

Statement of  
**The Honorable Patrick Leahy**

United States Senator  
Vermont  
March 11, 2008

Statement of Chairman Patrick Leahy  
Senate Judiciary Committee  
On the Nomination of Grace Chung Becker  
To be Assistant Attorney General for the Civil Rights Division  
March 11, 2008

Today we hear from Grace Chung Becker, the administration's nominee to be the Assistant Attorney General in charge of the Civil Rights Division, a position created over 50 years ago by Congress to safeguard Americans' civil rights.

Over the last seven years, the Bush-Cheney administration has compiled one of the worst civil rights records in modern American history, and called into question its commitment to the intent of Congress in passing the Civil Rights Act of 1957. Today, I hope that we will hear from Ms. Becker what she intends to do to reverse this administration's dismal record, and help return this Division to its core mission of enforcing civil rights protections for minorities, including how the Division will enforce the laws that protect against discrimination in the workplace, schools, and voting booths.

I thank Senator Kennedy for chairing this important hearing today, which continues the process of rebuilding the integrity and independence of the Justice Department. This is the seventh hearing the Committee has held since last September on executive nominations, as we continue to work to restock and restore the leadership of the Department of Justice in the wake of the scandals of the Gonzales era. We have held confirmation hearings for the new Attorney General, the new Deputy Attorney General, the new Associate Attorney General, and so many others.

Beginning at the start of the 110th Congress, the Judiciary Committee's oversight efforts revealed a Department of Justice gone awry. The leadership crisis came more and more into view as Senator Specter and I led a bipartisan group of concerned Senators to consider the United States Attorney firing scandal, a confrontation over the legality of the administration's warrantless wiretapping program, the untoward political influence of the White House at the Department of Justice, and the secret legal memos excusing all manner of excess.

This crisis of leadership has taken a heavy toll on the tradition of independence that has long guided the Justice Department and provided it with safe harbor from political interference. It shook the confidence of the American people. Through bipartisan efforts among those from both sides of the aisle who care about Federal law enforcement and the Department of Justice, we joined together to press for accountability that resulted in a change in leadership at the Department, with the resignations of the Attorney General and many high-ranking Department

officials - including Wan Kim, who held the position to which Ms. Becker has been nominated, and who announced his resignation last August.

It is perhaps nowhere more apparent than at the Civil Rights Division the extent to which the current administration has blunted the Justice Department's sense of direction and tainted its sense of purpose. Mr. Kim left the Division at a time of serious concerns about the Division's priorities, hiring, and decision-making process. Indeed, the extent of politicization at the Civil Rights Division is one of the most grievous problems we uncovered in the course of our investigation. The actions of former Civil Rights Division officials like Brad Schlozman and Hans von Spakovsky reveal the true cost of injecting corrosive political influences into the work of the Justice Department. It should come as no surprise that the result and, of course, the intent of the political makeover of the Civil Rights Division has been a dismal enforcement record. I hope that Ms. Becker can reassure the Committee that she took no part in the improper political activities that are currently the subject of a joint investigation by the Department's Office of Inspector General and Office of Professional Responsibility.

Regrettably, the politicization of the Division's hiring practices continues to compromise its ability to address the problems that have plagued the Division for the last seven years. Reports of a number of departures of expert career staff are threatening the ability of the Division to carry out its mission. I am concerned that President Bush's political appointees have reversed longstanding civil rights policies and impeded progress in the area of civil rights. There are disturbing reports that career lawyers have been shut out of the Division's decision-making process, that civil rights enforcement on behalf of racial minorities has sharply declined, and that the Department has packed the Division with attorneys who have no experience enforcing civil rights.

We have received testimony about a staff exodus in the Division office that reviews "pre-clearance" petitions under Section 5 of the Voting Rights Act. The failure to adequately staff this vital office threatens the historic role that the Division has played in preventing new barriers to voting. Jurisdictions that are required to file "pre-clearance" petitions have a history of voter access problems. If there are not enough resources dedicated to this office, that is the wrong decision, and one that threatens to roll back the progress we have made in overcoming shameful barriers erected around the ballot box to fence out minorities. When he signed the Voting Rights Act Reauthorization and Amendments Act into law in 2006, the President promised to enforce it vigorously. I hope Ms. Becker will be able to tell the Committee how, under her leadership, the Division will enforce this landmark civil rights law that gives the government the authority to fulfill constitutional guarantees of the right to vote.

I also remain concerned with the Division's movement away from a focus on enforcing core civil rights protections for minorities, including laws that protect against discrimination in the workplace, schools, voting booths, and elsewhere. Information available to Congress and in recent news reports underscores a decline in the number of traditional civil rights cases filed by the Division, amounting to about a third fewer pending cases as there were at the beginning of 2003. This is particularly true in the important area of combating hate crimes, where I remain concerned about the Department's willingness to vigorously prosecute racially motivated violence and prevent the proliferation of hate symbols perpetrated against minority communities.

The Republican whip has urged Committee attention to the President's nominations to fill the many vacancies resulting from the resignations of the Gonzales leadership group at the Justice Department. We continue to do so today, despite criticism for holding these hearings and making them a priority. We held a prompt two-day hearing on the nomination of Michael Mukasey to be Attorney General, a hearing on the nomination of Judge Filip to be Deputy Attorney General, a hearing on the nomination of Kevin O'Connor to be Associate Attorney General, and hearings on a number of key Assistant Attorneys General and heads of Justice Department offices.

Last week, we reported out three more executive nominations, including Mr. O'Connor's nomination to the number three position at Justice. That brings the total number of executive nominations already reported favorably by the Committee in this Congress to 26. We have also discharged four additional nominations, all of which were confirmed. By the time we adjourned the first session of this Congress, the Senate had already confirmed 22 executive nominations, including the confirmations of nine U.S. Attorneys, four U.S. Marshals, and nominees to nine other important positions. With three more high-level Justice Department nominations pending on the Senate calendar and the nomination we consider today, we are poised to make even more progress.

Of course, we could have made even more progress had the White House sent us timely nominations to fill the remaining executive branch vacancies with nominees who will restore the independence of federal law enforcement. There are now 19 districts across the country with acting or interim U.S. Attorneys instead of Senate-confirmed, presidentially-appointed U.S. Attorneys, and for which the administration has still failed to send the Senate a nomination. For more than a year I have been talking publicly about the need to name U.S. Attorneys to fill these vacancies and urging the President to work with the Senate.

Ms. Becker currently serves as the Acting Assistant Attorney General in charge of the Civil Rights Division. Her nomination represents perhaps this administration's last chance to reverse its dismal legacy and return the Division to its historic mission of safeguarding civil rights. I hope that Ms. Becker proves to be the kind of nominee who understands that the Civil Rights Division is entrusted with defending our most precious rights as Americans, including our fundamental right to vote and our rights against discrimination.

#####