

700 St. Philip St.  
New Orleans, LA 70116

May 17, 2021

The Honorable Richard J. Durbin  
Chair  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Dear Senator Durbin,

I write in strong support of Kenneth Polite's nomination to serve as the Assistant Attorney General for the Criminal Division of the U.S. Department of Justice.

It was December of 2013 when I first met Kenneth Polite, as a law clerk attending his investiture ceremony. The new U.S. Attorney didn't hold it at a courthouse, but at a school to show his commitment to the city's future. He spoke in soaring words about the possibility of prosecution to improve a community. He asked us to broaden our outlooks: "The world is your venue," he said. I felt something resonate within me. *I'd like to work for someone like that.* When applications opened for an Assistant United States Attorney post in the office, I sent mine in, along with countless others. I pointed to my years defending Marines as a judge advocate in the Marine Corps, my time researching and writing as a clerk on the Fifth Circuit, and my commitment to the community as a leader of the New Orleans Federalist Society. I was blessed to gain an offer to work alongside a cadre of highly talented lawyers from diverse backgrounds.

The U.S. Attorney's Office for the Eastern District of Louisiana was a tremendous place to work, where new and experienced Assistant U.S. Attorneys worked side by side on cases. One such example was the case of *U.S. v. Harry Morel, Jr.* A prior U.S. Attorney had formally closed and declined prosecution of the matter, but U.S. Attorney Polite reopened it. I joined a brand new team of prosecutors to work with Special Agent Michael Zummer, a fellow Marine and Fifth Circuit law clerk alumni, in taking a fresh look at the case.

The case was not easy. It covered allegations of sexual acts in exchange for leniency by a man who had been an elected district attorney for 30 years. Morel had picked his victims carefully: many had prior records that he could point to in a cynical attempt to undermine the truth of their testimony. The key witness in the case, who had worn a wire to expose his wrongdoing, had died unexpectedly. Many of the acts had occurred well beyond any statute of limitations. And several legal issues remained contested, potentially dragging the case on for years of appeals. Indeed, one of the Office's most senior prosecutors conducted an independent evaluation of the evidence, where she highlighted the challenges that lay ahead for us.

But the case was righteous. Despite all the challenges, we pressed on with the investigation, following the facts and the law. The U.S. Attorney never wavered in his support of our work.

Like nearly all other federal prosecutions, the Morel matter was resolved with a guilty plea, specifically, to an obstruction of justice charge that carried a statutory maximum of three years' imprisonment. Admittedly, we would all have liked to see Morel face more time. But for a 73-year-old man and former district attorney, this was a felony conviction that resulted in years behind bars and his disbarment from the legal profession. The community would know everything he did and that he hadn't gotten away with it. Without the perseverance of the team under U.S. Attorney Polite's leadership, there would have been no justice for the victims.

Kenneth Polite was a champion of this prosecution, reviving it, and supporting it unstintingly. His faith in and support of everyone in the U.S. Attorney's Office for the Eastern District of Louisiana allowed us to broaden our outlook and be the blessing to the community that he called for on the day of his investiture, and I left the Office as inspired by him as the day I first heard him speak.

Sincerely,

A handwritten signature in cursive script that reads "James Baehr". The signature is written in black ink and is positioned above the printed name.

James Baehr