

Statement of

The Honorable Russ Feingold

United States Senator
Wisconsin
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Opening Statement of U.S. Senator Russ Feingold
On the Confirmation of Eric Holder to be Attorney General
Senate Judiciary Committee

As Prepared For Delivery

"Mr. Chairman, this is a momentous day in the Senate Judiciary Committee. We are about to report to the floor of the Senate a nominee for Attorney General of the United States who with two short declarative sentences uttered at his confirmation hearing -- without caveats, without parsing words, without equivocation -- signaled a new direction for the Department of Justice and a turning of the page in the constitutional history of this country.

'Waterboarding is torture.'

'No one is above the law.'

"With these simple words, Eric Holder reassured the nation that the Department of Justice will be run by someone who believes in the rule of law and in impartial justice. It is sad, of course, that this is something remarkable. But that is where the last eight years have left us.

"The election of 2008 had many consequences. But none is more important than a chance to restore the rule of law and repair the damage to the Department of Justice that has been done by the past Administration. Eric Holder is well equipped to take on this important and difficult task for three reasons.

"First, he has spent over 25 years pursuing justice in public service, as a trial attorney in the Public Integrity Section of the Department, as a D.C. Superior Court judge, as U.S. Attorney for the District of Columbia, and as Deputy Attorney General. He knows the Department of Justice as well as any person alive, he respects its history, and he has the respect and support of career lawyers in the Department and former Attorneys General and Deputy Attorneys General from both parties.

"Second, he appears to have the independence and strength of character needed to fulfill the special role that the Attorney General has in the President's Cabinet. He prosecuted powerful members of his own party when working in the Public Integrity Section and as U.S. Attorney. He recommended expanding the scope of Ken Starr's investigation of President Clinton. This record indicates that Mr. Holder understands the difference between being the people's lawyer and being the President's lawyer.

"Third, he understands the need to revitalize the traditional missions of the Department -- fighting crime, protecting civil rights, preserving the environment and ensuring the fairness of the marketplace - while at the same time devoting himself to protecting the American people from a terrorist attack. I am optimistic that he will fight for the resources and the policies needed to do justice. Similarly, he understands that security and liberty shouldn't be balanced or traded off against each other. They must be twin goals, both achievable, together, with hard work and dedication to our national values. I was struck by words from a speech Mr. Holder made in 2005, after he had left the government:

'Those who tell us that we must engage in warrantless domestic surveillance, 'enhanced interrogation' or 'extraordinary rendition' or we cripple ourselves in combating terrorism offer a false choice. There is simply no tension between an effective fight against those who have sworn to harm us and a respect for our most honored civil liberties traditions.'

"Mr. Chairman, I could not agree more. I am very pleased that a person who so strongly and unapologetically believes in the promise of our Constitution, now more than ever, will soon be the Attorney General of the United States.

"Let me say just a word about the Marc Rich pardon controversy, which is one of the areas on which opponents of Mr. Holder's nomination have focused. I thought that pardon was a misuse of the President's power, and I said so at the time. Mr. Holder did not exercise his role in the pardon process with the care or diligence he should have, and I appreciate the concerns that have been expressed about his involvement in this matter. But it is significant that, starting shortly after the pardon and continuing to this day, Eric Holder actually stood up and admitted that he made mistakes. We've seen far too little of that in the past eight years from the leadership at the Department of Justice, and from the Bush Administration as a whole for that matter. Months and months of work on this committee was needed, essentially, because Attorney General Gonzales insisted that nothing he did in connection with the U.S. Attorney firings was a mistake. Our country cannot afford leadership like that at the Department any more. The problems we face are too grave and too complicated for our leaders to insist on defending indefensible conduct or continuing with policies that aren't working simply because they don't want to admit they were wrong.

"Mr. Chairman, just a little under eight years ago I voted for the nomination of John Ashcroft to be President Bush's first Attorney General. I did so because despite significant policy differences, and not insignificant criticism of some of his actions as a Senator, I believed that he was qualified for the job, and, most important, because I believed that a President is due great deference in filling his cabinet. I still believe that today. I am pleased that many of my colleagues on the Republican side are showing that same deference to President Obama. Eric Holder is highly qualified for this position, his overall record and testimony suggest he will exercise his responsibilities with care and judgment, and he is the President's choice. He should be confirmed."

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