

Statement of

The Honorable Patrick Leahy

United States Senator
Vermont
March 29, 2007

Opening Statement Of Senator Patrick Leahy, Chairman, Senate Judiciary Committee Hearing
On "Preserving Prosecutorial Independence: Is The Department Of Justice Politicizing The
Hiring And Firing Of U.S. Attorneys? - Part III"
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Today the Committee proceeds with another hearing into the mass replacements of U.S. attorneys. This morning we will hear testimony from D. Kyle Sampson, the former chief of staff to Attorney General Gonzales. He is represented by another attorney who served in the White House Counsel's office for this White House, Bradford Berenson. We thank Mr. Sampson for appearing voluntarily and testifying.

I hope that this hearing will provide us with an opportunity to learn additional facts and help us get beyond the shifting stories to the truth. Our goal is to get to the bottom of what happened, why it happened, and who was involved in devising and implementing this plan to replace so many United States attorneys across the country.

At his press conference two weeks ago -- and again this week in an interview -- Attorney General Gonzales seemed to heap much of the responsibility for this matter on Mr. Sampson. The "mistakes" the Attorney General admits were made seem, according to him, to have been made mostly by Mr. Sampson. He was one of the people in charge of assembling the list of U.S. attorneys to be fired. The Attorney General indicated he was also one of the people who concealed information from others at the Department of Justice so that there was, in the words of the Attorney General, "consequently information shared with the Congress that was incomplete."

This hearing gives Mr. Sampson a chance to answer these charges by the Attorney General and present the facts as he knows them. We ask only that Mr. Sampson share with us the truth and the whole truth with regard to these matters.

I want the American people to have a Justice Department and United States Attorneys offices that enforce the law without regard to political influence and partisanship. I want the American people to have confidence in federal law enforcement and I want our federal law enforcement officers to have the independence they need to be effective and to consistently merit the trust of the American people. Regrettably, what we have heard from the Administration has been a series of shifting explanations and excuses and a lack of accountability or acknowledgement of the seriousness of this matter.

This investigation stems from this Committee's responsibilities to the American people. The Judiciary Committee has the authority to conduct oversight and investigations related to the

Department of Justice and U.S. attorneys' offices. We have the authority to examine whether inaccurate or incomplete testimony was provided to this Committee, to consider legislation within our jurisdiction, and to protect our role in evaluating nominations pursuant to the Senate's constitutional responsibility to provide advice and consent. Indeed, it was in light of this jurisdiction -- the confirmation power vested in the Senate, and the jurisdiction of this Committee over the review of U.S. attorney nominations -- that our Ranking Member observed early on that we have "primary" responsibility to investigate this matter.

The answers to our questions at the January 18 hearing with the Attorney General and the February 6 hearing with the Deputy Attorney General, as well as a series of statements by White House spokespeople and other Justice Department officials in private briefings, have been contradicted by the testimony of the former United States Attorneys. They have been contradicted also by the limited e-mails and other documents we have obtained from the Department of Justice. Despite the initial denials of White House involvement, it is now apparent that White House officials were involved in the planning and replacement of U.S. attorneys and the subsequent misleading explanations from Justice Department officials.

U.S. attorneys serve at the pleasure of the President. But justice does not serve at the pleasure of this or any White House.

Our law enforcement and justice system is the envy of the world. It is one of our country's greatest strengths. It is built on a foundation of checks and balances and the people's faith in the rule of law without fear or favor. That foundation can be easily eroded, and we need to be vigilant in protecting it.

The dismissed U.S. attorneys have testified under oath and said in public that they believe political influence was applied. They have given chapter and verse and specific examples. If they are right, that mixing of partisan political goals into federal law enforcement is highly improper. It corrodes the public's trust in our system of justice. It is wrong. That is what we are seeking to determine through our investigation of the facts. We need a thorough and fair investigation into what happened and why and who was involved.

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