

Statement of

The Honorable Patrick Leahy

United States Senator
Vermont
July 11, 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 VI"

July 11, 2007

Today, the Committee welcomes Sara Taylor, until recently the White House Political Director. She is accompanied by her attorney Neil Eggleston, whom we have permitted to be seated next to her at the witness table during the hearing to provide her with his advice and counsel.

In April, Senator Specter and I wrote to Ms. Taylor asking for her cooperation with the Committee's investigation but we did not hear back from her. Since then, she has left the White House and we have scheduled this hearing to learn more about the role White House political operatives played in the unprecedented firings of a number of U.S. Attorneys who had been appointed by this President. I had a chance to meet Ms. Taylor just before the hearing. I thank her for appearing today and share with her my hope that she will cooperate with us by testifying to the best of her knowledge and information. The choice is hers.

I feel strongly that law enforcement should be above politics and that effective law enforcement in which the American people can have confidence requires its independence from partisan political activities. That is what appears to have been compromised in this purge and by the signal it sent to federal prosecutors around the country.

There is clear evidence that Ms. Taylor, a top aide to Karl Rove, was among the staffers who played a key role in these firings and in the Administration's response to cover up the reasons behind them when questions first arose. The White House continues to cover up the facts and reasons for these firings. Ms. Taylor's lawyer informed us last week that she would like to cooperate with our investigation and I hope that she will. The White House lawyers have resorted to an unprecedented, blanket assertion of "executive privilege" and are seeking to interfere with the obligations of Ms. Taylor to testify and to prevent other witnesses and the Republican National Committee from providing information requested by this Committee and the House Judiciary Committee.

Of course this belated blanket claim of executive privilege belies the initial reaction of the White House and of the President himself that minimized his involvement and the involvement of Karl Rove in these matters. This follows the pattern we saw that culminated in the conviction of Mr. Libby for obstruction of justice, perjury and lying in another matter.

What is the White House trying to hide? Why would it interfere in Ms. Taylor's testifying if, as her lawyer says, she wishes to cooperate?

We have learned from the selective documents we obtained from the Department of Justice that Ms. Taylor was involved in the discussions and planning that led to the removal of Bud Cummins and bypassing the Senate confirmation process to install Tim Griffin, another former aide to Mr. Karl Rove, as U.S. Attorney in the Eastern District of Arkansas. We know from these documents that Ms. Taylor was part of a group that discussed using the Attorney General's expanded authority under the Patriot Act Reauthorization to appoint Mr. Griffin as interim U.S.

Attorney indefinitely, doing an end-run around the Senate's constitutional advice and consent responsibility. We know from documents and testimony that Ms. Taylor played a role in approving the plan for firing multiple U.S. Attorneys on December 7, 2006. We know she was involved in subsequent discussions regarding the congressional testimony of Department officials and the Administration's response to the growing scandal surrounding the firings. So why is the White House trying to block this Committee from hearing from Ms. Taylor directly?

We also understand that tens of thousands of emails from RNC accounts used by White House political operatives have been identified and turned over to the White House but, despite our best efforts, not produced to the congressional investigating committees. What are they hiding in these emails?

From the outset of this scandal the President has spoken about the firing of U.S. attorneys as if it were a matter handled and decided by the Attorney General and something Mr. Gonzales would have to explain to Congress and the American people. The President was hands off and arms' length. He indicated to the American people that he had to ask others whether anything improper was done and relied on a review by White House lawyers for his assertion that nothing was.

Are we now to understand from the White House claims of executive privilege that these were decisions made by the President? That is a direct contradiction of the President's earlier statements that he was not responsible for this scandal, for the firing of such well-regarded and well-performing U.S. attorneys for partisan political purposes and to affect elections?

When we had the Attorney General testify under oath, he did not know who added U.S. attorneys to the list of those to be fired or the reasons they were added. Indeed, the bottom line of the sworn testimony from the Attorney General, the Deputy Attorney General, the Attorney General's former Chief of Staff, the White House liaison and other senior Justice Department officials was that they were not responsible. Senator Specter said recently that two of the questions at hand are, who ordered the firings and why? We need answers to these questions -- who did make these decisions? Was it, in fact, the political operatives at the White House? Was it an attempt to affect elections? What role did Ms. Taylor and others in Karl Rove's White House political office play?

Even this White House cannot dispute the evidence we have gathered to date showing that White House officials were heavily involved in these firings and in the Justice Department's response to congressional inquiries about them.

The White House continues to try to have it both ways, but at the end of the day it cannot. It cannot block Congress from obtaining the relevant evidence and credibly assert that nothing improper occurred. What is the White House hiding? Was the President involved and were his earlier statements to the American people therefore misleading? Or is this simply an effort by the White House legal team to protect White House political operatives whose partisan efforts have been uncovered in a new set of White House horrors?

For months, I have been giving the White House every opportunity to work with us voluntarily to provide the information we have sought. This week, the White House ignored an opportunity to meet its burden of explaining its blanket privilege claims. Specifically, what is it the White House is so intent on hiding that they cannot even identify the documents, the dates, the authors and recipients that they claim are privileged? Would we see the early and consistent involvement of Ms. Taylor and other high-ranking White House political operatives in what should be independent and neutral law enforcement decisions? Ms. Taylor's honest testimony could help us begin to answer these questions. It is apparent that this White House is contemptuous of the Congress and feels that it does not have to explain itself to anyone -- not to the people's representatives in Congress, nor to the American people. I urge Ms. Taylor not to follow the White House down this path.

This is a serious matter with serious consequences for the administration of justice. This is about improper political influence of our justice system - it is about the White House manipulating the Justice Department into its own political arm. It is about manipulating our justice system to pursue a partisan political agenda. It is about pressuring prosecutors to bring cases of voter fraud to try to influence elections - of sending a partisan operative like Bradley Schlozman to Missouri to file charges on the eve of an election in violation of Justice Department guidelines. It is about the unprecedented and improper reach of politics into the Department's professional ranks - such as the admission by the Department's White House Liaison Monica Goodling that she improperly screened career

employees for political loyalty and wielded undue political influence over key law enforcement decisions and policies. It is about political operatives pressuring prosecutors to bring partisan cases and seeking retribution against those who refuse to bend to their political will -- such as the example of New Mexico U.S. Attorney David Iglesias, who was fired a few weeks after Karl Rove complained to the Attorney General about the lack of purported "voter fraud" enforcement cases in Mr. Iglesias' jurisdiction. It is about high-ranking officials misleading Congress and the American people about this political manipulation of justice.

Along the way, this subversion of the justice system has included lying, misleading and stonewalling the Congress in our attempts to find out what happened. This Administration has instituted an abusive policy of secrecy aimed at protecting themselves from embarrassment and accountability. Apparently the President and Vice President feel they, and their staff, are above the law. In America no one is above the law.

Untoward White House interference with federal law enforcement is a serious matter. It corrupts federal law enforcement, threatens our elections and has seriously undercut the American people's confidence in the independence and evenhandedness of law enforcement.

Congress will continue to pursue the truth behind this matter because it is our constitutional responsibility -- and it is the right thing to do. I hope Ms. Taylor chooses to reject the White House's insistence that she abet their stonewalling and, instead, works with us so that we can get to the bottom of what has gone on and gone wrong.

#####