

Statement of

The Honorable Patrick Leahy

United States Senator
Vermont
June 14, 2007

Opening Statement of Senator Patrick Leahy
Chairman, Senate Judiciary Committee
Executive Business Meeting
June 14, 2007

I begin today with a few brief observations before turning to our agenda.

Today is Flag Day. This week the Senate memorialized with a moment of silence our loss of more than 3,500 brave men and women and their families who have given the ultimate sacrifice in the current conflict in Iraq. Last week, this Committee reported Senator Levin's bill and a House-passed bill that would authorize our Governors and the District to recognize those service men and women we lose by lowering the flag to half staff. I am informed that it has cleared the Democratic side of the aisle for passage. Perhaps the Senate will be allowed to consider and grant final passage to that measure today, Flag Day.

Another matter we reported that did pass the Senate in March and on which the House followed suit was Senator Feinstein's U.S. Attorney bill. It repeals that portion of the Patriot Act Reauthorization that had allowed the Attorney General to circumvent advice and consent with respect to U.S. Attorneys. That bill, the Preserving United States Attorney Independence Act of 2007, has been on the President's desk since June 4. It seems he just cannot bring himself to sign it. Instead, we were informed yesterday through the Justice Department that the Attorney General has used the power that we have voted to repeal, again. That is wrong. I urge the President to sign the bill and follow the law.

In that regard, yesterday I issued and served subpoenas to the White House on behalf of this standing Committee of the Senate. They are in connection with our continuing investigation into the firings of United States Attorneys around the country. I have spoken with Mr. Fielding, the new White House Counsel, a number of times in the past week, and I have consulted with our distinguished Ranking Member. Regrettably, to date the White House has not produced a single document nor allowed White House staff to testify despite our repeated requests for voluntary cooperation over the last several months.

The White House's stonewalling of the congressional investigative committees continues its pattern of confrontation over cooperation. Those who bear the brunt of this approach are the American people. Among those suffering are the dedicated professionals at the Department of Justice who have tried to remain committed to effective law enforcement in spite of the untoward political influences from this Administration. Sadly, the public's confidence in our justice system

has been shaken to its core. That is why we must do everything we can to overcome the Administration's stonewalling and get the facts out on the table.

The White House cannot have it both ways -- it cannot stonewall congressional investigations by refusing to provide documents and witnesses, and simultaneously claim that nothing improper occurred.

Yesterday we served three subpoenas: two seeking the documents and testimony of Karl Rove's top deputy, Sara M. Taylor, former Deputy Assistant to the President and Director of Political Affairs, and another seeking White House documents relevant to the panel's ongoing investigation, which would include the purportedly "lost" e-mails of Mr. Rove.

I had sent a half dozen previous letters to Mr. Fielding during the past three months seeking voluntary cooperation from the White House. It has not been forthcoming. It is apparent from the evidence gathered by the investigating Committees of the Senate and House that White House officials played a significant role in originating, developing, coordinating and implementing the plan to replace this President's United States Attorneys. There has been no good explanation for those actions.

It has been two and one-half months since Republican and Democratic Members of the Senate Judiciary Committee rejected the White House's "take it or leave it" offer of off-the-record, backroom interviews with no follow up. Despite our numerous efforts to engage and move forward cooperatively, the White House "stayed the course" and refused to furnish information. Mr. Rove and the President have had no reluctance to comment publicly that there was, in their view, no wrongdoing and nothing improper. Yet, the White House refuses even to share the basis for those denials and assertions with us. Congress and the American people are no longer satisfied with the "just trust us" line from this Administration. The White House's continued stonewalling leads to the obvious conclusion that the White House has something to hide.

Because the White House has continued its refusal to provide the requested information to the Senate Judiciary Committee on a voluntary basis, I issued our subpoenas. I am disappointed that we have had to turn to subpoenas in order to obtain information needed by this Committee to fulfill its oversight responsibilities. The evidence that White House officials were deeply involved leaves me no choice. The independence of the Department of Justice is too important to be sacrificed but must be restored.

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Statement of Senator Patrick Leahy,
Chairman, Senate Judiciary Committee,
On S. 535, Emmett Till Unsolved Civil Rights Crime Act
Executive Business Meeting
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On our agenda today is S.535, the Emmett Till Unsolved Civil Rights Crime Act. This bipartisan bill would provide the necessary tools to expeditiously investigate and prosecute as many as 100 cold cases from the civil rights era.

I am proud to join Senator Dodd and Representative John Lewis as an original cosponsor of this bill, and I appreciate their tireless work. I also would like to thank Senator Cochran for his support. We recently traveled together overseas, and I know that this bill is important to him and his state.

In 1955, the brutal murder of a 14-year-old African-American teenager named Emmett Till, stirred the conscience of our country. Regrettably, no one has ever been punished for this tragic murder. Fifty-two years later, Emmett Till's family and the families of hundreds of other Americans who lost their lives in the fight for equal rights still await justice.

This legislation also includes the Missing Child Cold Case Review Act, which I sponsored last Congress. This provision would allow Inspectors General of federal law enforcement agencies to authorize staff to assist the National Center for Missing and Exploited Children by conducting reviews of inactive case files and developing recommendations for further investigation. This assistance is provided on a volunteer basis, at no additional cost to the taxpayer, and the Inspectors General are eager to provide assistance to augment the important efforts already underway at NCMEC. This cooperation will bolster efforts to solve these heart-wrenching cases.

I will offer a substitute amendment to allow for more efficient use of resources. Rather than creating a new unit or section within the Department, this amendment allows precious federal resources to be used by the FBI field offices and federal prosecutors in the states where these prosecutions will occur. The substitute would also allow Congress to track how many cold cases were selected for further inquiry and how many were not. This change strengthens oversight and protects ongoing investigations from compromise. The substitute also allows DOJ to issue grants to state and local law enforcement agencies for investigation and prosecution of violations of state and local laws similar to Federal criminal civil rights statutes. Many federal criminal civil rights prosecutions may be time-barred or face Ex Post Facto concerns. Allowing federal grants to state and local entities will allow for justice to occur even where federal law may be inadequate.

I hope all members of this Committee will join me in supporting this bill so our nation can solve these cases and finally bring the guilty to justice.

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Statement of Senator Patrick Leahy
Chairman, Judiciary Committee
On S. 456, The Gang Abatement and Prevention Act of 2007
Executive Business Meeting
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Today we consider The Gang Abatement and Prevention Act of 2007. I, again, thank Senator Feinstein for her tireless work on this issue over many years and, in particular, for working diligently with me to address many of my concerns and to formulate what I hope we all agree is an improved gang bill.

The importance of this legislation is underscored by the recent news that violent crime in America is again on the rise. This troubling news is the result of the Bush Administration's

failure to heed the lessons learned from our successful fight against violent crime in the 1990s. Congress and the Clinton Administration in the 1990s provided significant new funding to strengthen state and local law enforcement, as well as supporting programs to prevent gang and youth violence, and our joint efforts worked.

Studies have repeatedly shown that, largely due to these initiatives, violent crime and gang offenses steadily dropped to historic lows. But the Bush Administration chose a different course, and, despite warnings I and others have issued, it has repeatedly cut funding for state and local cops on the beat and community programs targeting the prevention of youth crime. I hope that this bill's focus on coordination with and support of local law enforcement and on funding of effective prevention programs will be part of a return to those strategies that worked so well in the past.

I share the views expressed at Senator Feinstein's gang hearing last week by Los Angeles Police Chief William J. Bratton that "we can't arrest our way out of our gang crime problem." As those who have worked on this issue for years know all too well, we must match our commitment to law enforcement with an equal commitment to intervention and prevention as a means of curbing gang violence. Neither strategy works without the other, and I believe, as so many law enforcement and civil leaders do, that any legislative proposals to address gang violence must focus on new means to prevent youth and gang violence. I am glad that Senator Feinstein's bill reflects these joint priorities.

The Gang Abatement and Prevention Act of 2007 represents a significant improvement over earlier gang legislation. It does not contain the death penalties, mandatory minimums, and expansive juvenile transfer provisions that were among my strongest objections to some past proposals. Further, Senator Feinstein has worked with me and others to ensure that this bill will provide some of the resources necessary to reverse the policies of this Administration which have neglected the officers who combat gang violence on a daily basis and the organizations that work to keep children out of gangs. I particularly support provisions in the bill to provide up to \$1 billion over 10 years to support collaborative law enforcement and community prevention efforts, with a significant portion of that amount going to civic groups for innovative prevention programs that truly work to reduce gang violence.

I do not believe that sweeping new federal crimes, which federalize the kind of street crime that states have traditionally addressed and can address well with the right resources, are the right way to go. I applaud Senator Feinstein for working to address these serious concerns. The bill still contains more emphasis on federalizing crime and mandating sentences than past legislation I have supported in this area. I have tried in good faith to reduce the bill's impact on the sphere of criminal law traditionally handled by the states and to focus on the most serious offenders and conduct.

I also appreciate Senator Feinstein and Senator Schumer working with Senator Whitehouse and myself to ensure that small states like Rhode Island and Vermont could be eligible under the bill to receive crucially important witness protection grants.

We all care deeply about eradicating gang violence. We must work together. I hope that this bill will be a first step toward reversing the mistakes of the Bush Administration and reinvigorating

our efforts to provide federal support for those who combat gang violence every day and to protect those who are its victims.

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