

Statement of  
**The Honorable Patrick Leahy**

United States Senator  
Vermont  
May 15, 2007

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Chairman, Senate Judiciary Committee  
Hearing On Politicization Of The Hiring, Firing, And Decision-Making Of U.S. Attorneys -- Part  
IV  
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Today, the Committee welcomes former Deputy Attorney General James Comey to testify as part of its investigation into the mass firings and replacements of U.S. Attorneys. Mr. Comey comes to us at a time when the Department of Justice -- a Department where he served as the second, highest-ranking official-- is experiencing a crisis of leadership. The scandal swirling around the dismissal and replacement of several well-performing prosecutors continues to grow. Just yesterday, we learned from press accounts that Mr. Comey's successor as Deputy Attorney General, Paul McNulty, has tendered his resignation. Mr. McNulty is at least the fourth senior Justice Department official to resign so far.

The American people deserve a strong and independent Department of Justice with leaders who enforce the law without fear or favor. Regrettably, that is not the Justice Department we have today. Instead, we see a Department rife with scandal and another agency this Administration seeks to manipulate as a political arm of the White House. Our justice system should not be a political arm for this White House or any White House, whether occupied by a Republican or a Democrat.

Since the beginning of this investigation, we have heard shifting explanations from the Administration. First, we were told by Mr. McNulty and others that these U.S. Attorneys were fired for performance reasons and we were told that the White House was not involved or had minimal involvement. Then, when we learned they were fired for political reasons and that political operatives from the White House were involved from day one, we were told that the White House had nonetheless concluded that it had done nothing improper.

The Administration has sought to place artificial limitations on our congressional investigation to control the facts and the damaging revelations. We have been told that we are not allowed to ask Department witnesses about other U.S. Attorneys considered for firing or kept on as "loyal Bushies" in order to learn the real reasons for the firings. We have been prevented from seeing key documents and e-mails. The White House has refused to produce a single document or official to be interviewed on the record.

Yet, more facts continue to emerge. We have learned in recent weeks about unprecedented efforts to screen potential hires for political allegiances throughout the Department, including apparently for career Assistant U.S. Attorney positions, a development Mr. Comey has said "strikes at the core of what the department is." And we continue to learn of more U.S. Attorney replacements than were initially revealed.

I continue to hope that the Department will cooperate with the Committee's investigation, but the Department's highly selective and incomplete productions of documents have presented a hurdle since the investigation began. Indeed, it seems that the closer we get to learning the truth about these firings, the less cooperation we get from the Department.

The Department chose not to make one of its officials, Bradley Schlozman, available to the Committee for our hearing this morning. We wanted to hear directly from Mr. Schlozman about his knowledge and recollection relating to his activities as a former interim U.S. Attorney in Missouri and his time in the Department's Civil Rights Division. The Committee could benefit from Mr. Schlozman's testimony, particularly as new information is revealed about concerns by Karl Rove and others in the Administration regarding purported voter fraud, and how those concerns played into the determinations to retain or remove certain U.S. Attorneys. Senators should also have the benefit of Mr. Schlozman's testimony about the unprecedented and damaging politicization of hiring for career positions at the Department. Despite a bipartisan letter to Mr. Schlozman requesting his cooperation and an invitation voluntarily to appear this morning, he has apparently chosen not to come. The reasons for his failure to appear have, like the explanations for the U.S. Attorneys' firings, shifted over time and were provided not directly by him. Given his failure to appear, I will seek Committee authorization to subpoena him in the near future.

I find it troubling that only through the press did we learn of the confidential order revealed two weeks ago by which the Attorney General delegated to two young aides, former Chief of Staff D. Kyle Sampson and former White House Liaison Monica Goodling, authority over the hiring and firing of many high-level employees of the Justice Department. We also learned only from the press, and not from Administration documents or witnesses at hearings or interviews, that another former U.S. Attorney whose name appeared on the lists, Todd Graves from the Western District of Missouri, was, in fact, also told to resign. Mr. Schlozman's testimony might have shed some light on this additional firing the Department sought to hide. Instead, he is conveniently unavailable today.

It appears from the evidence gathered by the Committee in five hearings, eight interviews with current and former officials from the Department of Justice, and our review of the limited documents produced by the Department that White House officials played a significant role in developing and implementing the plan for the dismissals. Indeed, the plan seems to have originated in the White House and was formulated by and with coordination of the White House political operation. Yet, to date the White House has not produced a single document or allowed even one White House official involved in these matters to be interviewed.

We will see this afternoon whether the Attorney General will comply with the Committee's subpoena requiring him to produce to the Committee all of Mr. Rove's e-mails in the Department's possession related to the Committee's investigation or whether our efforts to learn

the truth will be met with more stonewalling. When the Attorney General was before us last month, I asked him whether he would provide Mr. Rove's e-mails in the Department's possession to the Committee without a subpoena. I did not hear back from him after the hearing or in response to a follow up letter I sent April 25th asking for a response. I hope that the Attorney General of the United States will comply with a duly issued subpoena of this standing Committee of the Senate acting in its oversight capacity.

I thank Mr. Comey for appearing before the Committee today. His appearance on the heels of his successor's resignation is a reminder that we need to restore the Department of Justice to a place deserving of its name. The way we do that is get to the truth.

The Committee has requested cooperation from the Administration and I hope the information and cooperation requested will finally be forthcoming. If the White House has done nothing improper, then they have nothing to hide. The Administration should come clean so that we can begin the process of reconstituting the leadership of the Justice Department. Then all Americans can renew their faith in its role as our leading law enforcement agency. The obligations of the Justice Department are to the Constitution, the rule of law and to the American people, not to the political considerations of the White House.

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