

say these words about Collin, which I will share with all of you. This unnamed officer said:

Collin Thomas was a brave American patriot and an incredibly gifted Navy SEAL. His tireless professionalism, inspiring passion for life, and humble demeanor made him a role model for all who knew him. We are deeply saddened by this tremendous loss of a brother in arms.

I know my colleagues share these sentiments, and we mourn the loss of CPO Collin T. Thomas. We extend our deepest condolences to his family. No words spoken in this Chamber can take away the sadness and loss Collin's family must feel, but I do want them to know this Nation and this Senate are deeply grateful for CPO Collin T. Thomas's service and sacrifice. We are humbled to pay tribute to his life and legacy.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF DEBO P. ADEGBILE TO BE AN ASSISTANT ATTORNEY GENERAL

The PRESIDING OFFICER. Under the previous order the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Debo P. Adebile, of New York, to be an Assistant Attorney General.

The PRESIDING OFFICER. Under the previous order, the time until 11:45 a.m. will be equally divided between the Senator from Vermont and the Senator from Iowa or their designees.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, similar to my Republican leader, I come to the floor to share my concerns about Mr. Adebile's nomination, and I will explain my voting no today.

I begin by saying I believe the nominee possesses high moral character and personal integrity. I have met him. I am also aware he has been working on the chairman's staff of the Judiciary Committee for the last few months. Unfortunately, I have reached the conclusion that this nominee isn't the right pick to lead the Civil Rights Division.

First of all, it is no secret that I believe the last individual to lead this office, the current Secretary of Labor, was very political and extremely committed to a host of political causes. Of course, I don't expect President Obama to nominate conservatives to his political appointments, but as we all know, these are very important and powerful jobs. The individual who holds them wields a tremendous amount of power on behalf of the Department of Justice.

I expect the President's nominees to be liberal, maybe even very liberal, and in the vast majority of cases the President is entitled to have people of his own choosing serving in these important positions, but the Senate must provide its advice and consent, which is what we are doing today.

In my view the President's nominees can't be so committed to political causes and so devoted to political ideology that it clouds his or her judgment. This is particularly important here, given that this office, under the leadership of the last Assistant Attorney General, was marked by controversy, and those controversies, in my view, were directly linked to that individual's deep commitment to a host of liberal causes, regardless of how well held they were. At the end of the day I believe it clouded his judgment.

With that brief bit of background, I would first note there is bipartisan opposition to this nomination. As I will discuss in a few minutes, there is also widespread opposition from the law enforcement community.

Seth Williams, a Democrat and Philadelphia's district attorney, opposes this nomination. Many of the largest national law enforcement organizations, including the Fraternal Order of Police and the National Association of Police Organizations, vigorously oppose this nomination as well. This opposition is based upon the nominee's record—and the nominee's record, in my view, demonstrates that the nominee has a long history of advocating legal positions far outside the mainstream. I believe it is a record which demonstrates he is simply too deeply committed to these causes to be an effective and fair leader of this very important Civil Rights Division of the Department of Justice.

I am not going to mention every aspect of the nominee's record I find troubling but a few will be mentioned.

His record on First Amendment issues should give us all pause. For example, in the Hosanna-Tabor case before the Supreme Court, the nominee advocated for a position which would have infringed on the free-exercise rights of religious organizations. Specifically, he argued that a church didn't have the right to freely hire or fire individuals who were responsible for conveying the church's message and carrying out its religious mission. This is at the core of what religious freedom means under our Constitution. The nominee's view was a dramatic departure from established First Amendment jurisprudence. In fact, it was so outside the mainstream that the Supreme Court unanimously rejected it 9 to 0.

Likewise, the nominee's views on the Second Amendment to our Federal Constitution are out of step with the law. In *Heller* he argued, "The Second Amendment does not protect an individual's right to keep and bear arms for purely private purposes." He also argued that "the right protected by the

Second Amendment are ones that exist only in the context of a lawfully organized militia."

The Supreme Court, of course, rejected that view, as we all know, and the Supreme Court's decision very much strengthened the right of individuals to bear arms.

I have also been disappointed by the answers the nominee provided to a number of my questions. For example, I asked whether he believed voter-ID requirements—which have been upheld by the Supreme Court in the *Crawford* case—are the modern-day equivalent of a poll tax. I asked this question for several reasons.

First of all, according to press reports, this nominee said as much in 2005 during a discussion in Georgia regarding voter-ID laws. According to press reports, he called voter-ID cards "a modern poll tax." But the Supreme Court upheld Indiana's voter-ID law as constitutional in the *Crawford* case in 2008.

So, if the nominee continues to believe that voter-ID laws are the modern-day equivalent of a poll tax and is firmly committed to that principle, I am concerned—we all ought to be concerned—that he would look for creative ways to undermine and challenge those laws, notwithstanding the *Crawford* case upholding Indiana's voter-ID law.

It goes without saying, of course, a significant part of this job is the enforcement of voting-rights laws, and that enforcement power should be entrusted only to someone we are confident will apply the law in an even-handed way and, obviously, uphold what the Supreme Court has already said was constitutional.

I have also repeatedly asked the nominee whether, if confirmed, he would commit to implementing the recommendations made by the Department of Justice's Inspector General regarding the hiring process in the Civil Rights Division. The IG's report exposed a hiring process in that division which was structured in a way that systematically screened out conservative applicants. So, evidently, only one point of view is welcomed in that division. But the nominee will not commit to implementing the recommendations the IG's report has put out which addressed those issues so the office has the benefit of an ideologically diverse group of lawyers. This concerns me, and it ought to concern my colleagues. Again, this is a division in the Department of Justice which needs a clean break from the political partisanship which plagued the office under the last Assistant Attorney General.

Finally, I wish to address the nominee's involvement with and representation of Mumia Abu-Jamal. To understand why the nominee's involvement in this case is so concerning to many of us, a bit of history is in order.

Mr. Abu-Jamal is this country's most notorious cop-killer. The facts of the Abu-Jamal case are well known and cannot be seriously disputed.

Back in December of 1981 Abu-Jamal—then known as Wesley Cook—gunned down Philadelphia police officer Daniel Faulkner. Abu-Jamal first shot Officer Faulkner in the back and then several more times in his chest at close range. As Officer Faulkner lay dying in the street, Abu-Jamal stood over him and shot him in the face. At the hospital a short while later, Abu-Jamal actually boasted he had shot a police officer and said he hoped the officer would die. Ballistics evidence proved Officer Faulkner had been shot with a .38-caliber revolver registered to Abu-Jamal and found at the scene, along with spent shell casings.

No serious observer of this case can question the overwhelming evidence of his guilt. Based on the evidence, he was tried. A jury—including white and African-American jurors—convicted him and sentenced him to death.

Nonetheless, over the course of the next 25 years, opponents of capital punishment and other critics of our justice system have elevated Mr. Abu-Jamal to celebrity status. Those critics have charged that the conviction was tainted by racial discrimination. They slandered police officers and prosecutors and they have leveled accusations of police abuse. They have even organized rallies which portrayed this murderer as the victim.

Amazingly, Mr. Abu-Jamal's campaign has been somewhat successful. He has actually convinced a lot of people he is a political prisoner—if you can imagine that—and his fame isn't confined to the borders of this country. The French went so far as to name a street after him in the suburbs of Paris. In fact, it became such a high-profile issue that in 2006 the House of Representatives overwhelmingly passed a bipartisan resolution 368 to 31 condemning the murder of Officer Faulkner and urging the French town to change the name of its street.

I must say the disgust with Mr. Abu-Jamal's celebrity status isn't defined by partisanship. In fact, five of today's Senate Democrats were in the House of Representatives in 2006 when that resolution was passed. Four of those five voted in favor of that resolution, rejecting the political celebrity of a murderer.

In short, this case is about much more than hyper-technical legal challenges to the imposition of the death penalty. It has become, quite plainly, a cause. So it is with that background that I would like to discuss the nominee's involvement in that matter.

In 2009, Mr. Adegbile was Director of Litigation for the NAACP's legal defense fund, and it was in that role that he worked as an advocate on Abu-Jamal's behalf. The nominee and the legal defense fund first got involved when they volunteered as an amicus and then later as lead counsel for Abu-Jamal's post-conviction proceedings.

In this first phase, the legal defense fund alleged that Philadelphia prosecutors discriminated against African-

American jurors in the jury-selection process during the trial. After the Third Circuit rejected that argument, the nominee submitted an amicus brief to the U.S. Supreme Court urging the Court to take the case and hear the same arguments. The Court declined to hear that case.

After this effort failed, in 2011 the legal defense fund signed on as Abu-Jamal's lead counsel for his post-conviction challenges. It was at this point the nominee again challenged the conviction in the Third Circuit but this time under a different theory.

The nominee argued that the jury instructions were constitutionally infirm. The Third Circuit agreed, and the Supreme Court refused to hear further argument.

Now, keep in mind that Abu-Jamal never ran the risk of lacking adequate legal counsel. Highly motivated attorneys, highly motivated law professors, and legions of activists have represented him for years. They have filed literally hundreds of motions and briefs on his behalf. So this isn't a case of the nominee and the legal defense fund intervening to vindicate the rights of an indigent defendant who has been denied due process, nor is this a case of a lawyer stepping in to defend an unpopular client who couldn't otherwise find a lawyer. Abu-Jamal has enjoyed the zealous representation of some of the country's best lawyers for almost three decades.

In short, this is not John Adams defending the British soldiers after the Boston Massacre. That is not what is happening. The first attempt to challenge the conviction was unsuccessful, so the nominee and the legal defense fund redoubled their efforts and mounted a second challenge under a different theory. This was a cause in search of a legal justification.

We know this, of course, because the statements and press releases that the legal defense fund made at the time confirmed the understanding that this was a cause.

The nominee's colleagues and co-counsels explained the legal defense fund's motivations for getting involved in this case at a rally for Abu-Jamal in 2011. A lawyer with the legal defense fund said:

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, and in our view, that has everything to do with race, and that is why the legal defense fund is in this case.

In fact, when the legal defense fund signed on as lead counsel in 2011, their press release declared:

Abu-Jamal's conviction and death sentence are relics of a time and place that was notorious for police abuse and racial discrimination.

Again, this is, in fact, a cause. It was a cause premised on the notion that this country's most notorious cop killer, Mumia Abu-Jamal, was a victim rather than a murderer, and the police officers and prosecutors and the entire

judicial system were to blame, not the person who did the killing.

At bottom, this is why the law-enforcement community is so staunchly opposed to this nomination. That is why the Fraternal Order of Police calls this nomination a "thumb in the eye of our Nation's law enforcement officers."

That is why Philadelphia District Attorney Seth Williams wrote this in his letter of opposition:

Despite the overwhelming evidence of guilt, his lawyers have consistently attempted to turn reality on its head, arguing that Abu-Jamal was framed, and that it was he, rather than Officer Faulkner, who was the victim of racism.

District Attorney Williams went on to say:

Aside from being patently false, moreover, these claims are personally insulting to me. As an African-American, I know all too well the grievous consequences of racial discrimination and prejudice. I also know that Abu-Jamal was convicted and sentenced because of the evidence, not because of his race.

Finally, that is why Maureen Faulkner, whose husband was murdered by Abu-Jamal, wrote two letters to the Judiciary Committee, and why she wrote this:

Officers who knew Danny and who, like him, put their lives on the line every day, must now witness Adegbile, a man proud to have chosen to aid the murderer of their friend, singled out for honors and high office by the Government of the United States. It is an abomination to now reward Adegbile as if he had done something wonderful.

So to my colleagues and to the President of this body, for the reasons I have outlined here, I cannot support this nomination. I don't believe he is the right nominee to lead this office at this time. I will oppose this nominee, and I urge my colleagues to do the same.

I reserve the remainder of my time.

Madam President, I would suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GRASSLEY. I ask unanimous consent that the time spent in quorum calls this morning be divided equally between the two sides.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. TOOMEY. Madam President, I rise this morning to speak on the nomination of Debo P. Adegbile as the candidate to serve as the Director of the Civil Rights Division of the Justice Department. He would be the assistant attorney general in the Justice Department if he were to be confirmed.

It was 3:55 a.m. on December 9, 1981, when 25-year-old Philadelphia police officer Daniel Faulkner was brutally murdered in the line of duty.

A few weeks ago, Officer Faulkner's widow Maureen Faulkner pleaded with the Senate Judiciary Committee to listen to her story. It is a heartbreaking story. It is a story about how 32 years ago a coldblooded killer murdered her husband and how political opportunists then seized the chance to deny her justice and propagate a very pernicious set of lies.

It is also a story about how President Obama's current nominee to head the Civil Rights Department, this fellow, Debo Adegbile, joined in this gross abuse of our legal system. Unfortunately, our colleagues on the Senate Judiciary Committee—our Democratic colleagues—did not allow Maureen Faulkner to testify when the committee was considering this nominee. I think Maureen Faulkner deserves to be heard. I think she has a right to be heard. We have heard a lot of voices and a lot of arguments in this discussion. I think Maureen Faulkner's voice deserves to be heard.

Since she was not permitted to testify before the committee, I wish to read to my colleagues in the Senate the letter she sent to all of us, and I will begin now. Maureen Faulkner writes:

Dear Senators, while I would have preferred to do so personally, I'm writing this letter appealing to your sense of right and wrong, good and evil, as you consider the nomination of Debo Adegbile to be the next head of the Civil Rights Division of the Department of Justice.

Thirty-three years ago my husband, Philadelphia Police Officer Daniel Faulkner, was violently murdered by a self-professed "revolutionary" named Mumia Abu-Jamal.

I was 24 years old.

While most of my friends spent their summer at the Jersey Shore, I sat in a hot steamy courtroom and watched in horror and disbelief as the man who murdered my husband tried to turn the courtroom into a political stage where he could spew his hatred and contempt for this country and our judicial system.

At the moment my husband's blood stained shirt was displayed by the evidence handler, Mumia Abu-Jamal turned in his chair and smirked at me; demonstrating his contempt for law enforcement.

Thankfully, a racially mixed jury that was selected by Abu-Jamal while representing himself, found him guilty.

The following day they sentenced him to death for the brutal act he committed.

That's when my second nightmare began.

For three decades, my family and I endured appeal after appeal, each rooted in lies, distortions, and allegations of civil rights violations.

And year after year, judge after judge, the conviction and sentence were unanimously upheld.

Then, thirty years after the fact, my family, society and I were denied justice when three Federal District Court judges who have found error in every capital case that has come before them, overturned the death sentence.

Today, as my husband lies thirty-three years in the grave, his killer has become a wealthy celebrity.

He pens books and social commentaries critical of our country.

He regularly uses his nearly unlimited access to the prison telephone to do radio programs, has cable TV in his cell and is permitted to hold his wife, children and grandchildren in his arms when they visit.

Old wounds have once again been ripped open and additional insult is brought upon our law enforcement community in this country by President Obama's nomination of Debo Adegbile.

While publicly demonstrating that he doesn't even know my husband's name, Mr. Adegbile feigns sympathy and caring for my family and me.

In reality, Mr. Adegbile was a willing and enthusiastic accomplice in Mumia Abu-Jamal's bid to cheat us of the justice we had waited so many years for.

Mr. Adegbile freely chose to throw the weight of his organization behind Mumia Abu-Jamal, and he has publicly stated that he would get Mumia Abu-Jamal off death row.

Mr. Adegbile holds Mumia Abu-Jamal, a remorseless unrepentant cop killer, in high esteem.

We know this because attorneys working under Mr. Adegbile stood before public rallies held in support of my husband's killer and openly professed that it was "an extreme honor" to represent the man who put a hollow based bullet into my husband's brain as he lay on the ground, wounded, unarmed and defenseless.

And while Mr. Adegbile and those who support his nomination will undoubtedly argue that he did not personally make such statements, he did nothing to counter or stop them.

In the end, like so many attorneys before him, Mr. Adegbile's allegations of civil rights abuse rang hollow.

Mumia Abu-Jamal's death sentence was overturned not because of civil rights abuse as alleged by Mr. Adegbile, but because three judges with a personal dislike for capital punishment conveniently determined that the wording in a standard form given to a jury might have confused them.

While Debo Adegbile may be a well-qualified and competent litigator, through his words, his decisions and his actions he has clearly and repeatedly demonstrated that he is not the best person to fill this important position.

Certainly there are others with similar qualifications that would be better choices.

I would argue that Mr. Adegbile's decision to defend a cop killer should preclude him from holding any public position.

Your decision means a lot to me personally.

The thought that Mr. Adegbile will be rewarded, in part, for the work he did for my husband's killer is revolting.

Throughout my long ordeal I have frequently been labeled a racist by many who support my husband's killer simply because he is black and I white.

I have also been asked to throw my name, my voice and my support behind political candidates from both parties.

In each case I have declined.

I have always believed that my husband's death and my quest for justice transcends politics and race.

From my heart, I'm asking you to do the same thing.

Set aside any partisan feelings you have and do the right thing today when you vote on Mr. Adegbile's confirmation.

Please spare my family and me from further pain.

Sincerely,

Maureen Faulkner.

To conclude, as the Justice Department's Web site explains, the Civil Rights Division "fulfills a critical mission in upholding the civil and constitutional rights of all individuals." This requires the head of the Civil Rights Division to have an absolute commitment to truth and justice.

There are many highly qualified Americans who can carry out this critical mission—and it is a critical mission. Mr. Adegbile's record and what he actually has done create serious doubt that he is one of them.

For these reasons I urge my colleagues to vote against cloture on the nomination of Mr. Adegbile to serve as Assistant Attorney General for the Justice Department's Civil Rights Division.

Mr. CASEY. Mr. President, I rise today to discuss the nomination of Debo Adegbile to serve as Assistant Attorney General for the Civil Rights Division of the U.S. Department of Justice. As a representative of the city of Philadelphia, the Philadelphia police, and the family of slain officer Daniel Faulkner, I feel compelled to voice my concerns about this nomination for the record.

In 2009, while Mr. Adegbile was serving as director of litigation for the National Association for the Advancement of Colored People Legal Defense and Education Fund, that organization took on the defense of Mumia Abu-Jamal. Mr. Abu-Jamal had 27 years earlier been convicted of the first-degree murder of Daniel Faulkner, a Philadelphia police officer. The political theatrics surrounding this case have deprived Officer Faulkner's widow Maureen Faulkner and others of the orderly process of justice they should have received as victims of a heinous crime.

I believe strongly that people should have the right to criminal defense no matter what the circumstances. However, I am troubled by the legal defense fund's involvement in Mr. Abu-Jamal's defense at a time when he was ably represented by other counsel. The facts in the murder of Officer Daniel Faulkner while in the line of duty are not in dispute. The events and theatrics that surrounded this trial and that were fueled by the defense team here took an incredible toll on the Faulkner family, the law enforcement community, and the city of Philadelphia. From as early as the pretrial stage, Mr. Abu-Jamal disrupted the court proceedings by demanding representation by a non-attorney, refusing to accept judicial rulings on his motions and reportedly threatening the judge with violence. Since his conviction, Mr. Abu-Jamal and his supporters have engaged in an effort to discredit the judges, the Philadelphia police, Maureen Faulkner, and Officer Faulkner in this case.

For many of my constituents, a vote for this nominee would have validated the activities of the supporters of Mr. Abu Jamal.

Mr. Adebile has had a long and accomplished career as a civil rights advocate, including arguing twice before the Supreme Court in defense of the Voting Rights Act of 1965, a landmark piece of civil rights legislation. For years he has been actively working to defend voting rights and recently has been engaged in efforts to restore the protections of the Voting Rights Act for millions of Americans following the Supreme Court's ruling in *Shelby County v. Holder*. Mr. Adebile's work on the Voting Rights Act is commendable, and all Americans benefit from his commitment to ensuring equal access to the ballot. I take very seriously my duty to advise and consent, and I have considered Mr. Adebile's history of public service as well as my concerns about his involvement in the Abu-Jamal case.

Pennsylvanians and citizens across the country deserve to have full confidence in their public representatives—both elected and appointed. The Assistant Attorney General for Civil Rights is one of the top law enforcement positions in our Nation, and the full faith and confidence of the law enforcement community is an important consideration for a nominee for this position. The vicious murder of Officer Faulkner in the line of duty and the events that followed in the 30 years since his death have left open wounds for Maureen Faulkner and her family as well as the city of Philadelphia. After careful consideration and having met with Mr. Adebile as well as the Fraternal Order of Police, I decided to vote against this nomination.

I note the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN. Madam President, Debo Adebile has the keen intellect, life experience, and knowledge sufficient to be an excellent assistant attorney general. What an American story we find in his life.

The son of Nigerian and Irish immigrants, he worked his way up from poverty—including periods of homelessness and reliance on welfare—to the top of the legal profession. He graduated from Connecticut College and NYU Law School and spent the early years of his career in one of the most highly regarded law firms in New York. Then he decided to start working at the NAACP legal defense fund, ultimately becoming the organization's acting president and directing counsel. For those who don't know the NAACP legal defense fund, I would commend to them a book called "Devil in the

Grove." It is a Pulitzer Prize-winning story of the work of Thurgood Marshall in the 1940s and 1950s when the fund was literally the only voice for those who were poor and Black in America. Time and again, Thurgood Marshall would journey to parts of America and risk his life to defend someone accused of a crime. They were the only ones who would stand and speak for the poor and those who were in minority status.

Mr. Adebile joined the NAACP legal defense fund, and during his 20-year career he has gained experience and perspective on a wide range of issues, certainly qualifying him for this job with the Civil Rights Division. He has widespread enthusiastic support from a broad spectrum of civil rights groups, law enforcement organizations, police officers, prosecutors, business leaders, government officials, and prominent members of both political parties.

Mr. Adebile has twice been called on to defend the constitutionality of the Voting Rights Act in oral arguments before the U.S. Supreme Court. In the year 2013, he was the only—only—African-American attorney to argue before the Supreme Court. There is no question about his competency.

He led the NAACP Legal Defense and Education Fund's legislative outreach and public education efforts on the Voting Rights Reauthorization Act of 2006 which was passed by a unanimous 98-0 vote in the Senate and 390-33 in the House.

He has represented minorities in case after case involving employment discrimination. He led the efforts to repeal the proposition 36 initiative, California's overly punitive three strikes law, and it passed with 70 percent of the votes of Californians.

In his private practice he has successfully represented pro bono clients. His is an extraordinary legal resume.

As these select career highlights demonstrate, he is an effective advocate who can lead the Civil Rights Division. Don't take my word for it though.

The Bush administration Solicitor General Paul Clement stated:

I've litigated both with and against Debo and have heard him argue in the Supreme Court. I have always found him to be a formidable advocate of the highest intellect, skills and integrity.

Mr. Adebile's representation of Mumia-Abu-Jamal does not mean he lacks respect for the rule of law, and it certainly should not disqualify him from this important civil rights job.

In fact, his willingness to represent an unpopular defendant in an emotionally charged case demonstrates his appreciation for the rule of law, as well as his respect for the criminal justice system.

His critics have attempted to characterize him as someone who actively sought out this case, someone who disparaged the officer who was cut down in the line of duty, Officer Faulkner, and someone who is responsible for Abu-Jamal's death sentence being overturned.

Each of these characterizations is wrong, inaccurate, and unfair.

The NAACP legal defense fund was not involved in the Abu-Jamal case until 2006, nearly 25 years after the trial of this individual and his conviction and 5 years after the death sentence was overturned, being converted to life in prison.

LDF's president, not Mr. Adebile, made the decision for the organization to be involved in the case. Moreover, as Adebile stated before the committee, the briefs he signed "made no negative comments [whatsoever] about the tragic loss of Officer Faulkner."

I see the chairman of the committee is in the Chamber, and I know my time is short. Let me just say this. Time and again in the history of the United States people have stood, understanding the Constitution and the responsibility of the bar, to represent unpopular defendants.

John Adams set the standard when he made the unpopular decision to represent British soldiers on the eve of the Revolutionary War.

The Senate recalled that example in 2003 when it confirmed John Roberts to the DC Circuit. At the time, not one single Senator raised a concern about then-Judge Roberts providing pro bono representation to a man who had been convicted of killing eight people and was awaiting execution on Florida's death row.

What John Roberts did—now the Chief Justice of the Supreme Court—was entirely consistent with our Constitution and the responsibility of those of us in the legal profession.

I would say at this point we have an extraordinary man, with an extraordinary background, who has offered his services to this government in an important division where he can serve in a capacity that few can match.

The full scope of his life experience and his distinguished record make him well qualified, and I will support his nomination.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I so strongly concur with the statement of the senior Senator from Illinois, the deputy majority leader. It is similar to statements he has made not only here but in private and in public. He has been one of Mr. Adebile's strongest supporters throughout this matter.

Both he and I know this nominee well. We know he is qualified to be the Assistant Attorney General for the Civil Rights Division in the Department of Justice. More than that, we know Debo Patrick Adebile as a real person and not as the caricature we have heard from some on the other side. I think all of us have a responsibility to vote yes or no on any issue, and at least to deal with the facts as they are, not with distortions like some of the ones we have heard about this wonderful person.

The Civil Rights Division was created in 1957 in the wake of the landmark decision in *Brown v. Board of Education*,

and is charged with enforcing Federal laws prohibiting discrimination, and upholding the civil and constitutional rights of the most vulnerable members of our society. From protecting voting rights to combating human trafficking to protecting against religious or racial discrimination, we all know that more work needs to be done. The Civil Rights Division plays a pivotal role in protecting the civil rights of all Americans.

Debo is a man of the highest character and the utmost integrity. He is the kind of proven leader we need at the Civil Rights Division. He is a superb lawyer, to begin with. He has a compelling personal story of triumph over adversity.

He is the son of immigrants from Ireland and Nigeria. He was born in the Bronx. He grew up in poverty, amidst periods of homelessness, but he overcame all these obstacles to attend Connecticut College and the New York University School of Law. He then litigated for 7 years at one of the Nation's top law firms—picked because he was the best of the best of the best.

He then served as legal director of the NAACP Legal Defense and Educational Fund, the LDF. This is a civil rights organization founded nearly 70 years ago by the great Thurgood Marshall, who recognized the need for people to stand up for the constitutional right of all Americans to fair, honest, and competent legal representation. During his time at LDF, Debo argued two landmark cases on voting rights before the U.S. Supreme Court. The nominee is widely regarded as an expert on civil rights law. He has received an outpouring of support from the civil rights community.

Think of some of the people who support him. Congressman JOHN LEWIS has expressed his “unwavering support” for Debo’s nomination, stating that his “intelligence, legal acumen, experience, and commitment to his craft, reflect deeply on his ability to offer the Civil Rights Division outstanding leadership into the future.”

The Leadership Conference on Civil and Human Rights and 83 other civil rights organizations called Debo “a tireless advocate, a skilled litigator, and a well-respected member of the legal community who is extraordinarily qualified for and suited to this position.”

And the Congressional Black Caucus stated that he is “one of the pre-eminent civil rights litigators of his generation,” and “offers precisely the type of experience, professionalism, and leadership skills necessary to run the Division.”

Support for Debo’s nomination extends from the civil rights community to supporters business and law enforcement. Kenneth Chenault, chairman and chief executive officer of American Express, wrote that he has been “continually impressed by his skills and professionalism—along with his steadfast commitment to upholding civil rights.”

The National Organization of Black Law Enforcement Executives gave its “unwavering support” to his nomination. We have letters of support from Detective Terrance Daniels, a retired member of the New York City Police Department; the New York State Attorney General; and several district attorneys and Federal prosecutors.

Paul Clement, the Solicitor General under President George W. Bush, said: “I have litigated both with and against Debo and have heard him argue in the Supreme Court. I have always found him to be a formidable advocate of the highest intellect, skills and integrity.”

We have a huge list of his supporters, and I ask unanimous consent that the whole list be printed in the RECORD.

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

LETTERS OF SUPPORT FOR THE NOMINATION OF DEBO ADEGBILE TO BE ASSISTANT ATTORNEY GENERAL, CIVIL RIGHTS DIVISION

(As of March 5, 2014)

CURRENT AND FORMER PUBLIC OFFICIALS

Drew S. Days, III, Former Assistant Attorney General for the Civil Rights Division, Department of Justice; Congressman Hakeem S. Jeffries, Member of the House of Representatives for the 8th District of New York; Congressman John Lewis, 5th District, Georgia; Governor Deval L. Patrick, Commonwealth of Massachusetts and Former Assistant Attorney General for the Civil Rights Division, Department of Justice; Seth P. Waxman, Former Solicitor General of the United States, Department of Justice.

CURRENT AND FORMER PROSECUTORS AND LAW ENFORCEMENT COMMUNITY

John I. Dixon, National President, National Organization of Black Law Enforcement Executives; David Godosky, former Assistant District Attorney, Bronx County; former Criminal Court Judge, City of New York; David Raskin, former Assistant U.S. Attorney, Southern District of New York; New York State Attorney General, Eric Schneiderman; Kenneth P. Thompson, District Attorney, Kings County, Brooklyn, New York; Detective Terrance Daniels, Retired, New York City Police Department.

CIVIL RIGHTS ORGANIZATIONS

A. Philip Randolph Institute; Advancement Project; AFL-CIO; African American Ministers In Action; Alliance for Justice; American Association for Affirmative Action; American Association of Colleges for Teacher Education; American Association of People with Disabilities (AAPD); American Federation of Government Employees; American-Arab Anti-Discrimination Committee; Americans for Financial Reform; Anti-Defamation League; Asian American Legal Defense and Education Fund; Asian Americans Advancing Justice—AAJC; Asian and Pacific Islander American Vote (APIAVote); Asian Pacific American Labor Alliance; Asian Pacific American Institute for Congressional Studies; Bazelon Center for Mental Health Law; Black Women’s Roundtable.

Campaign Legal Center; Center for APA Women; Center for Community Change; Chicago Lawyers’ Committee for Civil Rights Under Law; Children’s Defense Fund; Colorado Lawyers’ Committee; Communications Workers of America; Congressional Black Caucus; The Consortium for Citizens with Disabilities Rights Task Force; Demos; Disability Rights Education & Defense Fund; Earthjustice; Fair Elections Legal Network;

FairVote; Freedom to Work; Gay, Lesbian & Straight Education Network (GLSEN); Hindu American Foundation; Hispanic National Bar Association; Hmong National Development, Inc.; Human Rights Campaign; International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, UAW; Iota Phi Lambda Sorority, Inc.; Japanese American Citizens League.

LatinoJustice PRLDEF; Lawyers’ Committee for Civil Rights Under Law; Lawyers’ Committee for Civil Rights Under Law of the Boston Bar Association; Lawyers’ Committee for Civil Rights Under Law of the San Francisco Bay Area; The Leadership Conference on Civil and Human Rights; League of United Latin American Citizens; Legal Momentum; MALDEF; Mississippi Center for Justice; NAACP; NAACP Legal Defense & Educational Fund, Inc. (LDF); NALGO Educational Fund; National Action Network; National Association of Human Rights Workers (NAHRW); National Association of Social Workers; National Bar Association; National Black Justice Coalition; National Center for Lesbian Rights; National Center for Transgender Equality; National Coalition for Asian Pacific American Community Development; National Coalition on Black Civic Participation; National Conference of Black Mayors, Inc.; National Council of Jewish Women; National Council of La Raza; National Council on Independent Living.

National Disability Rights Network; National Education Association; National Employment Law Project; National Employment Lawyers Association; National Fair Housing Alliance; National Gay and Lesbian Task Force Action Fund; National Immigration Law Center; National Latina Institute for Reproductive Health; National Legal Aid & Defender Association; National Organization for Women; National Partnership for Women & Families; National Senior Citizens Law Center; National Urban League; National Women’s Law Center; Native American Rights Fund.

People For the American Way; PFLAG National; Poverty & Race Research Action Council; Prison Policy Initiative; Project Vote; Public Counsel; Public Interest Law Center of Philadelphia; Sikh American Legal Defense and Education Fund (SALDEF); South Asian Americans Leading Together (SAALT); Southern Coalition for Social Justice; Southern Poverty Law Center; United Food and Commercial Workers International Union; United Steelworkers International Union; Vera Institute of Justice; Washington Lawyers’ Committee for Civil Rights And Urban Affairs; Wider Opportunities for Women.

MEMBERS OF THE UNITED STATES SUPREME COURT BAR

Lisa S. Blatt, Arnold & Porter LLP; Stephen B. Bright, Southern Center for Human Rights; David W. DeBruin, Jenner & Block; Jeffrey L. Fisher, Stanford Law School; Jeffrey T. Green, Sidley Austin LLP; George H. Kendall, Squire Sanders LLP; Peter J. Neufeld, Innocence Project; Andrew H. Schapiro, Quinn Emanuel; William F. Sheehan, Goodwin Procter LLP; Paul M. Smith, Jenner & Block.

OTHER SUPPORTERS

Paul Lancaster Adams, Philadelphia Man-aging Shareholder, Ogletree, Deakins, Nash, Smoak & Stewart, P.C.; Abed A. Ayoub, Director of Policy & Legal Affairs, American-Arab Anti-Discrimination Committee; Ken Chenault, Chairman and CEO of American Express; Donna B. Coaxum, Vice President, General Counsel & Secretary, OSI Group, LLC; Alan Dial, Partner, King & Spalding; Randy Hertz, Professor of Clinical Law, New

York University School of Law; Frederick R. Nance, Regional Managing Partner, Squire Sanders; LaFonte Nesbitt, Partner, Holland & Knight; John E. Page, Vice President, General Counsel & Secretary, Golden State Foods Corporation.

Nicholas J. Panarella; Christopher C. Panarella; Former NYU Classmates Anthony T. Pierce, D.C. Managing Partner, Akin Gump Strauss Hauer & Feld; Hilary O. Shelton, Director, NAACP Washington Bureau & Senior Vice President for Advocacy and Policy; James R. Silkenat, President, American Bar Association; Theodore V. Wells, Jr., Co-Chair of the Litigation Department at Paul, Weiss, Rifkind, Wharton & Garrison LLP; Kwamina Williford, Partner, Holland & Knight; Benjamin F. Wilson, Managing Partner, Beveridge & Diamond, P.C.; Pamela D. Zilly, Former President of the Connecticut College Board of Trustees Current and Former Presidents of Connecticut College.

Mr. LEAHY. I have been privileged to work in civil practice, where I defended people, and also to have spent 8 years as a prosecutor. I stand behind nobody in my support of law enforcement. I was picked as one of the three outstanding prosecutors in this country when I was a prosecutor. But I believed throughout all that time that everybody who was prosecuted deserved the best of representation.

Despite Debo's expertise, some are opposing his nomination based on a single case: Mumia Abu-Jamal's appeal of his death sentence for the 1981 murder of Officer Daniel Faulkner. I condemn that murder. I condemn the murderer for it. But, just as the British in the Boston Massacre deserved representation, and got it from John Adams; just as the man who murdered a number of people, including a couple of teenagers, deserved representation from John Roberts, a Republican who is now Chief Justice of the U.S. Supreme Court; so, too, did Mumia Abu-Jamal deserve legal representation.

The murder of Officer Faulkner was a horrific tragedy, and my heart goes out to Mrs. Faulkner and all family members who have lost a loved one in the line of duty. Officer Faulkner served bravely to protect our community and to defend our system of justice and our Constitution. We are trying to defend it too.

It is officers like Officer Faulkner that drive many of us to support programs like the Bulletproof Vest Partnership Grant program. I might point out to some of my friends who stand here in righteous indignation against this nomination, saying they are standing up for law enforcement, that former Senator Ben Nighthorse Campbell and I began a bulletproof vest program that has bought bulletproof vests for officers all over this country. It is up for reauthorization. It has saved the lives of police officers. Not a single Republican has joined me in the effort to reauthorize what was a bipartisan piece of legislation that actually saves the lives of police officers. But, they will come down here and wax eloquently and misleadingly against this good nominee.

If you listen to them or you listen to FOX News, you might think the nominee himself is a criminal. Of course he is not. These attacks launched against this nominee demonstrate a fundamental misunderstanding of the role of a lawyer and the very constitutional system of justice that law enforcement officers all swear an oath to protect. It is time to clear the record.

First, the assertion that Debo made the decision for LDF to take on Abu-Jamal's case is simply not accurate. That decision was made by the previous president of LDF. The nominee we are considering today has testified under oath that it was not his decision. But once the decision was made, and he was appointed to do it, he had a duty, as an officer of the court, to do his best to represent his client, no matter how distasteful or unpopular.

Debo's role in the Abu-Jamal case was limited to two Supreme Court briefs and one Third Circuit brief. Attempts to attribute more to Debo, including the out-of-court statements by other LDF attorneys, are unfounded. These remind me of the attacks that were made against Thurgood Marshall when he was nominated to the Second Circuit Court of Appeals. At the time, Republican Senator Keating provided an articulate response of why such attacks are unreasonable and unfair:

If counsel is suggesting something that Judge Marshall must have the responsibility for every little action that is taken by any lawyer who has been appearing in an NAACP case, he is imposing a standard of responsibility which certainly goes beyond any point of reasonableness. Judge Marshall's conduct and his ethical standards have not been questioned in these hearings. It is ridiculous to suggest that he may be disqualified for judicial service because some other lawyers who appeared in an NAACP case may or may not have done things which counsel considers questionable and where there is absolutely no showing that Judge Marshall has anything to do with the conduct at issue.

Second, and perhaps more importantly, even if it had been Debo's decision to represent Mr. Abu-Jamal, that should not disqualify him from public service. Our legal system is an adversary system, predicated upon advocacy for both sides. Without this, our justice system would be a sham. We do not criticize John Adams; we do not criticize John Roberts. Now-Chief Justice Roberts said at his confirmation hearing in 2005:

[I]t's a tradition of the American Bar that goes back before the founding of the country that lawyers are not identified with the positions of their clients. The most famous example probably was John Adams, who represented the British soldiers charged in the Boston Massacre. He did that for a reason, because he wanted to show that the Revolution in which he was involved was not about overturning the rule of law, it was about vindicating the rule of law . . . [T]hat you don't identify the lawyer with the particular views of the client, or the views that the lawyer advances on behalf of the client, is critical to the fair administration of justice.

It is for this reason that as a nominee before the Senate John Roberts was not criticized for choosing to pro-

vide pro bono assistance to John Errol Ferguson, a prisoner in Florida who had been sentenced to death for killing eight people, including two teenagers, in the late 1970s.

I agree with what John Adams did. I agree with what John Roberts did. I agree with what Debo did, too. Whether it is John Adams or John Roberts, the principle that all sides deserve an effective counsel is at the bedrock of our constitutional system. We cannot equate the lawyer with the conduct of those we represent if we want our justice system to endure. After Debo's confirmation hearing in early January, the ranking member of the Judiciary Committee himself expressed the same sentiment when he said: "You always have to take into consideration that everybody under our constitution is entitled to a defense."

Some have argued that the Abu-Jamal case is somehow different because it became a "political cause" and was no longer just a case about defending an unpopular client. But regardless of who the defendant might be, the constitutional right to a fair trial has nothing to do with politics and cannot be dismissed as merely a "political cause." In 2011, the U.S. Supreme Court declined to accept the district attorney's appeal of the lower court decisions, thereby affirming the decisions to vacate the death sentence. However unpopular LDF's decision to represent Abu-Jamal might be, these decisions by independent Federal judges affirm that this case was about defending the rights guaranteed by our Constitution and not merely some political stunt.

Finally, while criticism of a nominee's qualifications is certainly part of the appointment process, some attacks are—by any measure—out of bounds. Last month, while Debo's nomination was still in the Judiciary Committee, the Washington Times published an editorial caricature of Debo that was racially-tinged, offensive, and beyond the pale. I have spoken out against the insulting attempts to defame the nominees of Democratic and Republican Presidents, and I do so again today. I would also hope that those who are opposing Debo's nomination would similarly distance themselves from them.

Debo Adegbile is one of the Nation's leading civil rights lawyers. Those of us who have worked with him cannot recognize the caricature that some are trying to paint. I have seen him testify before a crowded Senate hearing room. I have heard him quietly give counsel in a private meeting room. I know him to be a thoughtful, respectful, and competent person, a good family man, a good husband and father.

I regret these attacks. I have been here 40 years. I do not know if I have ever heard a time in those 40 years when a person was so misrepresented in the attacks against him. I hope now some of those who attack him, saying they are standing up for law enforcement, would do things like join on the bulletproof vest bill and others they refuse to.

I see the majority leader. I ask unanimous consent that the majority leader have whatever time he needs.

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

The majority leader.

Mr. REID. Madam President, Debo Adegbile is the President's nominee to lead the Civil Rights Division of the Department of Justice. He is a man who renews my faith in the American dream. He is the son of Irish and Nigerian immigrants.

To say he grew up in poverty is an understatement. There were times when he and his mom—he was raised mostly by a single mom—were homeless. Despite these challenges, he worked his way through the educational system and to the top of the legal profession.

He graduated from prestigious New York University Law School. He argued two of the most important civil rights cases of his generation before the U.S. Supreme Court. He has received numerous awards for his legal prowess and his commitment to civil rights.

He is one of the Nation's foremost civil rights attorneys. He is eminently qualified to lead the office that enforces Federal laws prohibiting every type of discrimination, including discriminatory voting practices.

His job—the job of that person who is in the Civil Rights Division—is to do everything they can do to make sure people have the opportunity to vote. We know what has happened around the country. We know how Republican Governors and other Republican officials have done everything they can to stop voting. Early voting they eliminate or they shorten the time period. They take away voting places that make it easier for people to vote.

This is an important position. The person that is best qualified to do that is going to have a vote in just a few minutes. Despite all this nominee has achieved, Republicans have not given this man a fair shot at confirmation. His time at the NAACP, where he worked for 12 years, involved many different things. But one of the things he did not do, he did not step foot into a courtroom representing that violent murderer in Philadelphia that occurred in 1981 when he was 13 years old.

Although the condemned man was undoubtedly a very bad man, as I understand the facts: 3 o'clock, 3:30 in the morning a cab is stopped; the murderer's brother is in the cab, just by coincidence. So there were a lot of problems in Philadelphia at the time. The murderer gets out of the car and shoots a police officer viciously and wantonly, for no reason, in the head—terrible murder.

He was a bad man who was convicted of a heinous crime and given the death sentence. When the nominee got into this case, the murder had taken place 25 years earlier. Five years before he got into the case, the death penalty had already been overturned, was al-

ready gone. Where did the death penalty overturn come from? That is pretty interesting. It came from a Reagan appointee. Then the circuit court affirmed what the district court had done. They got rid of the death penalty. That district court decision was upheld by President Bush's appointees. I am sorry. The district court opinion was issued by an appointee of the first President Bush, H.W. Bush. The Third Circuit opinion that upheld it was composed of two Ronald Reagan appointees, including one of the most famous jurists of all time, John Sirica.

It is interesting. A person who wrote an op-ed piece in the Wall Street Journal not long ago—who is the district attorney—chose not to reseek the death penalty even though he is writing op-ed pieces about what a bad guy this is, a man who had nothing to do with the case.

The defendant in 2001 was resentenced to life in prison without parole. The death penalty was gone. How can we engage in guilt by association? I repeat, the nominee did not step into a courtroom, a courtroom for the murderer. He did not write one word in a brief for the murderer. He worked at the NAACP and oversaw the litigation and signed the brief third down the row. He had nothing to do with the appeal as far as arguing it.

Even the Philadelphia Inquirer, the hometown newspaper where this murder of the police officer who was so tragically slain took place, said: "It would be hard to find a better candidate for the position." I agree with that.

To argue that [the nominee], one of the country's foremost legal scholars—especially when it comes to civil rights law—should be disqualified from the Justice post because he participated in [these] appeals is an affront to what it means to live in America. This country allows every convict to exhaustively appeal a verdict, even when all the prior evidence appears to have assured his guilt.

I have met with this man on several occasions. I spent the morning in my office with him. He is a fine man. What a story of the American dream. He has devoted his life to public service. He could be like a lot of other lawyers—nothing wrong with that—go out and see how much money he can make, but he decided not to do that. He believes in public service. He is married, has two beautiful girls.

But I am afraid he is treated by the Republicans kind of like Congressman Watt, Mel Watt, Jeh Johnson, Todd Jones, Circuit Court Judge Wilkins. They have distorted this man's good name in an attempt to score points politically and block confirmation of a faithful defender of voting rights, which the Republicans do everything they can to not prevent. They want fewer people voting. They do not want people to vote. They especially do not want poor people to vote.

The NAACP, we know their record. So much has changed in America because of their legal defense fund. Thurgood Marshall is the most famous

of all, but there have been great lawyers who have been part of that program. The organization stands for the constitutional right of every American to a fair trial regardless of the nature of the crime or the content of their character. I think that is what the legal profession is all about. That is what I thought it was about when I practiced law.

I represented some very bad people. I did it a lot of time for no pay. The NAACP also advances the cause of civic engagement, economic opportunity, education, health care, freedom from discrimination. That is for all Americans. They are not out representing just African Americans—all Americans. But there is no question Mr. Adegbile actually specializes in voting rights issues.

He has worked for years at the NAACP and every other thing he has done to safeguard the right of every American to cast a ballot without discrimination or intimidation. That is how the legal defense fund got involved in this case. He did not step into a courtroom. He did not write one single word of any brief. He did not make the decision to represent the Philadelphia defendant, who was a very bad guy, nor did he appear in court or write a word in this case.

They have attempted to paint him as sympathetic to the convict. The man is still in jail. That is where he should be. The truth is lawyers—not all of them but lawyers represent unpopular clients at some point in their cause and in their careers. John Roberts, he is not known as a great trial lawyer, but he is known as a great lawyer. Chief Justice Roberts provided pro bono assistance, for example, to the defense of a prisoner on Florida's death row who was convicted of killing eight people. That was not brought up during his confirmation hearing by us because he had a job to do.

As he said, advocacy on behalf of a client is not about overturning the rule of law, but it is vindicating the rule of law. This nominee has strong support from groups all over America. I cannot express strongly enough what a fine man he is. The President of the American Bar Association wrote the Judiciary Committee. Here is what he said to Chairman LEAHY and other members of the committee. He was "alarmed to learn . . . [about] opposition to [his] nomination based solely on his efforts to protect the fundamental rights of an unpopular client."

That is all it was about this murderer. He was a bad guy, but he is entitled to a lawyer. I repeat for the fourth time: The nominee did not step into a courtroom for this guy. He did not write a word of any brief. He has constantly—this nominee stood for the constitutional rights as well as Americans' fundamental right to participate in our democracy. He is exceptionally well qualified for the job for which he is nominated.

Opponents have used his defense of the Constitution as a political weapon

against him. He deserves an affirmative vote, to be judged on the body of his work and the admirable qualities of his character. I thought that is what we did here. It is a real shame that people are questioning whether he deserves this vote.

I ask unanimous consent that following the cloture vote on the Hernandez nomination, the Senate recess until 2:15 p.m. for the weekly caucus meetings; that at 2:15 p.m. the Senate proceed to legislative session and a period of morning business until 3:30 p.m. with Senators permitted to speak up to 10 minutes each; that at 3:30 p.m. the Senate resume executive session and the consideration of the Hernandez nomination with the time until 4 p.m. equally divided between the chairman and ranking member of the Judiciary Committee; that at 4 p.m. all remaining postcloture time be yielded back on the Hernandez nomination and the Senate proceed to vote on the confirmation of the Hernandez nomination; that upon disposition of the Hernandez nomination, the Senate proceed to the votes on the remaining motions to invoke cloture which were filed Thursday, February 27, on Executive Calendar Nos. 569, 565, 571, and 636; that if cloture is invoked on any of the nominees, with the exception of the Gottemoeller nomination, all postcloture time be yielded back and the Senate proceed to vote on the confirmation of the nominations; that there be 2 minutes equally divided in the usual form prior to each cloture vote; finally, all after the first vote be 10 minutes.

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

Mr. REID. I would close by saying I sure hope we get enough votes for this good man. If we do not, maybe it is time America had a good discussion on civil rights. If this man who is defending the right of the Constitution—that is what he has done. Does the Constitution mean anything? Should a man who has had nothing to do with the case of a violent murderer be used as a scapegoat for the Republicans to try to stop people from voting? I hope not.

We will have a discussion if this good man does not have the votes. We will have a discussion on civil rights. I think he will have a lot to do with the direction the discussion will take.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Debo P. Adegbile, of New York, to be an Assistant Attorney General.

Harry Reid, Patrick J. Leahy, Richard J. Durbin, Patty Murray, Barbara Boxer, Sheldon Whitehouse, Jack Reed, Carl

Levin, Debbie Stabenow, Tom Udall, Martin Heinrich, Christopher Murphy, Michael F. Bennet, Maria Cantwell, Amy Klobuchar, Richard Blumenthal, Tom Harkin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that the debate on the nomination of Debo P. Adegbile, of New York, to be an Assistant Attorney General be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Texas (Mr. CORNYN).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted "nay."

The VICE PRESIDENT. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 47, nays 52, as follows:

[Rollcall Vote No. 48 Ex.]

YEAS—47

Baldwin	Heinrich	Nelson
Begich	Hirono	Reed
Bennet	Johnson (SD)	Rockefeller
Blumenthal	Kaine	Sanders
Booker	King	Schatz
Boxer	Klobuchar	Schumer
Brown	Landrieu	Shaheen
Cantwell	Leahy	Stabenow
Cardin	Levin	Tester
Carper	Markey	Udall (CO)
Durbin	McCaskill	Udall (NM)
Feinstein	Menendez	Warner
Franken	Merkley	Warren
Gillibrand	Mikulski	Whitehouse
Hagan	Murphy	Wyden
Harkin	Murray	

NAYS—52

Alexander	Fischer	Murkowski
Ayotte	Flake	Paul
Barrasso	Graham	Portman
Blunt	Grassley	Pryor
Boozman	Hatch	Reid
Burr	Heitkamp	Risch
Casey	Heller	Roberts
Chambliss	Hoeven	Rubio
Coats	Inhofe	Scott
Coburn	Isakson	Sessions
Cochran	Johanns	Shelby
Collins	Johnson (WI)	Thune
Coons	Kirk	Toomey
Corker	Lee	Vitter
Crapo	Manchin	Walsh
Cruz	McCain	Wicker
Donnelly	McConnell	
Enzi	Moran	

NOT VOTING—1

Cornyn

The VICE PRESIDENT. On this vote the yeas are 47, the nays are 52. The motion is rejected.

The Senator from Nevada.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked on this nomination.

The VICE PRESIDENT. The motion is entered.

CLOTURE MOTION

The VICE PRESIDENT. The cloture motion having been presented, under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Pedro A. Delgado Hernandez, of Puerto Rico, to be United States District Judge for the District of Puerto Rico.

Harry Reid, Patrick J. Leahy, Benjamin L. Cardin, Mark L. Pryor, Mark Begich, Tom Harkin, Amy Klobuchar, Christopher Murphy, Patty Murray, Jon Tester, Richard J. Durbin, Barbara Boxer, Angus S. King, Jr., Claire McCaskill, Richard Blumenthal, Sheldon Whitehouse, Jack Reed.

The VICE PRESIDENT. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Pedro A. Delgado Hernandez, of Puerto Rico, to be United States District Judge for the District of Puerto Rico, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. HATCH (when his name was called). "Present."

Mr. THUNE. The following Senator is necessarily absent: the Senator from Texas (Mr. CORNYN).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted "nay."

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

The yeas and nays resulted—yeas 57, nays 41, as follows:

[Rollcall Vote No. 49 Ex.]

YEAS—57

Baldwin	Harkin	Murray
Begich	Heinrich	Nelson
Bennet	Heitkamp	Pryor
Blumenthal	Hirono	Reed
Booker	Johnson (SD)	Reid
Boxer	Kaine	Rockefeller
Brown	King	Sanders
Cantwell	Klobuchar	Schatz
Cardin	Landrieu	Schumer
Carper	Leahy	Shaheen
Casey	Levin	Stabenow
Collins	Manchin	Tester
Coons	Markey	Udall (CO)
Donnelly	McCaskill	Udall (NM)
Durbin	Menendez	Walsh
Feinstein	Merkley	Warner
Franken	Mikulski	Warren
Gillibrand	Murkowski	Whitehouse
Hagan	Murphy	Wyden

NAYS—41

Alexander	Fischer	Moran
Ayotte	Flake	Paul
Barrasso	Graham	Portman
Blunt	Grassley	Risch
Boozman	Heller	Roberts
Burr	Hoeven	Rubio
Chambliss	Inhofe	Scott
Coats	Isakson	Sessions
Coburn	Johanns	Shelby
Cochran	Johnson (WI)	Thune
Corker	Kirk	Toomey
Crapo	Lee	Vitter
Cruz	McCain	
Enzi	McConnell	Wicker

ANSWERED "PRESENT"—1

Hatch