

Mr. LEAHY. Mr. President, we have finally completed our consideration of the nomination of Kevin O'Connor to be Associate Attorney General, the number three position at the Department of Justice. This nomination was cleared by the Democrats and set to be confirmed before our Easter Recess but was blocked by a last-minute, anonymous Republican hold. Also blocked at that time and still held is the nomination of Gregory Katsas to be the Assistant Attorney General in charge of the Civil Division.

I was particularly disappointed with that unexpected development in March. We had worked hard to expedite these nominations, holding a hearing on the first day of this session of Congress. After a nearly month-long delay, when Republican Members of the Judiciary Committee effectively boycotted our business meetings in February, we were able to report these nominations to the Senate in early March. They were set for confirmation before the Easter recess, until the last-minute Republican objection stalled them. They joined the President's nomination of Michael Sullivan to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives as among those stymied by Republican objections.

I thank Senator WHITEHOUSE for chairing the hearing on the O'Connor nomination. We continued our work in connection with high-ranking Department of Justice nominees the week before recess when Senator KENNEDY chaired our hearing on the nomination of Grace Chung Becker to be Assistant Attorney General in charge of the Civil Rights Division. The Civil Rights Division is entrusted with protecting precious rights of Americans, including our fundamental right to vote. That hearing was the seventh the Committee has held since last September on executive nominations, as we continue to work to restock and restore the leadership of the Department of Justice in the wake of the scandals of the Gonzales era.

A little more than a year ago, the Judiciary Committee began its oversight efforts for the 110th Congress. Over the next 9 months, our efforts revealed a Department of Justice gone awry. The leadership crisis came more and more into view as Senator SPECTER and I led a bipartisan group of concerned Senators to consider the United States Attorney firing scandal, a confrontation over the legality of the administration's warrantless wiretapping program, the untoward political influence of the White House at the Department of Justice, and the secret legal memos excusing all manner of excess.

This crisis of leadership has taken a heavy toll on the tradition of independence that has long guided the Justice Department and provided it with safe harbor from political interference. It shook the confidence of the American people. Through bipartisan efforts among those from both sides of the aisle who care about Federal law en-

forcement and the Department of Justice, we joined together to press for accountability. That resulted in a change in leadership at the Department, with the resignations of the Attorney General and many high-ranking Department officials.

The partisan accusations of "slow walking" nominations that the President engaged in at the White House recently, and repeated even today by Republican Senators, are belied by the facts. They are about as accurate as when President Bush ascribed Attorney General Gonzales' resignation to supposed "unfair treatment" and having "his good name . . . dragged through the mud for political reasons." The U.S. Attorney firing scandal was of the administration's own making. It decimated morale at the Department of Justice. A good way to help restore the Justice Department would be for this administration to acknowledge its wrongdoing.

What those who say we are "slow-walking" nominations do not say is that as a result of the mass resignations at the Justice Department in the wake of the scandals of the Gonzales era, the Committee has held seven hearings on high-ranking nominations to restore the leadership of the Department of Justice between September of last year and this month, including confirmation hearings for the new Attorney General, the new Deputy Attorney General, the new Associate Attorney General, and so many others. Of course those months also include the December and January holiday period and break between sessions.

What is being ignored by the President and Senate Republicans as they play to a vocal segment of their Republican base is that we have worked hard to make progress and restore the leadership of the Department of Justice. In the last 6 months, we have confirmed a new Attorney General, a new Deputy Attorney General, held hearings for several other high-ranking Justice Department positions, and voted those nominations out of the Judiciary Committee. Today we continue that progress with the confirmation of the Associate Attorney General.

It is vital that we ensure that we have a functioning, independent Justice Department. In January, the Judiciary Committee held our first oversight hearing of the new session and the first with new Attorney General Michael Mukasey. We held another oversight hearing last month with FBI Director Mueller and tomorrow we are holding an oversight hearing with Homeland Security Secretary Chertoff to explore that Department's handling of issues within the Judiciary Committee's jurisdiction related to the Western Hemisphere Travel Initiative, the so-called REAL ID Act, naturalization backlogs, the resettlement of Iraqi refugees and asylum seekers and the shameful, continuing aftermath from Katrina. These are more steps forward in our efforts to restore checks and bal-

ances to our Government and begin to repair the damage this administration inflicted on our Constitution and fundamental American values.

We continue to press for accountability even as we learn startling new revelations about the extent to which some will go to avoid accountability, undermine oversight, and stonewall the American people's right to the truth. We find shifting answers on issues including the admission that the CIA used waterboarding on detainees in reliance on the advice of the Department of Justice; the destruction of White House e-mails required by law to be preserved; and the CIA's destruction of videotapes of detainee interrogations not shared with the 9/11 Commission, Congress or the courts. The only constant is the demand for immunity and unaccountability among those in the administration. This White House continues to stonewall the legitimate needs for information articulated by the Judiciary Committee and others in the Congress, and contemptuously refuse to appear when summoned by congressional subpoena.

In spite of the administration's lack of cooperation, the Senate is moving forward with the confirmation of executive nominations. With the confirmation today, we will have confirmed 27 executive nominations, including the confirmations of nine U.S. Attorneys, five U.S. Marshals, and the top three positions at the Justice Department so far this Congress.

Of course, we could have made even more progress had the White House sent us timely nominations to fill the remaining executive branch vacancies with nominees who will restore the independence of federal law enforcement. There are now 19 districts across the country with acting or interim U.S. Attorneys instead of Senate-confirmed, presidentially-appointed U.S. Attorneys. For more than a year I have been talking publicly about the need to name U.S. Attorneys to fill these vacancies to no avail.

We have seen what happens when the rule of law plays second fiddle to a President's agenda and the partisan desires of political operatives. It is a disaster for the American people. Both the President and the Nation are best served by a Justice Department that provides sound advice and takes responsible action, without regard to political considerations—not one that develops legalistic loopholes to serve the ends of a particular administration.

I congratulate the nominee and his family on his confirmation today.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

ORDERS FOR WEDNESDAY, APRIL 2, 2008

Mr. NELSON of Florida. I ask unanimous consent that when the Senate

completes its business today, it stand adjourned until 9:30 a.m. tomorrow, Wednesday, April 2; that following the prayer and the pledge, the journal of Proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that the Senate resume consideration of the motion to proceed to H.R. 3221, and that all time during any adjournment, recess or period of morning business count postcloture; further, that at 12:30 p.m., the majority leader be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. NELSON of Florida. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:19 p.m., adjourned until Wednesday, April 2, 2008, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Tuesday, April 1, 2008:

DEPARTMENT OF STATE

DEBORAH K. JONES, OF NEW MEXICO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF KUWAIT.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

KEVIN J. O'CONNOR, OF CONNECTICUT, TO BE ASSOCIATE ATTORNEY GENERAL.