

**Statement of Senator Patrick Leahy (D-Vt.),  
Ranking Member, Senate Judiciary Committee,  
Hearing before the Senate Judiciary Subcommittee on Crime and Terrorism  
On “Ensuring Independence: Are Additional Firewalls Needed to Protect Congressional  
Oversight Staff from Retaliatory Criminal Referrals?”  
December 6, 2016**

The first vote I cast as a United States Senator in 1975 was in favor of establishing the Church Committee. It was that congressional oversight committee that exposed the excesses and abuses of the Watergate era. It exposed how for years our country’s intelligence and law enforcement officials used their power to stifle opposition, political dissent, and debate – including the shameful smear campaigns against Dr. Martin Luther King, Jr. and other leaders of the civil rights movement.

The lessons we learned from the Church Committee are now more important than ever. Our founders created three equal, independent branches of government with the intention that they act as a check on abuses of power – regardless of political affiliation. Congress’ oversight role is a critical part of that balance. Congress must ensure that the executive branch operates without corruption and abuse, and that it abides by the rule of law. And that it serves all our citizens equally and fairly.

Two and a half years ago, I stood with Senator Feinstein on the Senate floor when she described the CIA’s shocking efforts to silence Senate staff investigating the Bush administration’s torture program. Both Senator Feinstein and her dedicated Intelligence Committee staff deserve tremendous credit for exposing that horrific chapter in our history. Their efforts are even more remarkable in light of the CIA’s unprecedented campaign to intimidate them, which culminated in CIA officials referring for criminal investigation Senate staff who were engaged in CIA oversight. The CIA’s retaliatory actions were appalling.

Everyone in this chamber should be concerned about the ability of executive branch officials to refer their own congressional overseers to the Justice Department for criminal prosecution. This has the potential to threaten and undermine any type of meaningful oversight of the Executive Branch. That should concern all who believe in this institution, in strong congressional oversight, and in maintaining the Constitutional design of checks and balances among our three branches of government.

This is not a partisan issue. Both Senators Graham and Whitehouse are convening this hearing today. And I am glad that Senators are considering how we can protect our staff, including allowing access to pro bono legal counsel if they are the subject of a criminal referral for engaging in legitimate oversight work. This could not be a more important time for this discussion.

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