

Testimony of

Judge Michael B. Mukasey

October 17, 2007

Opening Statement of Judge Michael Mukasey
before the Senate Judiciary Committee
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Good morning Chairman Leahy, Ranking Member Specter, and Members of the Committee; thank you for the opportunity to be here today.

When my nomination to be the 81st Attorney General of the United States was announced, I expressed to President Bush my gratitude and deep sense of honor. Since then, I have had the benefit of your graciousness in taking the time to meet with me privately, to express your views and concerns, and to hear my views. I am grateful to each of you for that, as I am to Senators Schumer and Lieberman for their generous remarks in introducing me this morning. And of course, I am grateful to my family - my wife Susan and my children, Marc and Jessica, who have been a part of whatever I have done that is worthwhile.

But what comes most strongly to mind as I deliver these brief remarks is that this isn't about me, or even about my gratitude to the many people who helped me get here; this is about the more than 100,000 men and women of the Department of Justice, who bear the responsibility to pursue justice through the rule of law, in U.S. Attorney's offices, in investigative field divisions, in federal prisons and other facilities, all over this country and around the world.

There are in a sense many cultures in those different offices and divisions, and there are differences as well between the culture of the Department as it may appear in the building that occupies a square block here in Washington, and as it may appear in each of the 93 United States Attorneys' offices around the country. But all those apparently different cultures are united by shared values and standards. Legal decisions and the progress of cases are decided by facts and law, not by interests and motives.

So too, the Justice Department's mission includes advising the other departments and agencies of government, including the President, on what choices they are free to make and what limits they face. Here too, the governing standard is what the law and Constitution permit and require.

I am here in the first instance to tell you, but also to tell the men and women of the Department of Justice, that those are the standards that guided the Department when I was privileged to serve 35 years ago, and those are the standards I intend to help them uphold if I am confirmed.

Because of the times in which we live, it was to be expected - as in fact happened - that many of you would discuss with me weighty and serious issues that sometimes seem to raise a conflict between liberty and security. A great Attorney General, perhaps the greatest to serve in the modern era, Robert Jackson, said that the issue between authority and liberty is not between a right and a wrong - that never presents a dilemma. The dilemma is because the conflict is between two rights, each in its own way important. That is why I have told you during those discussions, and may have occasion to repeat again here today, that protecting civil liberties, and people's confidence that those liberties are protected, is a part of protecting national security, just as is the gathering of intelligence to defend us from those who believe it is their duty to make war on us. We have to succeed at both. It is the honor and the privilege of the men and women of the Justice Department to help us do that, and if I am confirmed it will be my honor and privilege to try to help them help us.

As I mentioned a moment ago, you have been generous with your time and your advice in the past couple of weeks. I believe that the Department's relationship with this Committee and with Congress is vital to fulfilling its mission. I want to assure you that, if confirmed, I will always appreciate and welcome your advice, as I have since my nomination, and that I and others in the Department will try to be available to you. In that spirit, I am ready to answer the questions you have for me today.

Thank you.