

Statement of
The Honorable Patrick Leahy

United States Senator
Vermont
March 26, 2009

STATEMENT OF SENATOR PATRICK LEAHY
CHAIRMAN, SENATE JUDICIARY COMMITTEE
ON NOMINATIONS TO BE ASSISTANT ATTORNEYS GENERAL FOR THE ANTITRUST,
CIVIL, AND CRIMINAL DIVISIONS
EXECUTIVE BUSINESS MEETING
MARCH 26, 2009

Today, we have on our agenda three more of President Obama's highly-qualified nominees for important posts at the Department of Justice. Each of these nominees is leaving a successful career in private practice to return to government service. Each appeared before the Committee at a hearing on March 10 chaired by Senator Kohl. They answered our questions, and have submitted their answers to follow up written questions. They come before us this morning with the Committee having received numerous letters of support for each of the nominations.

The President has nominated Tony West, a former Federal and state prosecutor, to head the Civil Division at the Justice Department. The former chairman of the California Republican Party, George Sundheim, writes that Mr. West is admired by "both sides of the aisle" for his "integrity, honesty and decency," and that there is no one "more qualified to assume a position of leadership in the Department of Justice." The Federal prosecutors who worked across the table from Mr. West during the high-profile prosecution of John Walker Lindh witnessed Mr. West's "extraordinary professionalism," and "smart advocacy . . . executed with the highest degree of integrity." I believe he will be an outstanding leader for the Civil Division.

The President has nominated Lanny Breuer to head the Criminal Division, who began his legal career as an Assistant District Attorney in the Manhattan District Attorney's Office. Michael Chertoff, who headed the Criminal Division at the Department during the Bush administration, writes that Mr. Breuer has "exceptionally broad legal experience as a former prosecutor and defense attorney" and has "outstanding judgment, a keen sense of fairness, high integrity and an even temperament." Brad Berenson, a veteran of the Bush administration's White House counsel's office, writes that Mr. Breuer is "everything one could hope for in a leader of the Criminal Division." Mr. Breuer's former colleagues from the Manhattan District Attorney's Office write that as a criminal prosecutor, he "distinguished himself as a tenacious but scrupulously fair trial lawyer, driven by the unwavering goal of achieving justice." Former Deputy Attorney General Larry D. Thompson and former Congressman and DEA Administrator Asa Hutchinson have also written in support of Mr. Breuer's nomination. I agree with their comments, and look forward to working with Mr. Breuer in his new capacity.

Christine Varney, a former Federal Trade Commissioner, has been nominated by the President to head the Antitrust Division. Her nomination has earned support from both sides of the aisle as well. Her nomination is supported by individuals who served in the Antitrust Division during both Democratic and Republican administrations. John Shenefield and James Rill, both former heads of the Antitrust Division, write that she is "extraordinarily well qualified to lead the Antitrust Division." Twenty former Chairs of the American Bar Association Section of Antitrust Law have described Ms. Varney as a "highly accomplished, capable nominee who will serve consumers and this country with distinction" and who will have "immediate credibility" in her new position. I agree. In times when our economy is suffering, as it is today, there is a temptation to act anti-competitively. We need to make sure that we have a strong and effective advocate for competition and the interests of consumers in place.

All three of the nominees are exceptionally well qualified to lead the divisions to which they have been nominated. I urge all Members of the Committee to support their nominations and work with me to confirm them without delay. I hope consideration of these important nominations will not be stalled, that we can join together to report them to the Senate today, and that they can be confirmed before the Easter recess next week.

Once we have acted on the nominations, we will turn our attention again to the Patent Reform Act. I want to thank Senators for working with me this past week. We are making progress toward the kind of consensus that Senator Feinstein talked about at our hearing earlier this month. By continuing to work together in good faith, I believe we can report a good bill. It may not be the bill that I would have crafted on my own, or that Senator Hatch would have designed. Patent reform is an important way that this Committee can contribute to restoring our economic engine and supporting economic recovery.

While we have been deliberating, innovation and American inventors have been suffering from an outdated patent system. The time has finally come for Congress to act. The time for posturing has ended and the time for reaching agreement has arrived. The way to get to a resolution is not to stall this process but to redouble our efforts. I appreciate those who are working cooperatively and collaboratively as we devise language that will allow us to respond to the growing consensus that we must modernize our patent laws. I want our language to allow innovators in all sectors of our economy to flourish.

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