

Statement of

# **The Honorable Patrick Leahy**

United States Senator  
Vermont  
June 5, 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 V"  
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Today, the Committee continues its investigation into political influences affecting the Justice Department. Stonewalling by this Administration, conflicts in testimony and failures of memory by the Attorney General and others have greatly hampered our efforts to get to the bottom of these matters. When the President complains that these matters are being "drug out," he need look no farther than his own White House and the Justice Department leadership he appointed for the reasons this continues to fester. The Administration should come clean, quit hiding the truth and own up to its misdeeds. The functions of the Department of Justice should be above politics. Law enforcement, civil rights enforcement, and voting rights are all too important to be enmeshed in Karl Rove's partisan political operations.

Despite the testimony of officials from this Administration, we are learning through press accounts that many more than seven U.S. Attorneys were replaced and that perhaps a dozen or two dozen or three dozen were considered for firing. It was only through press accounts -- not the testimony of Department employees or the selective documents the Department has so far produced -- that the public learned that one of our witnesses today, Todd Graves, the former U.S. Attorney for the Western District of Missouri, was on those lists and asked to resign. He is from an earlier wave of replacements in 2006.

We have also learned in recent weeks about apparently extensive efforts by operatives of this Administration to screen the political allegiances of applicants for career law enforcement positions. Former Deputy Attorney General Jim Comey has said such efforts to apply a partisan litmus test strike "at the core of what the department is." We know from her guarded admissions before the House Judiciary Committee that Monica Goodling "crossed the line" in engaging in this conduct. Who else at the Department was involved, who knew this was going on, who acquiesced or approved it, who directed it? These are all questions that the Department of Justice has refused to answer or explain.

We have been notified that the Inspector General has expanded his investigation to include some of these matters. I am writing him asking whether he is also expanding his investigation to include the meeting in which Attorney General Gonzales made Ms. Goodling "uncomfortable"

by inappropriately communicating with her about matters under investigation in what appears to be an effort to influence her testimony.

Our first witness today is Bradley Schlozman, the first interim U.S. Attorney appointed by Attorney General Gonzales pursuant to the authority granted in the Patriot Act reauthorization that has since been repealed by this Congress. We hope to learn the unvarnished facts from Mr. Schlozman about these unprecedented U.S. attorney replacements and use of partisan considerations in career hiring. We also have questions about Mr. Schlozman's role as the interim U.S. Attorney and while at the Civil Rights Divisions in pressing certain cases in connection with recent elections.

I am deeply troubled by what appears to be an effort by the White House to manipulate the Department into its own political arm. The White House cannot have it both ways -- it cannot withhold documents and witnesses and thereby stonewall the investigation and, at the same time, claim that the facts about White House influence over federal law enforcement have not been revealed in detail. Because the White House has continued its refusal to provide information to the Senate Judiciary Committee on a voluntary basis, I will soon have no choice but to issue subpoenas. If the White House continues to stonewall, the obvious conclusion is that they are hiding the truth because they have something to hide.

Today, I hope we can begin to better understand the role that efforts to influence elections in the name of pursuing "voter fraud" may have played a role in these dismissals of federal prosecutors. The American people deserve a strong and independent Department of Justice with leaders who enforce the law without fear or favor. Every week seems to bring new revelations about the erosion of independence at the Justice Department. This Administration was willing, in the U.S. Attorney firings and in the vetting of career hires for political allegiance, to sacrifice the independence of law enforcement and the rule of law for loyalty to the White House. The obligations of the Justice Department are to the Constitution, the rule of law, and to the American people, not to the political considerations of this White House.

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