

Statement of

# **The Honorable Patrick Leahy**

United States Senator  
Vermont  
June 28, 2007

Opening Statement of Senator Patrick Leahy,  
Chairman, Senate Judiciary Committee  
Executive Business Meeting  
June 28, 2007

As the Committee opens its Executive Business meeting today, I note that the deadline has passed for the White House and its former Political Director, Sara Taylor, to produce documents from a subpoena issued on June 13.

This Committee's subpoena and a similar subpoena issued by the House Judiciary Committee compelled the White House to turn over documents related to our continuing investigation into the firings of United States Attorneys around the country. The Committee's subpoena has been met not with compliance, but with Nixonian stonewalling. This morning, I received a phone call and a letter from White House Counsel Fred Fielding informing me that the President intends to assert executive privilege in response to our subpoena.

So now we know the truth about this White House's intentions all along. Even though the White House claimed that Congress had all the information it needed, and the President insisted publicly that "nothing improper" occurred, now Congress and the public learn that this White House never intended to comply with our oversight investigation.

More than three months ago, we rejected the White House's "take it or leave it" offer of off-the-record, backroom interviews as unacceptable. Since that time, despite many attempts to narrow the dispute and begin to obtain the information we need, the White House has not made any effort to work with us on a voluntary basis. Instead, since that time, and again today it has merely restated its initial, unacceptable offer. Today, the White House has ended its charade of empty proposals and revealed its disdain for our system of checks and balances.

I issued the subpoenas after three months of exhausting every avenue of voluntary cooperation from this White House. Evidence gathered by the investigating Committees in the House and Senate shows that White House officials, including Karl Rove and Sara Taylor, were heavily involved in these firings and in the Justice Department's response to congressional inquiries about them. Yet, even with a subpoena, the White House has not produced a single document or allowed even one White House official involved in these matters to be interviewed. The White House cannot have it both ways -- it cannot stonewall congressional investigations by refusing to provide documents and witnesses, while claiming nothing improper occurred.

This empty proposal from the White House is not commensurate with our exercise of the broad investigatory power of Congress, which the Supreme Court has described many times as essential to our legislative function. The White House is trying to block not only our investigation, but the ability of the American people to learn the truth about these firings. Increasingly, the President and Vice President feel they are above the law -- in America no one is above law."

This is not an issue of whether they are willing to provide answers on these oversight issues, but whether they can dictate terms to another branch of government. They want to short circuit the checks and balances that ensure real oversight and true accountability.

I will look at the President's broad claim of executive privilege. Since we have heard so much testimony that the President did not personally make these decisions on the firings and was not personally involved, it is difficult to imagine that there is much basis to these claims. They cannot have it both ways.

I am disappointed that we had to resort to issuing subpoenas in order to obtain information needed by the Committees to learn the truth about these firings and the erosion of independence at the Justice Department. I am even more disappointed now by this Nixonian stonewalling. We will take the necessary steps to enforce our subpoenas backed by the full force of law so that Congress and the public can get to the truth behind this matter.

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