

Testimony of
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My Record

From September 2001 to March 2006 I had the honor of serving as United States Attorney for the Western District of Missouri. From January 1995 to September 2001 I was the elected state Prosecuting Attorney in Sixth Judicial Circuit of Missouri. In total, I served nearly 12 years as a public prosecutor. It was a privilege, and I loved every minute.

As United States Attorney, I served at the pleasure of the President. I will always be grateful for the opportunity that President Bush and my senior Senator, Kit Bond, gave me to serve as United States Attorney.

I believed in the goals of the Administration. The number one criminal enforcement priority of the Administration was prosecuting felons in possession of firearms, and my district rapidly climbed to be the number one district in the country in the number of felons in possession of firearms cases prosecuted.

From my first day in office, long before it was even a national priority, aggressively prosecuting those who exploit children over the internet was my top local priority. The Western District of Missouri continues to be a national leader in prosecuting internet predators.

Fair and sure enforcement of the death penalty was a priority of this administration, and we enforced the death penalty. During my tenure, 10% of all those on federal death row had been sent there from my district. I personally tried one of our death penalty cases and was preparing to try another when I left.

During my tenure as United States Attorney, we doubled the number of felony cases filed per year from around 500 to 1000. We prosecuted corrupt officials and judges, major drug traffickers, corporate thieves, cold-blooded killers, and a pharmacist who, in the name of greed, watered-down the chemotherapy drugs of thousands of cancer patients.

The Western District of Missouri is staffed by many prosecutors who would rather try tough cases than sleep. We had-- and they continue to have--an exemplary record.

My Resignation

When I received a call from Mike Battle in January of 2006 telling me that I had "served honorably" and that I had "performed well," but that the decision had been made "at the highest levels of government" that it was time to "give another person a chance to serve" in my district, I accepted that without complaint.

In fact, I had previously made no secret among my U.S. Attorney colleagues that I had planned to leave office in 2006 and open my own practice. I always assumed that the Administration knew that and wanted me to leave in time to replace me before the 2006 elections--and a possible change in the Senate majority.

To this day, I bear no rancor or bitterness over that phone call--I had long planned to go, and it was the President's prerogative. The private legal practice I started in Kansas City has succeeded far beyond my hopes. I am thankful that I left over a year ago, and I would have been happy to have stayed out of this mess altogether.

My View

The public prosecutor in our system of justice bears a tremendous responsibility. We delegate to the prosecutor vast discretion in making decisions that can, with the full weight and authority of the government, take a person's liberty, property, reputation, and in some cases, their life--those are not Republican or Democrat decisions.

Decisions of prosecutorial discretion are often extremely difficult, and they cause good prosecutors to lay awake at night grappling for the right answer. But, once a decision is made, the prosecutor owns it. He or she bears the responsibility for that decision.

Both as a state and as a federal prosecutor I acted as a professional. If a decision came before me and there was clear guidance, I followed it. On the other hand, if prosecutorial discretion was required, I exercised my independent judgment. No apologies and no excuses; I was responsible for my decisions.

That is our system . . . but the system only works so long as the people believe in the institution of the public prosecutor.

The Department of Justice is a special place with many talented and motivated people, but each attorney who represents the government bears a nearly sacred responsibility to uphold the reputation and honor of the institution. As I have heard former Deputy Attorney General Jim Comey say, when an attorney appears in federal court and announces that he or she represents the United States of America, the judge or jury accepts as true and believes the next thing that attorney says. Although the reputation and honor of the Department of Justice has been accumulated across many generations, it is easily lost.

My hope and request as an American citizen who no longer represents the government is that the politics of this situation can be set aside, and that all the parties in this process can work together to quickly enhance and maintain the reputation and honor of the Department of Justice to the benefit of our great country.