

**Statement of the Honorable John Conyers, Jr.  
for the Hearing on the Department of Justice  
Before the  
Committee on the Judiciary**

**Thursday, May 13, 2010 at 10:00 a.m.  
2141 Rayburn House Office Building**

The attorney general is the nation's chief law enforcement officer. As head of the Justice Department, he is responsible for enforcing the federal criminal laws, and overseeing the bureau of prisons and the FBI. The Justice Department also is responsible for defending civil actions against the United States, as well as enforcing the civil rights laws, the antitrust laws, the copyright laws, the bankruptcy laws, and the criminal components of the environmental and tax laws. To complete its mission, the Department has over 124,000 employees and a budget of over \$27 billion.

At the outset, it is important to note that Attorney General Holder has reinvigorated the civil rights division. For too many years the division suffered from low morale and turned away from protecting minorities against discrimination. Under Assistant Attorney General Tom Perez, the division is again protecting these rights, including voting rights.

I also want to raise a number of issues relating to our justice system that I hope the attorney general will help address:

- First, last Sunday the attorney general unilaterally chose to inject the issue of statutory modifications to the Miranda public safety exception into the national debate. Although no specific proposals have been made, I believe the idea of such legislation is unnecessary and a mistake. As Attorney General Holder has said and has proven, and as former Bush counterterrorism adviser Richard Clarke has agreed, the current system has worked effectively. For example, the attempted Times Square bomber was interrogated using the existing public safety exception, and reportedly has provided extremely valuable information both before and after receiving Miranda warnings. Attempting to hastily alter an effective and constitutionally based system could actually undermine rather than enhance law enforcement efforts.

- Second, consider the nation’s failure in the so-called war against drugs. We spend more and more money incarcerating non-violent individuals under antiquated mandatory minimum sentences to less and less effect. 1.5 million people are arrested each year for drug law violations and we spend \$2 billion each year to imprison people who violate federal drug laws. The United States incarcerates more people than any other nation on earth. But drug use in the U.S. and around the world is more prevalent than ever. We need to fight this war much more intelligently and efficiently.
- Third, a year and a half after the president’s executive order, we still have not closed the prison at Guantanamo. Former President Bush, Colin Powell, and many others have agreed that we should do so, and its enduring presence continues to harm our country and our anti-terrorism efforts around the world. I recognize that Attorney General Holder has devoted significant effort to making it happen, and I hope that we in Congress can work together to ensure that this effort will be more successful
- Fourth, the plan to try Khalid Sheik Mohamed and other 9/11 conspirators in federal court in New York has been derailed. No institution is better equipped to show the world how America deals with such miscreants. I hope these plans can be put back on track.

Those who assert that the federal courts are not equipped or appropriate to handle terrorism cases ignore the fact that the Bush administration secured more than 300 federal court convictions or guilty pleas. As conservatives like our Republican former colleague Bob Barr have said, “prosecutions for terrorism offenses can and should be handled by traditional federal courts.”

- Fifth, the administration has taken some steps but not enough to curb the misuse of the state secrets privilege by the Bush administration. While the Justice Department has issued new guidelines that have improved the situation, the privilege continues to be overused and the need for uniform and consistent handling by the courts remains.
- Finally, it is important that we highlight some of the additional major achievements made in protecting civil rights and liberties under the attorney general’s leadership:
  - ▶ The administration ended the practice of using secret prisons, and called a halt to the noxious practice of water boarding and so-called “enhanced interrogation techniques.” These actions tarnished our nation’s reputation as a beacon of liberty and merely served as a recruiting tool for our

enemies, while failing to be as effective as lawful methods and endangering our troops abroad.

- ▶ Mr. Holder has released the widely rejected torture memos and brought a much needed dose of transparency to the department. This has helped us understand the workings of the Office of Legal Counsel, which issued secret opinions that may have helped to insulate those responsible for torture and cruel and inhumane treatment from legal accountability.
- ▶ The attorney general has also directed an independent review of possible crimes relating to interrogation and torture. Clearly there was significant pressure on the attorney general both within and without the administration to ignore the past and move on, but to his credit he came down in favor of the rule of law and accountability.

So nearly one and one half years into the new administration, it is clear that much work remains to be done if we are to move beyond the imperial presidency of the last administration and into an era where we find the appropriate balance in the war on terror.

I welcome Attorney General Holder to today's hearing and look forward to his testimony.