

Senate confirms New Haven's Victor Bolden as federal judge

City attorney confirmed to federal bench

By Evan Lips, New Haven Register

Thursday, November 20, 2014



WASHINGTON >> The U.S. Senate has sent New Haven city attorney Victor Bolden to the federal bench.

Bolden, the corporation counsel for the Elm City since 2009, was confirmed Thursday [by a vote of 49-46](#) as a U.S. District Court Judge for the District of Connecticut.

Bolden, 49, was [nominated by President Barack Obama](#) in June. Bolden previously worked at the NAACP Legal Defense and Educational Fund from 1994 to 2005 and at the law firm Wiggin & Dana on commercial litigation. He also worked as a staff attorney at the American Civil Liberties Union Foundation from 1990 to 1994 and began his career there with a fellowship from 1989 to 1990. He graduated from Harvard Law School in 1989 and Columbia University in 1986.

Both Connecticut Democratic U.S. Sens. Chris Murphy and Richard Blumenthal voted Thursday in support of confirming Bolden. In a joint statement, Murphy and Blumenthal said they are “pleased” that Bolden, who “has dedicated his legal career to public service,” was confirmed.

“A thoughtful, skilled lawyer, Victor Bolden has fought to protect the rights of Connecticut residents and served his community,” the senators said in the statement. “As lawyer for the City of New Haven, he has had to listen to and balance competing concerns. And he has done so with an open mind, a friendly demeanor, and rock solid respect for the letter and the spirit of the law. Victor Bolden is an individual of great character, and we know that he will be a fair and honorable judge.”

Mayor Toni Harp later issued a statement of her own, calling Bolden’s legal career “exemplary,” adding that his “distinguished public service will now continue as a federal judge and rightly so, I can think of no one better qualified or more deserving of this appointment.

“Today’s Senate approval of Attorney Bolden’s nomination speaks to his dedication to the law of the land and his commitment to apply the law fairly,” she said.

Months before his confirmation Bolden faced tough questions from Senate Republicans, all of whom would vote in September against forwarding the process of moving Bolden’s confirmation out of the U.S. Senate Judiciary Committee for a full vote.

At the July Senate confirmation hearing, [Bolden was questioned by U.S. Sen. Chuck Grassley, R-Iowa](#), regarding a subsection titled “Salvaging Black Males” that appeared in the 1990 University of California Los Angeles Law Review article “Racial Reflections: Dialogues in the Direction of Liberation.”

Grassley pointed to a line Bolden wrote in which he stated black males “have been disturbingly irresponsible” and are driven to violence and criminality as a result of a “pervasively white patriarchal society.”

Bolden told Grassley that his phrase “pervasively white patriarchal society” referred to “a society where white males were substantially more likely to be in positions of power than others.”

Bolden said the phrase is “not one I use now or have used in more than 25 years.”

In another line of questioning from U.S. Sen. Mike Lee, R-Utah, asked Bolden about his work on the [Ricci v. DeStefano](#) firefighters reverse discrimination lawsuit. Lee asked Bolden why he was “critical of the outcome,” which saw the U.S. Supreme Court rule 5-4 against the city’s decision to discard written test results submitted by white firefighters seeking promotions after it was determined that the pass rate for black candidates was about half the rate of white candidates.

Bolden told Lee that the lawsuit had been underway for several years prior to his January 2009 appointment as city counsel. He added that he was concerned in two areas of the ruling.

One area, Bolden said, involved reconciling the court’s decision with the city’s “decades-long litigation history stemming from racial discrimination with respect to African Americans in the New Haven Department of Fire Services.”

The second concern, according to Bolden, was implementing the court’s decision “without entangling the city of New Haven in further litigation, such as follow-on lawsuits regarding disparate impact liability over the same civil service examinations at issue in the Ricci case.”

Bolden added that regardless of the concerns his record demonstrated that he “fulfilled my professional obligations” and following the decision he “helped ensure that the city of New Haven complied with the Supreme Court’s order.

“If confirmed, I would faithfully apply Supreme Court and Second Circuit precedent, as I would all areas of the law,” Bolden noted.

Bolden’s nomination was reported out of committee by vote of 10-8.

U.S. Rep. Rosa DeLauro, D-New Haven, also released a statement lauding Bolden’s confirmation.

“Congratulations are in order for Victor, who will be a fine, impartial judge for all Connecticut residents,” DeLauro stated. “While the city of New Haven will miss him, we appreciate both his professional service and civic involvement. Best of luck to Victor in this next phase of his career.”

Bolden did not net a single Republican vote and there were also four Democrats who voted against confirming him. Approximately five U.S. senators did not vote, including U.S. Sen. Ted Cruz, R-Texas, who was one of 10 Republicans on the U.S. Senate Judiciary Committee who voted against forwarding Bolden’s confirmation to the full Senate.

[Cruz did vote Wednesday against cloture, or ending the debate so that a vote could be taken.](#)

Bolden will succeed retiring U.S. District Court Judge Janet Bond Arterton, who assumed senior status in July.

Arterton has served as a federal judge since January 1995.

Bolden could not be reached for comment.

Call Evan Lips at 203-680-9367.

URL: <http://www.nhregister.com/general-news/20141120/senate-confirms-new-havens-victor-bolden-as-federal-judge>

© 2014 New Haven Register (<http://www.nhregister.com>)