

Statement of
The Honorable Patrick Leahy

United States Senator
Vermont
June 17, 2009

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Chairman, Senate Judiciary Committee

Hearing on "Department of Justice Oversight"

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I welcome Attorney General Holder back to the Senate Judiciary Committee, as we continue our oversight of the Justice Department. I commend the Attorney General and his team for their hard work and commitment to the difficult task of once again making the Department of Justice an agency worthy of its name.

In the last administration, political manipulation of the Department of Justice, and particularly its crucial law enforcement and civil rights functions, struck a devastating blow to the credibility of federal law enforcement, and undermined the public's trust in the integrity of our system of justice. Much of the job of restoring this trust has fallen to Attorney General Holder. He has made an impressive start, having made difficult decisions in high profile cases.

He has recommitted the Department to aggressive investigation and prosecution of mortgage and financial fraud. I have confidence he will implement the Fraud Enforcement and Recovery Act, which was signed into law earlier this year. The Attorney General also recognized the need to include Federal assistance to state and local law enforcement in the Economic Recovery Act and is now working hard to get needed resources out to our states, cities, and towns to help keep our communities safe and strengthen economic recovery.

It is my hope that the Justice Department will work with this Committee on such important issues as the state secrets privilege, shielding members of the press from being forced to reveal their sources, passing hate crimes legislation, and effectively cracking down on health care fraud. In addition, our subcommittees are hard at work on a wide range of important issues from comprehensive immigration reform to the PATRIOT Act.

I have been troubled to see the continuation of the Bush administration's practice of asserting the state secrets privilege to try to shut down lawsuits. I believe that accountability is important and that access to the courts for those alleging wrongdoing by the Government is crucial. I support making use of the many procedures available to the courts to protect national security, rather than completely shutting down important cases without true judicial review. I hope the Attorney General will work with me to reach a mutually acceptable solution to this unacceptable situation.

An issue on which I believe that Attorney General Holder has shown great courage in the face of political pressure is his commitment to the process of safely and effectively closing the detention facility at Guantanamo Bay. This step will end a disgraceful period in our history, and help to restore our commitment to the rule of law and our reputation in the world.

I believe strongly that we can ensure our safety and security, and bring our enemies to justice, in ways that are consistent with our laws and values. When we have strayed from that approach - when we have tortured people in our custody, sent people to other countries to be tortured, held people for years without even giving them the chance to go to court to argue that they were being held in error - we have hurt our national security immeasurably. Our allies have been less willing to help our counter-terrorism efforts, which has made our military men and women more vulnerable and our country less safe. Our enemies have been able to enlist new recruits. In addition, we had lost our ability to respond with moral authority if others should mistreat American soldiers or civilians.

Changing our interrogation policies to ban torture was an essential first step. By shutting the Guantanamo facility down and restoring tough but fair procedures we can restore our image around the world, which we must do if we hope to have a truly strong national security policy.

Recent debate has focused on keeping all Guantanamo detainees out of the United States. In this debate, political rhetoric has drowned out reason and reality. Our criminal justice system handles extremely dangerous criminals, and more than a few terrorists, and it does so safely and effectively. We try very dangerous people in our courts and hold very dangerous people in our jails and prisons in Vermont and throughout the country.

We have tried terrorists of all stripes in our Federal court system - from Oklahoma City bomber Timothy McVeigh to Sheikh Omar Abdel-Rahman and others who planned the 1993 World Trade Center bombing to Zacarias Moussaoui. Now Ahmed Ghailani faces trial in New York for the African embassy bombings. We have held these people in our Federal prisons. We have the best justice system and the best corrections system in the world. We handle the toughest people every day in ways that keep the American people safe and secure, and I have absolute confidence that we can do it for even the most dangerous terrorism suspects. As Senator Graham, an experienced military prosecutor himself, said recently: "The idea that we cannot find a place to securely house 250-plus detainees within the United States is not rational."

I credit the Attorney General for the major strides the Government has made recently. A first detainee was brought to the United States to stand trial, and more will follow. This is the right path. It will lead to justice and accountability of the kind we have not seen in recent years. It will be transparent and will show the world the power of our justice system. It will be handled with our national security in mind, and it will make us safer.

Key questions remain. "Prolonged detention" and military commissions, both of which are being discussed by the administration, carry with them the risk of abuse. I expect Attorney General Holder and President Obama to face these issues with the same commitment to our constitution, our laws, and our values, and the same dedication to our security that they have shown so far. I trust they will work with us to find the right solutions to these problems.

Another area where we must rapidly come together to act is the sadly resurgent problem of hate crimes. Last week's tragic events at the Holocaust Museum, together with other recent incidents, have made all too clear that violence motivated by bias and by hatred remains a serious problem with tragic real world consequences. Senator Kennedy and I, together with a strong bipartisan group of cosponsors across the political spectrum, have once again introduced a bill that will take substantial and important steps to strengthen our enforcement of hate-based violence. It was crafted with due regard for the First Amendment so that only those who engage in brutal acts of violence will be culpable. This important bill has been stalled for too long. With the strong support of the Attorney General and the President, the time to act is now.

The Department has also made important steps toward ensuring a more open and transparent Government, including implementing a much improved Freedom of Information Act policy. I hope this new direction will continue.

This hearing can be an important step toward the Attorney General and the Department working more closely with this Committee to put into place the kinds of laws and policies needed to make the Justice Department, and the country, stronger, safer, and more just.

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