

Statement of
The Honorable Patrick Leahy

United States Senator
Vermont
February 5, 2009

Statement Of Senator Patrick Leahy (D-Vt.),
Chairman, Senate Judiciary Committee
Hearing On The Nomination Of David Ogden To Be Deputy Attorney General
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On Tuesday, Eric Holder was sworn in as the 82nd Attorney General of the United States. The strong bipartisan support for his historic nomination, which was reported by this Committee 17 to 2 and confirmed by the Senate with a strong bipartisan vote, was a testament to Mr. Holder's character, integrity and independence. It is also a statement that it is time to restore the Justice Department and to restore the American people's confidence in Federal law enforcement.

Today, the Committee continues the work of restoring the Department. President Obama nominated David Ogden, a former high-ranking official at both the Justice and Defense Departments, to be the Deputy Attorney General, the number two position at the Department of Justice. The Deputy Attorney General is essential to the day-to-day management of the Department and, in the absence of the Attorney General, acts as the Attorney General.

It is the holdover Deputy Attorney General acting as Attorney General who had been in charge between Michael Mukasey's resignation and Attorney General Holder's confirmation. I want publicly to thank Mark Filip. He came from Chicago last year motivated by public service. He has done a commendable job, working with us to revise the McNulty memo and on many other important issues.

It was another Deputy Attorney General, an earlier one during the Gonzales era, who had direct supervisory authority over United States Attorneys during the scandalous firings for partisan political purposes. That Deputy Attorney General resigned during this Committee's investigation. The report by the Department's own internal oversight offices confirmed the findings of our investigation and concluded that he and former Attorney General Gonzales "abdicated their responsibility to safeguard the integrity and independence of the Department by failing to ensure that the removal of U.S. Attorneys was not based on improper political considerations." The Deputy Attorney General is important.

Mr. Ogden's nomination has received dozens of letters of support, including impressive support from nearly every major law enforcement organization. The National Association of Police Organizations wrote that "David Ogden has the experience and knowledge necessary to direct our Nation's law enforcement efforts." Chuck Canterbury, National President of the Fraternal Order of Police, wrote that Mr. Ogden "possesses the leadership and experience that the Justice

Department will need to meet the challenges which lay before us." The National Sheriff's Association joined the law enforcement support for Mr. Ogden, writing that his "comprehensive background and experience in civil litigation compliments Attorney General Nominee Eric Holder's experience in criminal law, thus making him the ideal nominee for Deputy Attorney General."

David Ogden's nomination has received strong endorsements from Republican and Democratic former public officials and high-ranking veterans of the Department. Larry Thompson, a former Deputy Attorney General himself, describes Mr. Ogden as "a brilliant and thoughtful lawyer" who "has the complete confidence and respect of career attorneys at Main Justice ... David will be a superb Deputy Attorney General." I agree. David Ogden is a "lawyer's lawyer" with broad experience in government and private practice to continue this work.

In particular, I think his experience at the Department of Defense will be a key to his success in the years ahead. He previously serviced as Deputy General Counsel at Defense. A dozen retired military officers who served as Judge Advocates General have endorsed Mr. Ogden's nomination, calling him "a person of wisdom, fairness and integrity, a public servant vigilant to protect the national security of the United States, and a civilian official who values the perspective of uniformed lawyers in matters within their particular expertise."

David Ogden is the kind of serious lawyer and experienced government servant who understands the special role the Department of Justice must fulfill in our democracy. He has the knowledge and ability to help restore it. He will be a critical asset for Attorney General Holder and can help restore the best traditions of the Department by ensuring that the career professionals at the Department are able to do their jobs and enforce the law without fear or favor. I commend him and his family for his willingness to serve.

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