previous order, there will be 2 min-

utes of debate prior to the vote on the Arleo nomination.

Mrs. BOXER. I ask unanimous consent to yield back all time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Madeline Cox Arleo, of New Jersey, to be United States District Judge for the District of New Jersey?

The nomination was confirmed.

## VOTE ON BEETLESTONE NOMINATION

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate prior to a vote on the Beetlestone nomination.

Mr. LEAHY. I ask unanimous consent that all time be yielded back.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Wendy Beetlestone, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania?

The nomination was confirmed.

## VOTE ON BOLDEN NOMINATION

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate prior to a vote on the Bolden nomination.

Mr. CARPER. I ask unanimous consent to yield back all time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Victor Allen Bolden, of Connecticut, to be United States District Judge for the District of Connecticut?

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Carolina (Mrs. HAGAN) and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from Texas (Mr. CRUZ), and the Senator from Louisiana (Mr. VITTER).

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

The result was announced—yeas 49, nays 46, as follows:

[Rollcall Vote No. 290 Ex.]

## YEAS—49

Baldwin	Durbin	McCaskill
Begich	Feinstein	Menendez
Bennet	Franken	Merkley
Blumenthal	Gillibrand	Mikulski
Booker	Harkin	Murphy
Boxer	Hirono	Murray
Brown	Johnson (SD)	Nelson
Cantwell	Kaine	Pryor
Cardin	King	Reed
Carper	Klobuchar	Reid
Casey	Leahy	Rockefeller
Coons	Levin	Sanders
Donnelly	Markey	Schatz

Schumer  
Shaheen  
Stabenow  
Udall (CO)

Udall (NM)  
Walsh  
Warner  
Warren

Whitehouse  
Wyden

## NAYS—46

Alexander	Graham	Moran
Ayotte	Grassley	Murkowski
Barrasso	Hatch	Paul
Blunt	Heinrich	Portman
Boozman	Heitkamp	Risch
Burr	Heller	Roberts
Coats	Hoeven	Rubio
Coburn	Inhofe	Scott
Cochran	Isakson	Sessions
Collins	Johanns	Shelby
Corker	Johnson (WI)	Tester
Cornyn	Kirk	Thune
Crapo	Lee	Toomey
Enzi	Manchin	Wicker
Fischer	McCain	
Flake	McConnell	

## NOT VOTING—5

Chambliss Hagan Vitter  
Cruz Landrieu

The nomination was confirmed.

Mr. LEAHY. Madam President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOMINATION OF JAMES D. PETTIT, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MOLDOVA

NOMINATION OF PAMELA LEORA SPRATLEN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF UZBEKISTAN

NOMINATION OF TAMARA WENDA ASHFORD TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS

NOMINATION OF L. PAIGE MARVEL TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS

NOMINATION OF CARY DOUGLAS PUGH TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS

NOMINATION OF RAMIN TOLOUI TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY