

Statement of

The Honorable Patrick Leahy

United States Senator
Vermont
April 25, 2007

Statement of Senator Patrick Leahy,
Chairman, Committee on the Judiciary
Executive Business Meeting
April 25, 2007

Today, the Committee proceeds to consider the authorization for subpoenas in connection with our investigations into the mass firings of U.S. Attorneys around the country. The Committee is seeking to obtain the documents and testimony of Sara Taylor, a White House official and a key deputy to Karl Rove. Ms. Taylor is the operative who headed the White House political operation at the time that office signed off on the plan for the firings.

We consider these subpoenas at a time when the Department of Justice is experiencing a crisis of leadership. There is the growing scandal swirling around the dismissal and replacement of several prosecutors, and persistent efforts to undermine and marginalize career lawyers in the Civil Rights Division and elsewhere in the Department.

This Justice Department seems to have lost its way. The Department of Justice must be worthy of its name. The trust and confidence of the American people in federal law enforcement must be restored. The United States Department of Justice should not be reduced to just another political arm of the White House.

Two days ago the President told us that his full confidence in his friend increased during the Senate Judiciary Committee hearing last week. If the Attorney General's hearing performance increased the President's confidence in his ability to lead the Justice Department, then the President has set a low bar, indeed. What that hearing and our investigation have revealed so far is a White House that feels it can politically interfere with impunity in what should be an impartial law enforcement system. The quality the witness demonstrated was abject loyalty, not to the rule of law but to the President and his political advisers. Regrettably, that appears to be the only quality that this Administration demands.

For those of us who were at that hearing, it was a sad day in the history of the United States Department of Justice. Senators from both sides of the aisle saw their questions go unanswered and witnessed the Attorney General's failures to recall what he did and what others did in developing and implementing their plan to fire U. S. Attorneys who had not shown sufficient fealty to the political aims. The strong, and bipartisan, concern and sadness about this affair are not aimed at a person but are prompted by the sense that anyone, particularly the Attorney

General of the United States, would allow the integrity of the Department of Justice to be so compromised.

The statements coming out of the White House on this matter seem disconnected to reality. It is reminiscent of the President's "heckuva job" assessment of the head of FEMA who failed to prepare for Hurricane Katrina and then failed in our recovery efforts. And, again, the White House wants to turn the page and move on. Just as they have left so many displaced residents of New Orleans without the relief they needed then -- and that many still need -- this White House is ready to leave federal law enforcement in shambles.

We need to get to the bottom of this mess. Unsupported responses and failures to recall do not provide the facts and the answers necessary to explain why so many highly rated, well performing United States Attorneys appointed by this President were forced from office. We need the facts.

The refusal of the White House to provide relevant documents and access to White House staff who played a role in these firings and replacements are others. The announcement by the White House two weeks ago that they and the Republican National Committee cannot retrieve relevant e-mails that political operatives were using presents yet another obstacle to getting to the truth. I am beginning to wonder whether the White House has any interest in the American people learning the truth about these matters.

True accountability means being forthcoming and true accountability requires consequences for bad actions. To date the White House has not produced a single document in response to the Committee's requests. To date the White House has not allowed any of the key White House staff to be interviewed. The stonewalling continues.

The White House cannot have it both ways -- it cannot withhold the documents and witnesses and thereby stonewall the investigation and, at the same time, claim that the extent of Mr. Rove's involvement in these events has not been proven. His involvement had to be conceded by the Attorney General, as it was by the Attorney General's former chief of staff. We need to know the extent of that involvement to get to the bottom of this.

The White House political operatives who helped spearhead this plan did not have effective and objective law enforcement as their principal goal. They are happy to reduce United States Attorneys offices to another political arm of the Administration. If nothing improper was done, people need to stop hiding the facts and need to tell the truth, the whole truth. If the White House did nothing wrong, then show us. Show us the documents and provide us with the sworn testimony regarding what was done - why, and by whom. If there is nothing to hide, then the White House should quit hiding it. Quit claiming the e-mails cannot be produced and quit contending that the American people and their duly elected representatives cannot see and know the truth.

The White House has to ignore the investigative record to contend that there is not evidence of improper conduct and politics infecting federal law enforcement. Professional, career prosecutors are protesting. Morale is affected. The confidence of the American people is affected. These actions have served to undermine public confidence in federal law enforcement and the rule of

law. Senators from both sides of the aisle know this. By getting to the truth, we can take a step toward restoring that trust. I hope that Republican and Democratic members of Committee alike will support this authorization.

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Statement of Senator Patrick J. Leahy,
Chairman, Senate Judiciary Committee,
On the Introduction of H.R. 740, "Preventing Harassment through Outbound Telephone Number (PHONE) Act of 2007,"
Executive Business Meeting,
April 25, 2007

Today I offer a substitute amendment to the PHONE Act of 2007, an important bill targeting identity fraud and privacy violations which passed the House last month by a vote of 413-1.

The PHONE Act criminalizes the fraudulent or deceptive use of caller ID "spoofing," which is the practice of causing the telephone network to display information on the recipient's caller ID display which is not that of the actual caller. The substitute amendment preserves the key features of the House bill, but it also incorporates several positive changes proposed by the Department of Justice. The bill's chief sponsors in the House agree that these changes are appropriate.

Criminals use ID spoofing to facilitate a number of crimes, including identity theft, harassment, privacy invasions, and even election fraud. The principal evil of spoofing is that it lends credibility to a criminal trying to trick victims into giving up private or personal information. Although the word "spoofing" is new to many of us, the practice of caller ID spoofing is a serious problem that can have devastating real world consequences for its victims. For example, the AARP has reported instances in which "spoofers" have called people at their homes - purportedly from the local courthouse - claiming that they had missed jury duty, and have demanded that those persons turn over their social security numbers and other personal information or face prosecution.

This bill ensures that those who manipulate caller ID information to prey on seniors or to transmit false alarms to public safety personnel will now face criminal prosecution under a statute tailored to this type of conduct. I hope the Committee will join me in supporting passage of the PHONE Act, as amended, as a necessary tool to help federal investigators and prosecutors combat identity fraud and prevent privacy violations.

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Statement of Senator Patrick Leahy
Chairman, Senate Judiciary Committee
War Profiteering Prevention Act of 2007 (S. 119)
April 25, 2007

Last month, this Committee held a hearing on war profiteering in which we learned that rampant fraud and abuse undermines our troops in Iraq, and threatens the reconstruction and relief activities. According to our witnesses, billions of dollars spent in Iraq remain unaccounted for, and the fraud and abuse we face in Iraq amounts to a "second insurgency."

These witnesses described some of the most extraordinary examples of this fraud, including schemes to steal tens of millions from the American tax payers through illegal kick backs, submitting false invoices, and bribing officials.

On the first day of this new Congress, I introduced the War Profiteering Prevention Act of 2007, S.119, to help fight this abuse. The bill has 18 cosponsors, including Senators Feinstein, Feingold, Schumer, Durbin, and Cardin.

This legislation clarifies that no one anywhere in the world can defraud this country during a time of war or emergency -- and get away with it.

I offer an amendment to the bill today to eliminate potentially ambiguous language and to make clear that the new war profiteering violation can be the basis for money laundering and RICO violations, as was the original intent of the bill.

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Statement of Senator Patrick Leahy
Chairman, Senate Judiciary Committee,
On Judicial and Executive Nominations
Executive Business Meeting
April 25, 2007

The Committee continues to make significant progress today with two more nominations for lifetime appointments to the federal bench and two more executive nominations on our agenda.

The judicial nominations we consider today are Frederick J. Kapala to the District Court for the Northern District of Illinois and Benjamin Hale Settle to the District Court for the Western District of Washington. Both of these nominees had hearings and have the support of both home state Senators. I thank Senators Obama, Murray, and Cantwell for their consideration and approval of these nominees. I especially thank Senator Durbin for his support and for chairing last month's hearing on these nominations.

We also consider today the nominations of Robert Gideon Howard, Jr. to be United States Marshal for the Eastern District of Arkansas and John Roberts Hackman to be United States Marshal for the Eastern District of Virginia. Both nominees have the strong support of their home state Senators, and I thank Senators Pryor, Lincoln, Webb, and Warner.

We have proceeded promptly and efficiently to confirm judicial nominees. This session of Congress, the Senate has already confirmed 16 judicial nominations. With Judge Thomas

Hardiman's confirmation to the Court of Appeals for the Third Circuit last month, we have confirmed two judges to the nation's important Circuit Courts little more than two months after the Republicans agreed to a resolution allowing the Senate to organize. The Republican-controlled Senate confirmed none of President Clinton's nominees to Circuit Court vacancies, and only 17 nominees in total, during the entire 1996 session.

With the two nominations we report today, the Committee will have reported 18 nominations for lifetime judicial appointments in the first few months of the year. We have worked hard on the Committee to consider and report nominations so that we can fill vacancies and improve the administration of justice in our nation's federal courts.

The Administrative Office of the U.S. Courts lists 47 judicial vacancies, yet the President has sent us only 26 nominations for these vacancies. Twenty one of these vacancies - almost half - have no nominee. Of the 16 vacancies deemed by the Administrative Office to be judicial emergencies, the President has yet to send us nominees for six of them. That means more than a third of the judicial emergency vacancies are without a nominee.

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Statement of Senator Leahy
Chairman, Senate Judiciary Committee
On S. Res. 146, designating June 20, 2007 as "American Eagle Day"

Senators Alexander and Byrd have introduced a resolution designating June 20, 2007, as "American Eagle Day." The bald eagle was selected as our national emblem on this date in 1782 during the Second Continental Congress, and I am pleased that it is scheduled to be "de-listed" from the Endangered Species Act on June 20th of this year.

The bald eagle has been protected under federal law since Congress passed the Bald and Golden Eagle Protection Act in 1940. The Endangered Species Act of 1973 reinforced protection of the bald eagle. I am a long-time supporter of the Endangered Species Act, a landmark environmental law that provides crucial protection to fish and wildlife on the verge of extinction.

Vermont is actually one of the only states in the continental United States without nesting bald eagles. Senator Jeffords funded a program about three years ago where orphaned or threatened nestlings were relocated from sites between Maryland and Maine to nests in the Dead Creek state wildlife management area in Addison County, Vermont, along Lake Champlain. About 25 individual birds were successfully raised and released from nests there. While eagles usually return to nest in the general area where they were nestlings, it can take up to four years. Vermont fish and wildlife staff are closely monitoring the effort to see if Vermont will be successful in joining other states as a home to the bald eagle.

I hope all of the Senators on the Judiciary join me in supporting the passage of this resolution, which would allow all of our citizens to celebrate the recovery of the bald eagle, and to remember the freedoms and ideals of our country that the eagle represents.

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Statement of Senator Leahy

On S. Resolution 162

A Resolution Commemorating And Acknowledging The Dedication And Sacrifice Made By The
Men And Women Who Have Lost Their Lives
While Serving As Law Enforcement Officers

I hope all Senators on the Committee will join me in passing this important resolution. I am
delighted that our Ranking Member has joined as the lead Republican sponsor and thank
Senators Biden, Grassley, Durbin and Cornyn for cosponsoring, as well.

I think we can all agree that the men and women in law enforcement who have sacrificed for our
safety deserve our deep gratitude and respect. On May 15th, the families of law enforcement
officers from all over the country will come to Washington to pay their respects to their fellow
officers. This resolution recognizes Peace Officers Memorial Day.

In addition, we should continue and improve upon our support for State and local law
enforcement efforts. It should be our commitment to protect those who help keep us all safe.

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