

Johanns	Paul	Shelby
Johnson (WI)	Portman	Thune
Kirk	Risch	Toomey
Lee	Roberts	Vitter
McCain	Rubio	Wicker
McConnell	Scott	
Moran	Sessions	

Sessions	Thune	Vitter
Shelby	Toomey	Wicker

NOT VOTING—1

Udall (CO)

Carper	King	Reed
Casey	Klobuchar	Reid
Collins	Landrieu	Rockefeller
Coons	Leahy	Sanders
Donnelly	Levin	Schatz
Durbin	Manchin	Schumer
Feinstein	Markey	Shaheen
Franken	McCaskill	Stabenow
Gillibrand	Menendez	Udall (CO)
Hagan	Merkley	Udall (NM)
Harkin	Mikulski	Warner
Heinrich	Murkowski	Warren
Hirono	Murphy	Whitehouse
Isakson	Murray	Wyden
Johnson (SD)	Nelson	
Kaine	Pryor	

The nomination was confirmed.

VOTE EXPLANATION

• Mr. UDALL of Colorado. Mr. President, had I been present to cast a vote relative to rollcall vote No. 56 on March 3, 2014 on the nomination of Vince Chhabria to be U.S. District Judge for the Northern District of California, I would have voted "aye."•

The PRESIDING OFFICER. On this vote the ayes are 57, the nays are 43. The motion is agreed to.

NOMINATION OF VINCE GIRDHARI CHHABRIA TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Vince Girdhari Chhabria, of California, to be United States District Judge for the Northern District of California.

The PRESIDING OFFICER. Under the previous order, all postcloture time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Vince Girdhari Chhabria, of California, to be United States District Judge for the Northern District of California?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Colorado (Mr. UDALL) is necessarily absent.

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

The result was announced—yeas 58, nays 41, as follows:

[Rollcall Vote No. 56 Ex.]

YEAS—58

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

NAYS—41

Ayotte	Cruz	Johnson (WI)
Barrasso	Enzi	Lee
Blunt	Fischer	McCain
Boozman	Flake	McConnell
Burr	Graham	Moran
Chambliss	Grassley	Paul
Coats	Hatch	Portman
Coburn	Heller	Risch
Cochran	Hoeven	Roberts
Corker	Inhofe	Rubio
Cornyn	Isakson	Scott
Crapo	Johanns	

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided in the usual form prior to the cloture vote.

Who yields time?

Mr. INHOFE. I yield back.

The PRESIDING OFFICER. Time is yielded back.

Who yields time in support of the nomination?

Mr. MENENDEZ. Mr. President, parliamentary inquiry. I understand the Republican side yielded back their time.

The PRESIDING OFFICER. The Senator is correct. The time in opposition is yielded back.

Mr. MENENDEZ. I yield back our time.

The PRESIDING OFFICER. All time having been yielded, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

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 Rose Eilene Gottemoeller, of Virginia, to be Under Secretary of State for Arms Control and International Security.

Harry Reid, Robert Menendez, Benjamin L. Cardin, Ron Wyden, Christopher A. Coons, Patrick J. Leahy, Martin Heinrich, Jack Reed, Tom Harkin, Sheldon Whitehouse, Patty Murray, Dianne Feinstein, Richard J. Durbin, Barbara Boxer, Carl Levin, Jeff Merkley, Amy Klobuchar.

The PRESIDING OFFICER. 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 Rose Eilene Gottemoeller, of Virginia, to be Under Secretary of State for Arms Control and International Security, 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.

The yeas and nays resulted—yeas 55, nays 45, as follows:

[Rollcall Vote No. 57 Ex.]

YEAS—55

Baldwin	Blumenthal	Brown
Begich	Booker	Cantwell
Bennet	Boxer	Cardin

NAYS—45

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

The PRESIDING OFFICER. On this vote the yeas are 55 and the nays are 45. The motion to invoke cloture is agreed to.

NOMINATION OF ROSE EILENE GOTTEMOELLER TO BE UNDER SECRETARY OF STATE FOR ARMS CONTROL AND INTERNATIONAL SECURITY

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk reported the nomination of Rose Eilene Gottemoeller, of Virginia, to be Under Secretary of State for Arms Control and International Security.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that with respect to the nominations confirmed today, the motions to reconsider be considered made and laid on the table and the President be immediately notified of the Senate's action.

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

Mr. REID. I further ask unanimous consent that following morning business on Thursday, March 6, the time until 11:20 a.m. be equally divided between the majority leader and the Republican leader or their designees; that at 11:20 the Senate proceed to vote on confirmation of Calendar No. 626, the nomination of Rose Gottemoeller to be Under Secretary of State for Arms Control and International Security; further, that following disposition of the Gottemoeller nomination, the Senate proceed to vote on the confirmation of Calendar Nos. 510, 511; there be 2 minutes for debate prior to each vote equally divided in the usual form; that all after the first vote be 10 minutes in length; that the motions to reconsider be considered made and laid on the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that

the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

Mr. REID. We have laid out tomorrow to some degree. We have other work to do tomorrow. If we have some cooperation from both sides, we can finish sometime midafternoon; otherwise, it could be a while.

UNANIMOUS CONSENT AGREEMENT—S. 1086

Mr. REID. I ask unanimous consent that at a time to be determined by me, with the concurrence of Senator MCCONNELL, the Senate proceed to the consideration of Calendar No. 309, S. 1086; further, that the cloture motion filed on Thursday, February 27, with respect to the motion to proceed be withdrawn. This is the child care block grant legislation.

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

Mr. REID. Mr. President, I ask unanimous consent that Senator HARKIN be recognized, Senator COLLINS follow after him, then Senator BOXER follow after Senator COLLINS.

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

The Senator from Iowa.

ADEGBILE NOMINATION

Mr. HARKIN. Earlier today a vote was taken in the Senate that, to this Senator, marked about the lowest point that I think this Senate has descended in my 30 years here. I don't say that lightly. I was in Congress during the impeachment process trial for President Clinton. I thought that was a low, but it didn't compare to what happened today.

The vote on Debo Adegbile to be Assistant Attorney General for the Civil Rights Division at the Department of Justice sent a strong message. This is the message we sent today and, young people, listen up.

If you are a young White person working for a law firm and have a chance to defend someone who has done something wrong—even a heinous crime—my advice from what happened today is you should feel free to go ahead and do your job as a lawyer. Who knows? You might wind up as the Chief Justice of the U.S. Supreme Court one day.

However, if you are a young Black person working on civil rights issues at the NAACP legal defense fund and you—under your obligations as an attorney—are called upon to handle an appeal for someone who committed a heinous crime, the message sent today is you're putting your career on the line.

If you fulfill your duty as a lawyer, you will be denied by the Senate from being an assistant attorney general in the U.S. Department of Justice. We have a double standard, a terrible double standard.

While in private practice, the Chief Justice of the Supreme Court defended

a mass murderer in Florida who committed eight murders. He is the Chief Justice of the Supreme Court. Did we hear one peep from the Republican side? I didn't hear anyone on this Senate floor at that time raising it as any issue at all for his qualifications to be a judge on the appeals court or to be the Chief Justice of the Supreme Court, and rightfully so. It should have never been an issue. He was fulfilling his legal obligations and his moral duty as a lawyer.

Debo Adegbile, working as an attorney for the NAACP legal defense fund, did nothing different. He was only asked to work on an appeal. And because of that, and only because of that, he was excoriated on the Senate floor and denied his opportunity to be an Assistant Attorney General for Civil Rights.

Did anyone raise an issue of his qualifications? No. He is eminently qualified. But person after person spoke about the heinous murder that took place in Philadelphia, the murder of a police officer by a young Black man who had bragged about it—a heinous crime, a horrible crime. Debo Adegbile didn't defend him at trial. He only filed appeals aimed at protecting the defendant's civil rights and the civil rights of all Americans.

I listened to the Senator from Pennsylvania this morning. He had a big poster with a picture of the police officer and his wife on their wedding day. He was talking about how horrible a crime this was, how the murderer had bragged about it, and all that is terrible.

But it had nothing to do with Debo Adegbile. The Senator from Pennsylvania said it is why Mr. Adegbile should not be approved to be an assistant attorney general, because he worked as a lawyer on a defendant's appeal.

What about the Chief Justice of the Supreme Court? He defended a person who killed eight people. I don't see my friends on the Republican side of the aisle clamoring to institute an impeachment process. Maybe they did not know that John Roberts defended a mass murderer. But now that they do, are they going to try to impeach the Chief Justice because he fulfilled his legal obligation to defend a murderer?

I hope you see the ridiculousness of that argument and how unfair it was for Debo Adegbile to be denied—not on the basis of any qualifications but because he was fulfilling his duty as a lawyer. I have not heard one person say he is unqualified or he has done something that would disqualify him. No. He did what he was supposed to do within his legal profession—and he was denied.

Shame. Shame on this Senate. Shame on every Senator who claims to be a lawyer, who went to law school, raised their hand and was sworn into the bar. Shame on every lawyer who voted against Mr. Adegbile because he worked on an appeal.

If somebody had some question about his qualifications or felt that Mr. Adegbile is totally unqualified, that is a different story. I challenge anyone to come forward with anything remotely connected to his qualifications that would show him to be unqualified.

I wish to read—and I will close shortly—a quote from James Silkenat, the president of the American Bar Association. Listen up, lawyers.

He said:

A fundamental tenet of our justice system and our Constitution is that anyone who faces loss of liberty has a right to legal counsel. Lawyers have an ethical obligation to uphold that principle and provide zealous representation to people who otherwise would stand alone against the power and resources of the government—even to those accused or convicted of terrible crimes.

Continuing:

I was alarmed to learn that there is some opposition to Mr. Adegbile's nomination based solely on his efforts to protect the fundamental rights of an unpopular client while working at the legal defense fund. His work, like the work of ABA members who provide thousands of hours of pro bono legal services every year, is consistent with the finest tradition of this country's legal profession and should be commended, not condemned.

Shameful. It was a shameful vote today, a rush to judgment based upon emotion.

I will not name any names, but I had one Senator say: My head tells me he should be confirmed, but my guts, my emotion, say no.

We make our decisions based on that around here? God help us. Maybe we ought to all go back and think about "To Kill a Mockingbird." Read the book, watch the movie, and know what it is to stand against the powers of government and defend someone who is unpopular.

Mr. Adegbile wasn't even the defense attorney. He only worked on an appeal relating directly to legal issues particularly important to the civil rights community.

Shame on the Fraternal Order of Police. Shame on them. I have been one of their strong supporters for my 30 years, but shame on them for doing this. Shame on them. They mounted a campaign against Mr. Adegbile just on that one thing. Shame on all of us here, especially the lawyers—especially the lawyers. It was a rush to judgment and a shameful episode in the history of the Senate.

I know Senator REID filed a motion to reconsider. I hope he will, and I hope people will pray on this and think back, especially the lawyers who are in the Senate. Think about it. Think about the ethical obligation, the ethical obligation to do what he did—and he did nothing wrong. Hopefully Mr. Adegbile, on a motion to reconsider, will have the votes to take his position as Assistant Attorney General for Civil Rights in the Justice Department.

It is a shameful day for the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.