

Statement of

The Honorable Benjamin L. Cardin

United States Senator
Maryland
June 21, 2007

STATEMENT OF U.S. SENATOR BENJAMIN L. CARDIN
SENATE JUDICIARY COMMITTEE HEARING ON
"CIVIL RIGHTS DIVISION OVERSIGHT"

Thursday, June 21, 2007

"I thank Chairman Leahy and Senator Kennedy for asking me to chair this hearing today.

"It is fitting that we hold this hearing today, as we approach the 50th anniversary of the Civil Rights Act of 1957, which created the Civil Rights Division. This was the first civil rights legislation enacted in the United States since Reconstruction.

"This hearing is also part of the Committee's ongoing investigation of the firing of U.S. Attorneys for improper reasons and the growing influence of politics at the Department of Justice. We will examine to what extent political appointees overrule the recommendations and advice of career prosecutors and staff at the Civil Rights Division when it comes to enforcing the law, and when it comes to the hiring, promotion, and firing of staff.

"I am gravely concerned that over the past 6 years the Bush Administration has permitted, and even encouraged, political considerations and influence in deciding whether to enforce the law. We will scrutinize the performance of the Division in enforcing anti-discrimination statutes enacted by Congress, including laws relating to voting rights, civil rights, housing, and employment. The Division has the unique resources, obligation, and mandate from Congress to file these types of cases to protect minority rights throughout the United States. In many cases only the Justice Department can file the type of complex and far-reaching cases that can challenge and ultimately remedy and destroy discriminatory practices and patterns, as we continue our long and unfinished journey towards achieving equal rights and equal justice under the law for all Americans.

"I am disturbed by today's story in the Washington Post, which gives numerous examples of the improper role that politics is playing in the Division. I will ask Assistant Attorney General Wan Kim and the witnesses under oath whether they think it is appropriate and consistent with the law and Justice Department regulations for a manager to ask his Justice Department staff whom they voted for in an election; whether this is an appropriate factor to consider when hiring, firing, and promoting staff; whether these types of incidents create a culture of intimidation at the Division; whether this culture may have contributed to a large number of resignations and retirements from the Division, followed by the hiring of a less experienced, less diverse, and more ideological

group of lawyers; and whether these practices undermine the credibility of the lawyers at the Division and the overall reputation of the Department of Justice."

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