

9 of 18 DOCUMENTS

Copyright 1997 Federal Information Systems Corporation
Federal News Service

JUNE 13, 1997, FRIDAY

SECTION: CAPITOL HILL HEARING

LENGTH: 20987 words

HEADLINE: HEARING OF THE SENATE JUDICIARY COMMITTEE

SUBJECT: NOMINATION OF ERIC HOLDER

TO BE DEPUTY ATTORNEY GENERAL

CHAired BY SENATOR ORRIN HATCH (R-UT)

226 DIRKSEN SENATE OFFICE BUILDING

WASHINGTON, DC

BODY:

SEN. HATCH: (Sounds gavel.) If we could get -- if we could get going here.

I'm pleased today -- we're pleased today to have before us Mr. Eric Holder, nominated to serve as deputy attorney general, a position which is vitally important to the efficient and effective management of the Justice Department, as well as to this committee and to its many dealings with the department.

The Deputy Attorney General plays a critical role in the day-to-day oversight, management and administration of the department, typically handling the department's most important and sensitive matters. The deputy has ultimate responsibility for the Office of the Solicitor General, who represents the United States before the Supreme Court, as well as all of the department's civil and criminal divisions, including, for example, the Civil Rights, Tax and Antitrust Divisions, the Criminal Division, the Federal Bureau of Investigation, and the United States attorneys. In short, a broad array of policy and law enforcement decisions that are critical not just to our legal system, but to our nation as a whole, ultimately pass through the deputy attorney general.

Mr. Holder comes to us with a distinguished record in the law and in the administration of justice. After graduating from Columbia Law School in 1976, he served for 12 years as a prosecutor in the Public Integrity Section of the Justice Department's Criminal Division, after which he served for five years as an associate judge of the District of Columbia Superior Court. Since 1993, Mr. Holder has served as United States Attorney for the District of Columbia, our nation's largest U.S. Attorney's Office, which employs over 300 attorneys and prosecutes over 10,000 cases each year.

I believe these positions provide especially useful experience for a person such as Mr. Holder, who will serve as deputy attorney general of the United States.

Before proceeding with the committee's questions for Mr. Holder, I would like to emphasize how important it is for me and the committee members on both sides of the aisle to have a close and cooperative working relationship with the deputy attorney general. I believe that one of the department's greatest assets over the past several years has been its former deputy, Jamie Gorelick, who successfully fostered and maintained a cooperative, honest and responsive relationship with this committee. I cannot overestimate how valuable this relationship has been in the virtually daily interactions between the committee and the department, and I am hopeful and confident that Eric Holder will, like his predecessor, work closely with the committee to ensure that the department maintains the highest level of professionalism and independence in its commitment to enforcing our nation's laws.

In a speech you once gave, Mr. Holder, you stated that you, quote, "value those who speak plainly and get to the point rather quickly," unquote. Experience has taught this committee as well to value such individuals, especially in what today has become such a political and often cynical town. And I hope and believe that that is precisely what we are getting in your nomination. You have often spoken bluntly and frankly about the problems within the District of

HEARING OF THE SENATE JUDICIARY COMMITTEESUBJECT: NOMINATION OF ERIC HOLDERTO BE
DEPUTY ATTORNEY GENERALCHAired BY SENATOR ORRIN HATCH (R-UT)226 DIRKSEN SENATE
OFFICE BUILDINGWASHINGTON, DC Federal Ne

Columbia's government in community in order to propose and participate in those solutions to those problems. It is my sincere hope that you will continue to adopt this approach as deputy attorney general so that we can all productively work toward addressing problems within the Justice Department and federal law enforcement. And I assure you that I'll be very candid and blunt in the most friendly of ways so that we can work well together.

While I have often given Attorney General Reno the credit for the fine work and accomplishments of the Justice Department, not the least of which is the recent trial and conviction of Timothy McVeigh, the department, like any large agency, also has its share of problems, many of which fall on the deputy attorney general's desk.

Moreover, the department has been and inevitably will be the subject of some rather intense political pressure. And quite frankly, I'm somewhat disturbed by a growing sense that in a number of instances there is at least the appearance that political pressures my have won out over fair and impartial enforcement of the law.

After a rather public display by the White House of its displeasure that the attorney general had previously sought the appointment of four independent counsels, we now see the attorney general steadfastly refusing to appoint an independent counsel to conduct the campaign finance investigation, the one case where an independent counsel is most called for, to ensure public confidence in the investigation and the department itself.

And notwithstanding the request by Chairman Hyde and myself of an OLC opinion, Office of Legal Counsel opinion, regarding the attorney general's interpretation of the independent counsel statute, we have yet even to receive a response to our request.

The Justice Department has filed briefs taking rather dubious positions in politically sensitive cases, including its appeal brief in the litigation over California's Proposition 209 and its very recent brief defending Mrs. Clinton's invocation of the governmental attorney-client privilege in response to independent counsel Starr's request for certain documents. And the FBI director is in the position of refusing to brief the White House on national security matters because of its pending investigation at the FBI.

While each of these instances, standing alone, might have a legitimate explanation, taken together, they create an appearance that politics is influencing what should be a neutral, independent enforcement of our nation's laws. Public confidence in our legal system and in our government itself demands nothing less than this.

So, Mr. Holder, I would urge you, if confirmed, to reaffirm your commitment to maintaining your own independent judgment and to seeing to it that the law is fairly and impartially interpreted and enforced as it should be, even when doing so may lead to results that are not politically expedient. That commitment will be as important as ever for the department as it faces the numerous challenges in the coming years.

I have a lot of respect for you, Mr. Holder. We've worked together and tried to help with the police problems here in the District. And I've watched your service at the U.S. Attorney's Office and elsewhere, and I have a great deal of respect for you, as you know. And I look forward to this hearing and to making sure that we cover the matters that need to be covered.

And at this point, I'll turn to our ranking member, Senator Leahy, before we turn to our witnesses.

SEN. PATRICK LEAHY (D-VT): Thank you, Mr. Chairman.

And Mr. Holder, I am delighted to welcome you here to the Senate Judiciary Committee -- and your parents and your wife and two beautiful children. And I only would offer just one tiny bit of advice: When you're confirmed -- and you will be confirmed -- still spend time with those children. Take it from one who knows; they grow up all too fast. And these are the times you want to cherish.

And I am sure your parents have told you that same thing, and I -- oh, Dr. Long, you feel the same way. And so I wish you all the best on that. (Laughter.)

You have a proven dedication to effective law enforcement. And for many of us, that is something that we look forward to very much in your new position. And I think that this hearing will give us some idea of your priorities you feel are important for the U.S. Department of Justice.

As a former prosecutor, I want to compliment Mr. Holder on his distinguished career and achievements. Shortly after his graduation from Columbia Law School, he joined the Department of Justice as part of the Attorney General's

HEARING OF THE SENATE JUDICIARY COMMITTEESUBJECT: NOMINATION OF ERIC HOLDERTO BE
DEPUTY ATTORNEY GENERALCHAired BY SENATOR ORRIN HATCH (R-UT)226 DIRKSEN SENATE
OFFICE BUILDINGWASHINGTON, DC Federal Ne

Honors Program. He was assigned to the newly formed Public Integrity Section in 1976. He worked 12 years investigating and prosecuting corruption. And while at the Public Integrity Section, Mr. Holder participated in a number of prosecutions and appeals, involving such defendants as the state treasurer of Florida, a former ambassador to the Dominican Republic, a local judge in Philadelphia, an assistant United States attorney in New York City, an FBI agent, and a capo in an organized-crime family. Every one of these -- every one these things took somebody, as a prosecutor -- someone of unquestioned integrity, and he proved himself in each one of those.

He received a number of awards for outstanding performance and special achievement from the Department of Justice. In 1988, President Reagan nominated, and the Senate confirmed, Mr. Holder to be an associate judge of the Superior Court of the District of Columbia. He served there for five years. And I believe you sat on hundreds of criminal cases during those five years.

And then, in 1993, President Clinton nominated, and again this Senate confirmed, Eric Holder to the important post of the United States Attorney for the District of Columbia. It's one of the largest U.S. attorney's offices in this nation. Three hundred lawyers supervise there in criminal, civil and appellate cases. And, as Congresswoman Norton knows, this is a case where you end up having to be both the local district attorney and the federal prosecutor. In 1994, he received the Pioneer Award from the National Black Prosecutors Association.

(He) has not forgot his community. He is active in community issues. (For) more than a decade, he's been a member of Concerned Black Men, an organization seeking to help young people in the District of Columbia. He's involved in a number of the group's activities, including the Efficacy Program and the pregnancy- prevention effort.

He's been active with the local schools, participated in the D.C. street law program, involved with the See Forever Foundation (?), and the National Foundation for Teaching Entrepreneurship. He's co-chair of Project PAC, to reduce youth violence. He's involved the U.S. Attorney's Office in outreach efforts to the D.C. community. He has received awards from both the District of Columbia Bar Association, the Greater Washington Urban League, the American Jewish Congress, and Phi Beta Sigma fraternity. Awards from the D.C. chapter of the National Organization of Black Law Enforcement Executives, George Washington University, Columbia College, the Federation of Citizens Association of D.C., Omega Psi Phi fraternity, Brotherhood of Shiloh Men, McDonald's (sp), and the Asian-Pacific Bar Association.

This is not a man who has stuck himself in a law office and forgotten the community. He has been extremely active. I am pleased that he is here, pleased to see Dr. Malone here, Mayan Brook (sp), who I just met, and it makes me think even more, Mr. Chairman, that I've reached that age when I'm ready for grandchildren. And I don't want you to tell me about all yours, I know, I know.

But, I'm glad to have him here. And I'm glad we could convene this hearing. I hope that we can go forward quickly, and I would love to see him confirmed as soon as possible.

SEN. HATCH: Well, thank you, Senator Leahy. We're very pleased to have two distinguished members of the congress with us this morning. And I know Senator Moynihan is trying to get here. We're delighted to have you, Senator D'Amato. We'll begin with you. Then we'll turn to our distinguished friend from the District, Congresswoman Eleanor Holmes Norton. So we'll take you first, and then Mrs. Norton.

SEN. D'AMATO: Well, thank you, Mr. Chairman, and I'm going to take an admonition that Eric Holder that you referred to gave in one of his speeches. That is to speak plainly, and get to the point quickly, something which I don't normally do here.

But I am pleased to be here, and pleased to introduce Eric Holder to the Judiciary Committee. As has been indicated, you've met him, you know him, and all of you know of his distinguished record. So I'm going to ask that the text of my remarks be placed in the record, as if read in their entirety.

SEN. HATCH: Without an objection, we'll place them in the record. SEN. D'AMATO: Let me say. Born and raised in New York, graduated from Stuyvesant High School, Columbia College, Columbia Law School, Eric Holder has distinguished himself. He is a credit to his family, who is here with him, his mother and father, who must be bursting with pride, and rightfully so; to his wife and two children.

I know, because his record demonstrates, I think, the most important thing in our justice system -- and again, Mr.

HEARING OF THE SENATE JUDICIARY COMMITTEESUBJECT: NOMINATION OF ERIC HOLDERTO BE
DEPUTY ATTORNEY GENERALCHAired BY SENATOR ORRIN HATCH (R-UT)226 DIRKSEN SENATE
OFFICE BUILDINGWASHINGTON, DC Federal Ne

Chairman, you've referred to it -- that is, fairness and impartiality. And if there is anyone who understands, who knows through his own achievement and work in overcoming, through his own professional background in one of the most difficult offices in the country, being the U.S. attorney here in the district, as a judge, as someone who has worked in the Public Integrity Section, he understands the need, the necessity. He can, and I'm sure he will, rise above all of the nonsense that comes and the challenges that he is going to face to keep that credo of fairness and impartiality. I think the president has chosen well. Mr. Holder will be a magnificent deputy attorney general, and I certainly commend him to this committee.

SEN. HATCH: Thank you, Senator. We appreciate that. And I think, Mr. Holder, it's high praise to have the distinguished senator from New York here. We know that when he supports somebody, he goes all out. Or anything. He goes all out. And we're very honored to have you here, Senator D'Amato.

SEN. D'AMATO: Thank you.

SEN. HATCH: We're also honored to have Congresswoman Norton. We appreciate you coming over and taking time to come. So we'll turn to you.

DEL. ELEANOR HOLMES NORTON (D-DC): Thank you very much, Mr. Chairman.

This is a bittersweet, almost a sentimental moment for the residents of the District of Columbia. We are not only losing a central figure in law enforcement whose high standards have been critical to the improvements that are under way in the city. This is -- Eric Holder is the first U.S. attorney we have directly chosen. Because President Clinton granted me senatorial courtesy, I was able to appoint a 17-member commission to recommend the U.S. attorney, district court judges and the U.S. marshal. Their first time out, they chose three superstars. I chose Eric Holder.

The process and Mr. Holder made the entire city very proud. He has vindicated the very high hopes and expectations we naturally had for our first U.S. attorney, as we regard him, because our hopes were that in choosing him, he would demonstrate excellence when judged by high national standards, and dedication to the profoundly local cause of prosecution of crime. In every way, he has vindicated our confidence while running the largest U.S. attorney's office and one that is very complicated, as it is both federal and local, giving both the appearance and the fact of being a tough and a fair prosecutor.

Eric Holder is, of course, as the senator noted, at least in his early life, all New York.

But may I note for the record that he has become a born-again hometown Washingtonian.

It is true that his New York credentials are impeccable: Stuyvesant High School, Columbia College, Columbia Law School. But now Eric Holder is Northwest Washington, Concerned Black Men of DC, a former superior court judge, and our U.S. attorney.

Immediately upon being appointed to this position, he threw himself into the job, working closely with our police department, but never failing to offer constructive and objective criticism of the department. He localized the U.S. Attorney's Office, attending local meetings -- the first time a U.S. attorney has done that -- getting feedback, winning the confidence of the community and, as a result, greatly strengthening the U.S. Attorney's Office in its ability to do its job in the local community, where the action is and where the crime is.

Only now, Mr. Chairman, are we getting community policing. But we have had a community prosecutor since October 8th, 1993, when Eric Holder was sworn in. He has brought -- he brought remarkable innovations to his office: community prosecutors, prosecutors right out -- stationed in the community; special domestic -- a special domestic violence unit; Operation Cease-Fire, where he taught the cops how to stop people carrying guns, without violating their constitutional rights. And of course he coordinated and stepped up and improved the local and federal law enforcement network that is a part of the way we do business in the District of Columbia.

At the same time, going to the Justice Department as deputy U.S. attorney, for Eric Holder, is like coming home, for this is where he started. He was recruited straight out of law school to the -- through the Justice Department's honors program. He served as one of its -- one of the first lawyers in its Public Integrity section, prosecuting state, local, and federal officials. As U.S. attorney, he has had a very close working relationship with the department all along. Mr. Chairman, it would be difficult to find a candidate more grounded in the department or a lawyer better suited to help lead it.

HEARING OF THE SENATE JUDICIARY COMMITTEESUBJECT: NOMINATION OF ERIC HOLDERTO BE
DEPUTY ATTORNEY GENERALCHAired BY SENATOR ORRIN HATCH (R-UT)226 DIRKSEN SENATE
OFFICE BUILDINGWASHINGTON, DC Federal Ne

If I may say so, not only for Washingtonians, but for black Americans, this is a proud moment, for Eric Holder will be the first African American to serve in so high a position in the Justice Department. For hometown Washingtonians, the only consolation must be that he is not going far, that he's a telephone call away -- and watch it, Eric -- a meeting away. And we know he will continue to help out his adopted hometown.

Thank you, Mr. Chairman.

SEN. HATCH: Well, thank --

DEL. NORTON: I strongly recommend his confirmation.

SEN. HATCH: -- you, Ms. Norton. We appreciate both of you being here.

Before you leave, our distinguished senator from North Carolina -- I was going to turn to him for his questions, but he has to go to a special --

SEN. LEAHY (?): South Carolina.

SEN. HATCH: -- or excuse me, South Carolina -- I should know better than that -- but before we do, both Senator Leahy and I would like to present him with this baseball bat. (Laughter.) It's a Louisville Slugger; "To Senator Strom Thurmond, the Senate's Cal Ripken" -- (laughter) -- "the longest-serving U.S. senator, 41 years, 10 months, and still going strong." I hesitate to give this to him because he's been known to give me a rough time. (Laughter.)

SEN. STROM THURMOND (R-SC): Thank you very much. (Laughter, applause.)

SEN. : Strom, you don't need it. (Applause, cross talk.)

SEN. LEAHY: Strom? Strom --

SEN. THURMOND: Senator?

SEN. LEAHY: You're supposed to go light on Democrats with that, you know. (Laughter.) Remember that.

SEN. : Not too light. SEN. THURMOND: It depends on how they act. (Laughter.) Thank you.

SEN. LEAHY (?): Senator --

SEN. THURMOND: Thank you very much, (Mr. Chairman ?).

Mr. Chairman, I appreciate your (outstanding ?) leadership on this important nomination. I am supposed to speak at the Pace (sp) School in just a few minutes, and I have to leave. I just want to tell Mr. Holder, though, I expect to support him. I think he's done a good job. And I ask unanimous consent that my only statement be placed in the record.

SEN. HATCH: Without objection.

SEN. THURMOND: And I also ask unanimous consent that my questions be submitted to Mr. Holder and answered for the record.

SEN. HATCH: We will do that, Senator. And I am sure Mr. Holder will be pleased to answer them.

SEN. THURMOND: Mr. Chairman, I thank you very much for your courtesy.

SEN. HATCH: Well, thank you. And we thank you for all the work you've done on this committee through all these years.

SEN. THURMOND: (To the nominee.) Good luck to you.

SEN. HATCH: We appreciate it.

MR. HOLDER: Thanks.

SEN. HATCH: Mr. Holder, we'd like to take your statement at this time. We welcome you to the committee. And we welcome your family; your wife and your children, your mother and father, and friends. And we hope you'll, at the beginning here, introduce them all to us, if you will. We are always delighted to have family with us, and your children are beautiful.

MR. HOLDER: I'll be more than glad to, Senator -- Mr. Chairman.

Mr. Chairman, Senator Leahy and other members of the committee, it is a genuine honor to be here today as the nominee to become the next deputy attorney general of the United States. And I would like to introduce the members of my family to you today.

To my left, we have my oldest daughter, Maya Michelle Holder (sp). She is 4 years old, just turned 4; my mother, Miriam (sp) Holder; behind her, my father, Eric Holder Sr.; and to my right, my lovely wife, from Mobile, Alabama, Senator Sessions -- (laughter) -- Sharon Malone (sp). SEN. HATCH: We're happy to have you here, Sharon and the two children and your parents. We are delighted to welcome you to the committee. And we hope that this will be a pleasant experience, even though some tough questions have to be asked.

MR. HOLDER: Well, I am kind of relieved, actually, to see Senator Thurmond leave with the baseball bat. (Laughter.)

HEARING OF THE SENATE JUDICIARY COMMITTEESUBJECT: NOMINATION OF ERIC HOLDER TO BE
DEPUTY ATTORNEY GENERAL CHAIRED BY SENATOR ORRIN HATCH (R-UT) 226 DIRKSEN SENATE
OFFICE BUILDING WASHINGTON, DC Federal Ne

SEN. HATCH: (Laughs.) We're all happy that -- (laughter) -- we've all taken our share of chastisements through the years. (Laughter.)

MR. HOLDER: Mr. Chairman, it is a privilege to be considered for this position.

And I would like to thank the members of the committee for showing me every courtesy during the past few weeks, and providing me an opportunity to meet with many of you in the course of this confirmation process. It has been very helpful to learn what issues are of concern to you, and to begin a cooperative and constructive dialogue that I pledge to continue with all my energies if I am confirmed.

It is incumbent upon all of us who are given the opportunity to serve in elected or appointed positions, to work first and foremost for the people. I also pledge, therefore, not to be bound by labels or outmoded ways of thinking, as I seek to work with members of this committee in crafting new solutions for the many problems that we face.

I also want to express my gratitude to the president and to the attorney general for the confidence they have placed in me as United States attorney, and for the opportunity that they have given me to serve as deputy attorney general. I look forward to the honor and many challenges of serving as deputy attorney general for one simple but very genuinely heartfelt reason: the opportunity to continue serving the people of our nation.

I have learned many insightful things from my father and mother, but chief among them, is a full understanding of not only the privileges, but also the responsibilities of being a citizen of this great country. You see, my father was not born in this country, nor were my mother's parents. Eric Holder, senior, who you have met, is 93 years old, and was born in Barbados, in the West Indies. And he therefore has a special perspective on this issue. He came to America as a 12-year-old while World War I was raging, because his family recognized back then what is still true today: the United States is a beacon of hope and a land of opportunity.

During World War II, when my father was fully 40 years old, he joined the army to serve his adopted country. Although he encountered hostility while in uniform in the then-segregated portions of our nation during his tour in the military, this adversity never hardened my father's heart.

It merely strengthened his resolve to do the very best that he could, and he passed this resolve to his sons.

To be sure, if confirmed, I will encounter a host of sobering challenges, but my family upbringing and my professional experiences over the last two decades have, I believe, laid a firm foundation for the action that will be required of me.

While in law school in the mid-1970s, I clerked at the Department of Justice's Criminal Division. After graduation, I joined the Department of Justice as a part of the attorney general's honors program and was assigned to the newly formed Public Integrity section. For the next 12 years, I investigated and prosecuted official corruption on the local, state, and federal levels. The defendants in these cases included appointed and elected officials all across the country who had broken their sacred bond with the people they were supposed to serve.

Prosecuting these cases brought me into the trenches, where I battled aggressively, but always fairly, to ensure that criminals were held accountable and that justice was ultimately done. It taught me firsthand the pressure and the great pride that come from standing in the well of a courtroom and announcing, "Eric Holder for the United States, Your Honor." It provided me with the opportunity to work shoulder-to-shoulder with some of the finest federal agents anyone could ever encounter. And it demonstrated to me personally the importance of people at the top of the Department of Justice supporting the fine men and women who work tirelessly, professionally, and ethically on behalf of the American people and the cause of justice.

In 1988 I became an associate judge of the Superior Court of the District of Columbia, and during the next five years I presided over hundreds of criminal trials and witnessed the devastation that can be traced to two simple elements: illegal drugs and senseless violence. As a judge, I also saw how poverty, despair, and failure to take personal responsibility for one's life and one's family tended to intensify the negative conditions that too many of our fellow citizens, particularly our young people, must endure. And where appropriate, I sentenced to long prison terms those criminal predators who had ensnared themselves in drugs and who had committed acts of violence and who had destroyed the lives of others.

My 20 years of service in the public sector have made me more, not less enthusiastic about the opportunities to develop new and creative ways to instill the values of honesty, personal responsibility, and community in our young people who would otherwise be simply written off.

HEARING OF THE SENATE JUDICIARY COMMITTEESUBJECT: NOMINATION OF ERIC HOLDERTO BE
DEPUTY ATTORNEY GENERALCHAired BY SENATOR ORRIN HATCH (R-UT)226 DIRKSEN SENATE
OFFICE BUILDINGWASHINGTON, DC Federal Ne

That is why for many years now I have been personally involved in programs designed to assist young people in dealing with the hurdles they invariably encounter in their lives. I am, as has been indicated, a long-time member of Concerned Black Men, an organization which seeks to help the youth of this city by, among other things, helping them to understand the importance of preventing teenage pregnancy and improving academic performance.

We must all work to save our children, all of our children, today. I have spoken at many schools in an effort to break the cycle that transforms far too many bright and inquisitive elementary school students into alienated and disaffected high school kids. I have served as a mentor to the boys at the Amidon Elementary School here in Washington in an attempt to help guide them as they faced the confusion and challenges of adolescence.

The adoption of Amidon Elementary School by my office was one of the steps I took shortly after becoming the United States attorney in 1993. I believe that we have affected and altered in a very positive way the lives of many young people at Amidon. It is among my proudest achievements as United States attorney.

At the direction of the president and the attorney general, I spearheaded the federal assistance program, an initiative to increase coordination and cooperation among various federal law enforcement agencies and the Metropolitan Police Department so that the streets of our nation's capital are safer for people who live here, work here, and who visit here. I developed Operation Cease-Fire, a project designed to reduce violent crime by getting guns out of the hands of criminals. I revitalized my office's victim witness assistance program to better help those people who are essential to the working of the criminal justice system, and drafted and proposed legislation that was ultimately passed by our city council that made witness intimidation an offense punishable by up to life imprisonment.

I also launched a children's initiative geared toward devising a comprehensive strategy to improve the manner in which child abuse cases are identified, handled and prosecuted. I created a new domestic violence unit in order to make our office more effective in handling these tragic cases.

I worked with a variety of organizations to support a renewed enforcement emphasis on hate crimes so that criminal acts of intolerance are severely punished. And I made the citizens of Washington our partners in fighting crime by appointing a director of community relations and by instituting a community prosecution program.

As United States attorney, I supervised the prosecution of corrupt public officials, dishonest police officers, international terrorists, an attempted presidential assassin, violent gangs, ruthless murderers, cop killers and drug kingpins.

In all, more than 30,000 prosecutions have been handled by my office during my tenure as United States attorney. I am very, very proud of the 300 lawyers, and also the paralegals, supervisors and excellent support staff in the United States Attorney's Office in the District of Columbia. We make up the largest U.S. Attorney's Office in the country with more than 550 employees and an annual budget of about \$50 million.

Collectively, these experiences as a federal prosecutor, a trial judge, and United States attorney serve as a bridge to my service as deputy attorney general, should I be confirmed. Of the many challenges that I will face with the attorney general and working with other members of the administration, I would like to briefly identify as what I see as some of my major objectives.

First, to work with the attorney general in making sure that federal law enforcement resources are used wisely to address the major crime problems confronting our nation -- drugs, violence, gangs, juvenile crime, and official and financial corruption.

Second, to see that the federal law enforcement agencies work with their state and local counterparts to help them meet the challenges of safeguarding our streets and neighborhoods, in our cities, towns, and also in our rural communities.

Third, to work in partnership with state and local law enforcement agencies to reduce and prevent juvenile crime, by balancing tough enforcement measures with targeted, effective prevention and intervention initiatives. We need to target gangs, guns and drugs if we are to meet the challenge of an unacceptably high crime rate involving our young people. But we must also commit ourselves to eradicating the conditions that breed youth crime.

Fourth, to ensure that the Department of Justice works hand in hand with our companion government agencies to forge cooperative relationships around the world to meet the challenges that go beyond our borders -- terrorism, international drug trafficking, illegal immigration, organized crime and other threats to our society.

Fifth, to assist the attorney general in managing the extraordinary resources and talents of the men and women at the Federal Bureau of Investigation, the Drug Enforcement Administration, the Immigration and Naturalization Service, the

HEARING OF THE SENATE JUDICIARY COMMITTEESUBJECT: NOMINATION OF ERIC HOLDERTO BE
DEPUTY ATTORNEY GENERALCHAired BY SENATOR ORRIN HATCH (R-UT)226 DIRKSEN SENATE
OFFICE BUILDINGWASHINGTON, DC Federal Ne

Marshal Service, and our other components to work smarter, seize the initiative, and be prepared for the challenges of the information age; and to prosecute with the full force of the law those who prey on our young people, our businesses, our financial and health care systems, and our vital government programs.

And finally, to use my status as the first black deputy attorney general, should I be confirmed, to help foster a dialogue between our diverse peoples about the issue of race, in the hope that we can work to heal the racial divisions that have bedeviled this nation since its inception.

Again, I would like to thank very much the members of this committee and your staff members for your assistance over the past few weeks. I would particularly like to acknowledge the help of Manus Cooney, Bruce Cohen, Beryl Howell, and Michael Hirshlin (sp), who have been very generous with their time, and most of all with their patience. I am honored to be here, and I look forward to working with you. I will be more than pleased to respond to any questions that you have. Thank you very much.

SEN. HATCH: If you would stand, I'll swear you in. Do you swear that the testimony you shall give in this hearing will be the truth, the whole truth, and nothing but the truth, so help you God?

MR. HOLDER: I do.

SEN. HATCH: Mr. Holder, I'm going to assert the prerogatives of the chairman to ask a considerable number of questions, just to get them out of the way, because they need to be asked.

There recently has been some attention paid to your office's federal tax prosecution here in the D.C. District Court, and the tax preparing service known as ProTax (sp). While recognizing that there may be some limits in what you can say about a pending case, I would like to ask you to respond to just a few questions about that.

As you know, one of the issues which has raised concerns is the fact that in the course of this investigation, apparently, your office requested that the IRS not conduct civil audits of D.C. police officers, a large number of whom were ProTax (sp) clients.

Let me first ask your level of involvement in that case generally, and more specifically on this request that the IRS not audit police officers.

MR. HOLDER: My involvement in that case was rather limited, and it consisted of a couple of meetings that I had with supervisors in the office who were directly responsible for the supervision of that case. I discussed with them both the decision to ask for -- ask the IRS to stand down with regard to these civil audits, and then a second meeting when we discussed asking the IRS to go ahead with civil audits, because we did not feel that we would be able to make criminal cases against those people we had initially asked them to stand down from.

But I want to make very clear that it is my responsibility, as United States attorney, to take responsibility for all the actions of all the attorneys, all the employees in my office. I believe we have conducted ourselves in that case very honorably, and I'm proud of the people who have worked on that matter.

SEN. HATCH: Can you explain to the committee the rationale for the request? And is that consistent with the department's general policy in such cases?

MR. HOLDER: Yes. The request was made to the IRS to ask them to stand down, so that we could preserve our prosecutive options.

It was not, as has been reported in some quarters, an attempt to protect police officers. What we were trying to do was preserve the option of prosecuting police officers for any involvement they might have had with Mr. Singh (sp) in the preparation of false tax returns. It is consistent with Justice Department policy, IRS policy.

SEN. HATCH: I understand that with respect to a large number of officers, your office withdrew the request not to audit police officers. Can you explain that decision?

MR. HOLDER: I'm sorry --

SEN. HATCH: I understand that with respect to a large number of officers, your office withdrew the request not to audit police officers.

MR. HOLDER: Yeah. As time passed and the statute of limitations began to run on the civil side, on the possibility of conducting civil action against these officers, and as there real possibility of instituting criminal actions against these officers approached, we made the decision that it made more sense to have some kind of action taken against these

HEARING OF THE SENATE JUDICIARY COMMITTEESUBJECT: NOMINATION OF ERIC HOLDERTO BE
DEPUTY ATTORNEY GENERALCHAired BY SENATOR ORRIN HATCH (R-UT)226 DIRKSEN SENATE
OFFICE BUILDINGWASHINGTON, DC Federal Ne

officers, where appropriate. We didn't think that we would be able to proceed criminally, and we asked the IRS to rescind that stand-down order.

SEN. HATCH: Has your office decided to prosecute any officers?

MR. HOLDER: We have not. We have not foreclosed the possibility, however, that officers will be prosecuted.

SEN. HATCH: So if there are criminal activities, they will be prosecuted.

MR. HOLDER: Absolutely. There is no desire on the part of anybody in my office -- and certainly not by me -- to protect any police officers who have engaged in this tax scheme.

SEN. HATCH: For the record, are you convinced that these requests were entirely appropriate?

MR. HOLDER: I am totally convinced of that. I was made aware of them beforehand. As I said, they are consistent with what our office has done, not only in the tax area, but other areas as well. It's consistent with what I have done myself as a prosecutor with the Public Integrity Section. SEN. HATCH: Now the judge recently ordered a mistrial in that case. Can you explain the basis for that decision? And how involved were you personally in any of the prosecutorial decisions that led to that ruling? And how concerned are you about the prosecutors' handling of the case?

MR. HOLDER: Well, obviously I became concerned when the judge declared a mistrial. The mistrial was declared because, in Judge Lamberth's view, our prosecutors had gone beyond that which he said they could do in the questioning of a witness. I respect Judge Lamberth. I disagree with his ruling there. I became involved in the matter -- more involved in the matter generally as this got more attention. I was not involved in the actual preparation of the witness and in the way in which that witness was questioned in court.

SEN. HATCH: Okay. Now I'm sure you'll recall the tragic murder of DC Police Officer Jason E. White and the subsequent prosecution of Donzel McCully (sp) for that murder. Now although your office ultimately did seek the death penalty in that case, it has been widely reported that you initially chose not to seek the death penalty, but subsequently reversed this position after consulting with the attorney general. Can you tell us whether this is in fact true? And if it is, explain why you originally chose not to seek the death penalty and, if you did reverse your decision, why you did.

MR. HOLDER: Yeah. This matter was presented to our office after the tragic murder of Jason White in the latter part of 1993. We assigned two of our senior prosecutors to it, the head of our Homicide Section and a deputy chief in our federal Narcotics Section to work the case.

They looked at the case, investigated it, and prepared a memorandum that was submitted to me and to a committee of senior prosecutors who make these death-penalty decisions in our office. They recommended to us that we not seek the death penalty because of statutory problems that we had. The committee looked at that recommendation and recommended to me that we not seek the death penalty. I considered the views of those people and independently made a determination that we had legal problems with going ahead with the death penalty.

That was the recommendation that I made to the attorney general. I spoke with her about the basis for that recommendation. And after consulting with her, the decision was made to proceed with the death- penalty request, and that is why we subsequently filed it.

SEN. HATCH: Okay.

What are your views on capital punishment, generally? Can you assure the committee that, as deputy attorney general, you would encourage and support prosecutorial decisions to seek the death penalty where they are justified under the law?

MR. HOLDER: I am not a proponent of the death penalty -- I am on public record as saying -- (having ?) said that --

SEN. HATCH: Right.

MR. HOLDER: -- and yet I want everyone here, and all the members of this committee, to feel very assured that I will enforce the law that has been passed. And any statute that contains a death-penalty provision will be looked at (by) me as any other statute. I will enforce the law, as this Congress gives it to us; it is part of my training as an attorney in the Public Integrity Section. And so, I would hope, as I said, that the committee would feel very assured that, even with those statutes that have death-penalty provisions, they will be fully enforced by me should I be confirmed as deputy attorney general.

SEN. HATCH: Well, thank you.

HEARING OF THE SENATE JUDICIARY COMMITTEESUBJECT: NOMINATION OF ERIC HOLDERTO BE
DEPUTY ATTORNEY GENERALCHAired BY SENATOR ORRIN HATCH (R-UT)226 DIRKSEN SENATE
OFFICE BUILDINGWASHINGTON, DC Federal Ne

As an ordinary informed citizen, do you believe that there is a conflict of interest, or at least the appearance of a conflict of interest, in having the Justice Department conduct the ongoing campaign finance investigation, which clearly includes determining the extent to which a number of White House officials were aware of, or "complicit" in, alleged violations of federal law? MR. HOLDER: That's a question that I'm not sure I am capable of answering at this point, Mr. Chairman. I have not had access to the investigative information that has been generated by the investigation, at this point. I would expect that I would become conversant with that matter should I be confirmed. Until that time, however, I don't think I have a real basis for making a determination.

SEN. HATCH: Can you give us your commitment, though, that you will urge the attorney general to revisit this matter?

MR. HOLDER: I'll certainly work with the attorney general and be a part of what she has described as "an ongoing review" of that matter. I expect that I will become involved with it and will share, in a very frank and candid way but a very private way, my views with the attorney general.

SEN. HATCH: And, Mr. Holder, you have significant independent knowledge, both as a -- or experience, I should say, as both a prosecutor and a judge. Do you believe the attorney general is interpreting the independent-counsel statute correctly in requiring that there be, quote, "specific and credible evidence that a crime has been committed," unquote?

MR. HOLDER: I have great faith in the legal ability and the judgment of the attorney general. And I --

SEN. HATCH: I didn't ask you about her legal ability; I'm asking about yours. (Laughs.)

MR. HOLDER: Yeah. I believe that the interpretation that the attorney general has put on the statute is a correct one, is consistent with the statute as I understand it. Now again, I am speaking in a vacuum here. I have not had access to the material that actually would be the foundation upon which the attorney general has made the determination in the particular case, so I can only speak very generally about that matter.

SEN. HATCH: Well, at our Justice Department oversight hearing and in a follow-up letter to the attorney general co-authored by Chairman Hyde, the chairman of the Judiciary Committee in the House, I explained why I believe the attorney general is, in fact, seriously misconstruing the independent counsel statute, and called for an Office of Legal Counsel opinion assessing the accuracy of the attorney general's interpretation. And although we asked for this opinion by May 16th, to date we haven't even had an acknowledgement response.

Now, I will not ask you to get into all of the legal nuances at this hearing, but I would like to ask you, and I will ask you, to give the committee your assurances that you will follow up on this matter and procure this opinion as promptly as possible.

MR. HOLDER: I'll do all that I can, Mr. Chairman. You --

SEN. HATCH: Well, if you do all you can, it will happen, because the deputy attorney general has a tremendous -- it's a tremendously powerful position, and they'll have to do it. Will you do that?

MR. HOLDER: I will -- I'll pledge to do that for you.

SEN. HATCH: All right.

Now, you once wrote an article asserting the importance for prosecutors in high-profile public corruption cases to keep the public informed about the progress in their case so as to, quote, "educate the public about whether the laws are being vigorously and effectively enforced," unquote, and thereby enhance public confidence in the criminal justice system. You argued that this is especially important in cases involving well-known, powerful figures because these figures and their supporters, quote, "increasingly seem to characterize criminal investigations of their alleged illegal conduct as political witch hunts," unquote, an, quote, "epithet which only serves to unfairly impugn the motives of prosecutors and to undermine our legal system and should not go unanswered," unquote, to quote you.

Now, Mr. Holder, wouldn't you agree, then, that the attempts by some to characterize Judge Starr's investigation as a quote, "witch hunt," unquote, are precisely -- or use of that term is precisely such an epithet which only serves to unfairly impugn the motives of prosecutors and to undermine our legal system, and should not go unanswered?

MR. HOLDER: Well, there -- it's a difficult role for a prosecutor to play where you have an ongoing investigation and there are attacks being lobbed at you, the way in which --

SEN. HATCH: Right. You've had them. Every prosecutor gets them.

HEARING OF THE SENATE JUDICIARY COMMITTEESUBJECT: NOMINATION OF ERIC HOLDERTO BE
DEPUTY ATTORNEY GENERALCHAired BY SENATOR ORRIN HATCH (R-UT)226 DIRKSEN SENATE
OFFICE BUILDINGWASHINGTON, DC Federal Ne

MR. HOLDER: Oh, I've certainly had more than my share.

SEN. HATCH: (Chuckles) You don't like them, do you?

MR. HOLDER: No, they're not pleasant.

SEN. HATCH: Well, you can imagine what Judge Starr feels like.

MR. HOLDER: You have to learn, and I guess that's part of the training that I received at the Public Integrity Section, you learn to endure those criticisms and you go about doing your job. Sometimes criticism can be unfair, but I tend to view it as part of what you come to expect as a prosecutor.

SEN. HATCH: Okay. Are you willing to publicly insist that certain parties cease from making such characterizations?

MR. HOLDER: Well, we all have First Amendment rights, and whether I agree or disagree with --

SEN. HATCH: Yeah, but you can speak out against the misuse of such characterizations.

MR. HOLDER: Well, if I thought that there were a gross abuse of a matter about which I had direct supervisory responsibility, I certainly would respond in what I thought an appropriate way, if I could respond. There are strictures -- certain strictures that you always have to be concerned about as a prosecutor.

SEN. HATCH: Okay. Do you have any trouble with any of Judge Starr's public pronouncements regarding the investigation? You feel they've been an appropriate effort to keep the public posted on them?

MR. HOLDER: I don't personally have any problem with the public pronouncements that -- any pronouncements that Judge Starr has made.

SEN. HATCH: Now, Mr. Holder, as you know, President Clinton has asserted a somewhat novel theory of government-attorney/client privilege in response to Judge Starr's request for certain notes taken by the White House attorneys. The Eighth Circuit recently ruled that there is no such privilege, and Mrs. Clinton is now seeking review of this decision by the Supreme Court.

Now, after the acting solicitor general's recusal, an internal dispute within the department, and apparently some lobbying from the White House itself, the Justice Department has filed a brief defending Mrs. Clinton's assertion of this privilege.

Now, do you believe that such a governmental attorney/client privilege actually exists?

MR. HOLDER: Senator, I'm not aware of any lobbying that might have been involved from the White House in making that decision, and I was not involved in the decision itself. Although I understand how there could be competing views on that, people in my civil division have indicated that they believe that such a privilege could exist. Prosecutors, on the other hand, people from my criminal side, in a desire to get access to that kind of information, think that the chances that that kind of a privilege exists -- they think that is less.

I think that the position the department has taken in that brief is actually a good one, in that, as I understand it, it's a question of balancing, the notion being that such a privilege does exist, but it can be overcome upon a sufficient showing by a criminal prosecutor.

SEN. HATCH: I think I've asked enough questions. Let's turn to Senator Leahy.

SEN. LEAHY: Thank you. I find of interest the reference to Kenneth Starr. I would note for the record that Mr. Starr has no reluctance to speak before highly partisan audiences, to release confidential material on his investigation in interviews, to continue representing groups that are on record as opposing President Clinton. He has been criticized, some might say, some who are not even cynical might say that he's done a lot to cause this criticism, sort of like the time when he accepted a job funded by a Clinton opponent halfway through his investigation. He seemed surprised that people were wondering why he was heading off to California.

But I think that Mr. Starr's willingness to speak out in front of partisan audiences in the way that he has, does diminish, at least in my view, and the view of many, his independence and his evenhandedness.

Mr. Holder, we've seen in the last several months, several examples of thorough and effective investigations by the Office of Inspector General. There was one conducted to remedy the problems of the FBI Crime Lab, something that I've expressed concern about, Senator Hatch has, just about all of us. We're aware, and concerns when offices of professional responsibility, Justice, or the FBI, or DEA have conducted internal investigations.

Now, you have significant background at the public integrity section. You know a good deal about the strengths and the weaknesses of internal investigations. I mean, they could sometimes work, sometimes not.

HEARING OF THE SENATE JUDICIARY COMMITTEESUBJECT: NOMINATION OF ERIC HOLDERTO BE
DEPUTY ATTORNEY GENERALCHAired BY SENATOR ORRIN HATCH (R-UT)226 DIRKSEN SENATE
OFFICE BUILDINGWASHINGTON, DC Federal Ne

Now you have significant background at the Public Integrity Section. You know a good deal about the strengths and the weaknesses of internal investigations. I mean, they can sometimes work, sometimes not. Would you commit to reviewing the department's procedures in jurisdictional allegations for investigations into wrongdoing and then share with us your view?

MR. HOLDER: I'd be more than glad to do that, Senator.

SEN. LEAHY: I think it's important -- we wanted to make sure that when internal reviews are done, that they're done not in sort of the "we'll help the old boy network," but rather that we get the best.

Now this Congress has demonstrated -- and I don't mean this necessarily as following up on what the chairman has said, because I think the chairman's asked a lot of appropriate questions -- but this Congress has demonstrated it has no reluctance in trying to meddle and bring political pressure to force the attorney general to exercise her prosecutorial discretion. Even before she's announced what she's going to do, many in this Congress have told her what they thought she should do. And I think most prosecutors tend to bridle a little bit when a legislative body how they should exercise their prosecutorial discretion. And Attorney General Reno has demonstrated independence, an ability to rise above such political pressure.

Do you feel that you can exercise the enormous power of a prosecutor, the power both to bring prosecution, but also the other enormous power of a prosecutor -- to withhold prosecution when necessary, without political pressure from either Democrats or Republicans, from either the Congress or the White House?

MR. HOLDER: I wouldn't take this job, Senator, unless I thought I was capable of doing that. I've been trained as a prosecutor in official corruption cases, worked at the Public Integrity Section for 12 years, had to deal with political pressures in various jurisdictions where (I ?) prosecuted cases, had to deal with it here, as the United States attorney, in cases that we have brought, and have always had the ability to withstand political pressure and just do the right thing, make sure that the decisions that I have made in those cases will be based on the facts and the law.

And that is what I pledge to do should I be confirmed as deputy attorney general.

SEN. LEAHY: Frankly, Mr. Holder, if I felt that you couldn't exercise that discretion and resist pressure, whether it's from me or Senator Hatch -- I don't think you will have such pressure -- but from anybody, Republican or Democrat, or the White House, I wouldn't vote for you because I also feel a commitment to the American public. I do feel, based on your past performance as a judge, as a U.S. attorney, and prior to being a judge, that you have that ability. It's what makes a difference between a prosecutor and a great prosecutor.

Now, can you tell us what efforts you have made as a U.S. attorney to foster a work environment where men and women of diverse backgrounds could excel in their professional careers while also meeting their personal and family responsibilities? And I ask this with great interest because I know as a senator -- and I look at all -- we have enormously talented men and women who work on the staffs, here at the Senate, in both parties. I sometimes say the senators are merely constitutional impediments to them. But the fact of the matter is they give all for their country. I also worry that they sometimes give up their own family responsibility.

What did you do in the U.S. attorney's office to make sure that didn't happen?

MR. HOLDER: Well, it was a concern that I had, as well. As a judge at the Superior Court, many of the assistant U.S. attorneys who I came to supervise, appeared before me. They have extremely busy schedules. We ask a great deal of them. These are not 9:00 to 5:00 jobs, and I was concerned about their ability to have personal lives.

I had a series of meetings, without supervisors, when I came to the office; met with everybody in the office -- all the secretaries, paralegals, attorneys -- really to just get, from them, a sense of what they thought needed to be changed in the office. I've had brown-bag lunches, every couple of weeks or so, with people. We just sit down and talk about whatever they'd like to talk about.

I pout together a committee to look at our family-leave policy; to examine whether or not we were an office that was family-friendly. And as a result of the recommendations that were made by that committee, we extended the amount of time that people have to take for maternity or paternity leave. We routinely let people move out of our more intense trial sections into sections where they can have closer to a 9:00 to 5:00 existence, when pregnant or when coming back from maternity or paternity leave.

HEARING OF THE SENATE JUDICIARY COMMITTEESUBJECT: NOMINATION OF ERIC HOLDERTO BE
DEPUTY ATTORNEY GENERALCHAired BY SENATOR ORRIN HATCH (R-UT)226 DIRKSEN SENATE
OFFICE BUILDINGWASHINGTON, DC Federal Ne

And I conducted also a series of meetings with the women in the office, to deal with any of the problems or concerns that they might have had about their lives, and have made changes based on the recommendations that came out of that -- those meetings as well.

SEN. LEAHY: Did you consult at least informally with noted obstetricians that -- (laughs) -- I'm sorry.

MR. HOLDER: I certainly did, and one thing of interest to me --

SEN. LEAHY: (Laughs.) You better have!

MR. HOLDER: -- our office policy is that --

SEN. LEAHY: For those who are -- for those who may be watching, and not realize the reference, of course your wife is a noted obstetrician. I just wanted to --

MR. HOLDER: -- and our office policy is that we allow people five months of leave for maternity or paternity leave. My wife's practice gives her six weeks. (Laughter.)

SEN. LEAHY: And I'm just going to move on to another line of questioning. (Laughter.)

Do you support mandatory minimum penalties?

MR. HOLDER: Yes, I think they can be appropriate. I have testified in favor of mandatory minimum sentencing in front of a D.C. City Council, with regard to the drug offenses that so -- have so wrecked Washington, D.C. I think, with regard to violent crimes, they can be of great use.

SEN. LEAHY: Do you feel that all the federal mandatory minimum penalties that are on the books now, are just right the way they are? Or do you think maybe we ought to be looking at them?

MR. HOLDER: Well, I think we should constantly look at the law as it exists, so that we have on the books laws that are effective, and that are consistent with where we'd like to be in law enforcement. I think a periodic review of the laws, the mandatory minimum laws as well as just our sentencing structure in general, is appropriate.

SEN. LEAHY: I have voted for a number of mandatory minimum sentencing bills, but I am growing increasingly concerned that they are being used heavily on low-level drug offenders; that the American people, both at the federal level and at the state and local levels, are being saddled with enormous bills, way into the future. Long after you and I will be out of public office, they'll still be paying off bond issues and what not for new prisons, and for retirement of prison personnel, and end up warehousing an awful lot of young people who, no matter what we say about rehabilitation in prison, usually don't get it, and come out unable to seek jobs or anything else.

And I find that my own thinking changes, depending upon whether we're talking about mandatory minimum for a violent crime involving a weapon, a knife, a gun, a baseball bat or anything else, as compared to some of the lower-level drug offenders. Are we getting into a problem here? I look at the backlogs of courts; I look at the overcrowding of prisons. And I look at some of the people that are being released from prison, who are not there under mandatory minimums but were there for very violent crimes, to make room for mandatory- minimums of lower-level drug cases. Do we have a problem?

MR. HOLDER: I am not sure that we have a problem in the federal system. I certainly have seen that with regard to some state systems. But as I said, I think we should always be mindful of the effects that our laws have on the corrections system, the effect it has on the perception of people in their sense of whether or not the justice system is a fair one or not. And we should always constantly strive to make sure that the laws that we have on the books and that we are asked to enforce, are fair and are perceived as being fair.

SEN. LEAHY: I think we'll probably have more discussions of this as we go along. A number of us, on both sides of the aisle here, have expressed concern about where they are and how they should be done. I am wondering, in one area, the D.C. Council repealed all mandatory minimum penalties for drug offenses. What has that done to both the enforcement and the prosecution of such offenses?

SEN. HATCH: Yeah. We have kind of a unique situation here in Washington. The repeal of the mandatory-minimum drug laws, which I testified against, has had the effect of backing up our court system. Our plea rate has gone down. And it has made our drug court, which is an innovative way in which we have tried to deal with people -- low- level drug offenders -- it's had a negative effect on our drug court. That is why we have proposed to the city council that mandatory minimum sentences be reinstated.

HEARING OF THE SENATE JUDICIARY COMMITTEESUBJECT: NOMINATION OF ERIC HOLDERTO BE
DEPUTY ATTORNEY GENERALCHAired BY SENATOR ORRIN HATCH (R-UT)226 DIRKSEN SENATE
OFFICE BUILDINGWASHINGTON, DC Federal Ne

It is a way in which we can force people, quite frankly, into treatment, as part of the drug court regimen.

SEN. LEAHY: Maybe you and I should sit and chat about that some more, at greater length, because this probably is a laboratory, almost, of seeing what happens. You turn it on and turn it off, and I really would like to follow up on this at greater length with you.

MR. HOLDER: I'd like that, senator.

SEN. LEAHY: One of the things -- you mentioned rural areas in your testimony. And I noticed that, and I was glad to see that that's part of your priorities. You've been in large cities -- at least, I mean, we think of Washington, D.C. as a large city, and where I come from, it has more people than my whole state. But I would hope that you would continue to have the Justice Department -- I think Attorney General Reno has shown an interest in rural law enforcement, the administration has, and I would encourage you to continue to do just that.

MR. HOLDER: I pledge to do that, senator. I think that too often, we tend to think of crime and criminal problems only in an urban setting. And that's why I took pains to put that as a part of my statement.

SEN. LEAHY: And lastly, tell us: What is the role of the federal government, federal law enforcement, federal prosecutors, federal courts, in the area of crime? And I say this because we have -- in recent years, the Congress, has suddenly started federalizing everything. If there is something on the headlines, the morning carjacking, or anything else, suddenly we're rushing to the floor for the new federal law on this. You and I have had experience that in most cases, most prosecution is done by the state or local level, and not by federal law enforcement.

Are we going -- are we putting too much in the lap of federal law enforcement?

MR. HOLDER: Well, I think we should always be looking at the problems as they exist in our nation, and as different criminal problems arise, always try to determine if the federal government, federal law enforcement can be of assistance. I mean, I certainly think there is a role for the federal government to play in assisting state and local law enforcement, where the vast majority of criminal prosecutions occur. I think there's a special role for those of us in federal enforcement with special talents and skills and resources that we have, especially those on the technological side.

It's harder, I think, to come up with a hard and fast rule. I think you have to look at each individual situation and then try to figure out exactly where the federal government can help, or whether or not it is a matter more appropriately handled by a state or local prosecutor.

SEN. LEAHY: Mr. Chairman, I'll have other questions that I'll put on the record. I am also, as the chairman knows, supposed to be at another matter at the same time. So I'll be trusting you to be protective.

SEN. HATCH: You can trust me. (Laughter.)

SEN. LEAHY: Yeah, the check's in the mail -- (laugh) -- I know.

SEN. HATCH: (Inaudible) -- we'll just be nice. Now, Senator Leahy, I am going to be very fair to you. You know that.

SEN. LEAHY: (Inaudible) -- I'll be back.

SEN. HATCH: Okay. Well, we'll miss you while you're gone.

SEN. LEAHY: I know. (Laughter.) But you'll get over it. (Laughs.) (Laughter.)

SEN. HATCH: Let's turn to Senator Sessions.

SEN. SPENCER ABRAHAM (R-MI) (?): Actually --

SEN. JEFF SESSIONS (R-AL): I will yield.

SEN. HATCH: Would you like -- Senator Abraham.

SEN. ABRAHAM: Senator Sessions has been kind enough to -- SEN. HATCH: Oh, that'll be fine.

SEN. ABRAHAM: -- allow me to go ahead of him because I, too, have a speech I've got to prepare for.

Mr. Holder, welcome. And I will be inserting a statement into the record, if the chairman consents when he is available to do so.

I just have a few questions, really. First of all, the structure of the department -- have you and attorney general made decisions with respect to the reporting process of the various divisions, and which will be reporting through you, versus through other means to the attorney general?

MR. HOLDER: We've had very, very preliminary conversations about that. I would not say that we have come to any definite sense of how the components will be reporting. I would not expect that there would be significant changes

HEARING OF THE SENATE JUDICIARY COMMITTEESUBJECT: NOMINATION OF ERIC HOLDERTO BE
DEPUTY ATTORNEY GENERALCHAired BY SENATOR ORRIN HATCH (R-UT)226 DIRKSEN SENATE
OFFICE BUILDINGWASHINGTON, DC Federal Ne

from the way in which the department is presently constructed, but there may be some tinkering. But, (once again ?), we have not had any definitive conversations in that regard.

SEN. ABRAHAM: I noted today that an associate attorney general has now been designated for nomination. Will that individual, once confirmed, report through you then? Is that the expectation?

MR. HOLDER: That is the way the department is presently constructed. I would expect that that would continue to be the way in which we have the department set up.

SEN. ABRAHAM: What about the Immigration and Naturalization Service? Have you had conversations yet about that?

MR. HOLDER: No, we have not. We have not had, as I said, any really definitive conversations about particular components, only really talked about broad areas. And even those conversations have been very preliminary in nature.

SEN. ABRAHAM: Well, I'm just interested, as the subcommittee chairman on immigration, as to how that will be ultimately resolved, just in the sense that a lot of issues were raised, and we discussed these with the attorney general when she appeared here a few weeks ago. And I'm anxious -- I think the absence of people in the direct chain there for some time has exacerbated some of the concerns people here, as well as I think across the country have, with regard to the processing of -- the naturalization process, the criminal background checks, and so on. And as soon as that's resolved, I'd appreciate being informed --

MR. HOLDER: Sure.

SEN. ABRAHAM: -- so we would know who at the senior levels of justice we would work with.

MR. HOLDER: We'll certainly do that, senator. But I want to assure you that the attorney general and I, as well as the associate attorney general, all will be involved in that very weighty issue.

SEN. ABRAHAM: I know. I expect that.

Two other things I just want to bring up. You mentioned the war against drugs and had a brief exchange, I think with Senator Leahy on the topic of mandatory minimums. One of the concerns I've had over the last couple of years on this committee, is what appears to be an escalation in the rate of drug use among young people, teenaged Americans in particular, in the last few years. While other things seem to be looking better, that's the one chart that doesn't look so good.

Do you have any specific thoughts, based on your local experiences, as to the perhaps new priorities, or policies that you might be launching to address that?

MR. HOLDER: Well, I certainly think that one of the things that I have found is effective in my work as a local prosecutor, is to try to somehow change the hearts and minds of young people. All the studies I've ever seen indicate that preventive -- effective preventive measures are extremely effective in dealing with young people. To somehow change the attitude that I think is increasingly growing among too many of our young people, that experimentation with drugs is okay, that drug use is okay, we have to send a firm, strong message, a consistent message.

We need to saturate those things that they look at -- use MTV, programs that young people tend to watch -- with anti-drug messages, and then to somehow change the notion that it's cool, that it's okay, that it's acceptable to use drugs. I think that with regard to young people, those are the kinds of things that can be most effective, always reserving for ourselves the use of enforcement measures, where that's appropriate.

SEN. ABRAHAM: Well, I look forward to hearing more from you on that as you move into this assignment, because obviously in our state, in several of the cities, we have an alarming problem that continues. And so leadership from Washington, I think, will be appreciated.

I would just add, in -- somewhat in contrast, perhaps, to where Senator Leahy was in his comments -- my concern about mandatory minimums in the area of the drug war is that if we make it any easier for people to peddle drugs to kids -- I think if they think the -- somehow we're being more lenient on sentencing, that that sends the wrong signal, and I think it reinforces, perhaps, the impressions that teenagers might get. So we look forward to working with you on that.

The last -- and I'll be brief about it, because I suspect it's an area you have not yet had the opportunity to delve into -- but I have been trying for some time to get -- to find someone at the department who could try to provide us with some

HEARING OF THE SENATE JUDICIARY COMMITTEESUBJECT: NOMINATION OF ERIC HOLDERTO BE
DEPUTY ATTORNEY GENERALCHAired BY SENATOR ORRIN HATCH (R-UT)226 DIRKSEN SENATE
OFFICE BUILDINGWASHINGTON, DC Federal Ne

information regarding some issues that pertain to prisons in my state and the Justice Department's intervention in a couple of instances with regard to alleged problems in those prisons.

My state's -- both the state police, as well as government authorities, are anxious to try to address some of these problems themselves, but have found it very difficult to get information from the department, from investigators who have gone in there. They find out after the fact that various information was acquired. They don't know what the basis is for some of the concerns that have been raised and are anxious to be partners in a coordinated way with dealing with problems, if they are there. But we haven't been able to get any real traction in terms of finding out what's going on and what the department's concerns are.

SEN. JUDICIARY/HOLDER NOM. PAGE 50 06/13/97

And again, I bring this up to you not because I expect you to be able to address it here. What I would like to do, is submit -- and I will do this very soon -- some written questions to you that are very specific. And I would ask you today if you could at least make a commitment to try to answer those as swiftly as you can, or, if it requires assistance from the department, to try to give us some help on this, recognizing there may be some areas that, you know, that are in some ways confidential.

But, even if it just relates to our ability to get the two authorities working together, it would be very helpful to us.

MR. HOLDER: Well, I can certainly make that pledge, Senator Abraham. I will look at the questions, and we will try to be as responsive as we can and as quick of action as we can.

SEN. ABRAHAM: Well, I'll send you that, along with some correspondence we've previously had on this with the department. And if we could just have somebody over there -- and I think again it may be because there hasn't been -- there haven't been people in some of these leadership positions, it's been hard for us to get to where we want. But we'll follow up soon with you, and I'd appreciate your attention to it. It would mean a lot to us.

MR. HOLDER: Sure. I look forward to working with you on that.

SEN. ABRAHAM: Thank you very much.

SEN. HATCH: Senator Sessions.

SEN. JEFF SESSIONS (R-ALA.): Thank you, Mr. Chairman. Before I make some -- address my questions to Mr. Holder, I did want to respond to the distinguished ranking member's comments about Ken Starr. It is difficult to be a prosecutor. You try to do your duty, and everybody wants to criticize you. I knew him when he was in the Department of Justice. I don't know if you were there when Mr. Starr was there or not, Mr. Holder. He may have come after you left.

But I will tell you with certainty that there was no more respected person in the entire Department of Justice than Judge Starr. He became a federal judge. He's a man of integrity and ability. I've seen some of his speeches. They are real learned discourses on the role of the independent counsel. And I think it's healthy that he does so. And it concerns me that members of this body would make less than respectful comments about the able work I think he's done. I just appreciate the opportunity to say that, Mr. Chairman.

Let me say this, Mr. Holder. I am very impressed with you. You have a lot of good friends who speak highly of the work you have done, and I look forward to supporting you and voting for you.

The things that are concerning me now, is this Department of Justice. I spent 15 years working in the department. You are needed. It is time for you to come on board. And we need to complete the full staff of the Department of Justice. Your office has been vacant for several months now. The associate attorney general, I guess that's still considered third in line in command in the Department of Justice, is vacant today.

The attorney general for civil rights, I think was named today or yesterday, but that still remains vacant.

x x vacant.

The solicitor general's position, the one who represents the Department of Justice before the Supreme Court, is one of the top four or five positions in the department -- maybe the next one in line -- is vacant. The Criminal Division, the one who should be driving the cases forward, has been vacant for 21 months. The Office of Legal Counsel is vacant.

This is a really serious indication to me that leadership team is not in place. Six months have already gone into this new administration, and that's over 10 percent of this administration's leadership time in the Department of Justice. And I am glad you are coming onboard. I think it is appropriate to fill the deputy first. And you should be involved in

HEARING OF THE SENATE JUDICIARY COMMITTEESUBJECT: NOMINATION OF ERIC HOLDER TO BE
DEPUTY ATTORNEY GENERAL CHAIRED BY SENATOR ORRIN HATCH (R-UT) 226 DIRKSEN SENATE
OFFICE BUILDING WASHINGTON, DC Federal Ne

helping to fill these other positions. But will you, first of all, take aggressive action to identify and nominate the best qualified people to fill these very important positions?

MR. HOLDER: Well, should I be confirmed, I look forward to working with the White House, with the attorney general, to select qualified men and women to fill those positions as quickly as we can. And then I look forward to working with the members of this committee to expeditiously confirm those people. We need to have those people in place as quickly as we can.

SEN. SESSIONS: Well, I think it's very important -- and I think there's no doubt about it -- there can be no excuse for the fact that this has damaged the ability of the administration and this department to do its duties. And if these jobs are not needed, maybe we ought not to fill them. But I think they are needed, and I think it's hurting. And I very much appreciated that your first comments were that you want to make sure that law enforcement resources are wisely used and managed in that department, and I know that you will.

The attorney general, unfortunately, due to problems beyond her control, has to spend an unnecessary amount of time, in my opinion, dealing with independent counsels and charges of corruption or wrongdoing. It is going to fall to the deputy to provide a lot of day to day leadership, it seems to me, and I believe you're up to that. I have no doubt in my mind that being a former United States attorney myself, and you having run the biggest office in the country, there can be no better training ground for that job. And I know that you will do good work at it.

Are you familiar with -- and perhaps, it arises from the lack of management -- but are you familiar with the fact that even though the number of assistant United States attorneys in America has increased, about 12 percent in the last four years, that the number of actual criminal prosecutions have declined?

Are you familiar with those numbers? And are you concerned about that?

MR. HOLDER: Yeah, I'm familiar with those statistics. And the use of statistics is one way to measure the effectiveness of any organization -- certainly one way to measure the effectiveness of our law enforcement effort.

But I think it also is reflective of at least one other thing: What we have made a concerted effort to do since I have been U.S. attorney and under the direction of Attorney General Reno is to make sure that we use our federal resources wisely and not try to build up statistics going after cases that don't have the kind of impact we would like them to have, to take our resources, use them wisely, and to bring into the federal system those cases that will have the greatest impact. And might be at least a partial explanation as to why the number of prosecutions has declined over the last years.

SEN. SESSIONS: I understand that philosophy and I've heard it over the years. Sometimes I think that becomes an excuse for really not insisting that attorneys be as productive as they can. I really would ask that -- you to look at that. I know this administration has been very strongly -- made many statements about the need to do something about guns and crime, and I agree with that. When I left as United States attorney before -- when President Clinton made -- appointed his United States attorneys, there were 4,100 triggerlock prosecutions, prosecutions of felons and criminals who use guns. I noted last year that the number of those prosecutions had fallen below 3,000, about 2,900 -- almost 30 percent decrease in prosecutions. Don't you think that should be a high priority of your prosecutors? And will you take a look at that to see if you can reverse that trend?

MR. HOLDER: Well, that clearly is a priority of this administration, and rightly should be. The problem of gun violence is one that I have tried to meet here in the U.S. Attorney's Office, with Operation Cease-Fire and other enforcement efforts. And that would certainly be a priority of mine, should I be confirmed as deputy attorney general.

SEN. SESSIONS: I think there are plenty of cases out there to prosecute. I think it's a -- really a priority-setting thing. And I hope that you will rearrange that priority, because I think we need to send a message -- and it was my goal, and I think -- I'm sure many prosecutors feel the same today -- that we ought to identify people who use guns, because those are the people who kill people, and they ought to get extra time -- and the federal laws are tough. And I hope -- I'm sure that you share that view.

MR. HOLDER: Yeah, I wouldn't disagree with that at all. I mean, one only has to look at the statistics to see that about 80 percent of the people who are murdered in this country are murdered by people who have -- who use handguns. And there is clearly a basis for an emphasis on the part of the federal government in getting guns out of the hands of criminals, as we've tried to do here in Washington, DC.

HEARING OF THE SENATE JUDICIARY COMMITTEESUBJECT: NOMINATION OF ERIC HOLDERTO BE
DEPUTY ATTORNEY GENERALCHAired BY SENATOR ORRIN HATCH (R-UT)226 DIRKSEN SENATE
OFFICE BUILDINGWASHINGTON, DC Federal Ne

SEN. SESSIONS: I was pleased to hear your comments about youth and prevention and crime. One of the things I think you're correct in -- we need to send a very certain message to youth that drug use is unacceptable. And if we do that with uniformity and courage and determination, it does make a difference. But if we waffle in the message we send, I think it is -- a mixed message is sent, and many kids may think that we're really not serious when we say those words.

And it is very troubling that drug use among youngsters has gone up dramatically in the last four years. The statistics in Alabama over one six-months period showed a dramatic increase among those who were arrested for crimes. And I know that drugs drive criminality. Are you concerned about that? And do you have any ideas that we might -- could do to change it?

MR. HOLDER: Yeah, I'm very concerned about that. When I left the DC Superior Court -- one of the things we do in Washington is drug-test anybody who is arrested, and when I left the Superior Court in 1988, about 10 percent of juveniles who were brought into the system were testing positive. It's my understanding now that about 50 to 60 percent of juveniles who are brought into the system are testing positive. And I think we have to -- as I indicated previously -- really focus on the problem of juvenile drug use, because I think it is the source of a whole lot of other juvenile crime problems that we have. We have to be consistent in the message that we send out. We have to saturate our young people with these messages. We need to get people who our young people look up to, who are role models, to become involved in this effort. And we, as adults, on a local level, have to be involved in activities and give messages to people, young people in our cities and our towns, again, that drug use is not acceptable; it is not a good thing.

SEN. SESSIONS: I am aware that D.C. has the most extensive drug-testing program in the country and has for many, many years. I know Jay Carver (sp); I don't know if he still runs it or not.

MR. HOLDER: He left about two months or so ago --

SEN. SESSIONS: Is that right?

SEN. HATCH: -- a major loss for the city.

SEN. SESSIONS: Well, he was a remarkable person, and I admired him greatly.

Those are dramatic statistics -- go from 10 percent in 1988 who test positive, when they are arrested for any crime, to 60 percent. Would you say a judge or a prosecutor, who really wanted to help and diagnose the problem of the child who is appearing before them, who has been arrested for a crime -- would that judge and prosecutor need to know whether or not a young offender was involved in drugs and had tested positive?

MR. HOLDER: Oh, I think that information is of vital use. It certainly helped me as a judge when I was trying to make determinations as to what kind of treatment plan to put a juvenile who had been adjudicated on; to even make release determinations, as to what you do with a juvenile or an adult. This administration has started a pilot program where drug testing is being done in some federal districts. And I think, based on the experience that I have had, that -- and given the experience that we've had here in Washington, DC -- that we ought to consider doing that as a matter of routine, nationwide.

SEN. SESSIONS: Well, that is a part of -- in the Juvenile on Justice bill that has been introduced. There's some real honest discussion about whether or not it can be afforded. But I strongly believe that one of the best things we can do is to ensure that those who receive substantial funds from the federal government, that they would test young offenders so that the judge and the probation -- and their families can know whether or not -- that drugs may have contributed to that criminal activity. And I hope that somehow we can work -- as we go through this committee -- can work something out that would -- and provide funding for it. I think we have enough money in there to help the states fund that. And I really believe it would be good. Mr. Chairman, I have taken too much time. Thank you for your (courtesy ?).

SEN. HATCH: Thank you, Senator Sessions.

Senator Specter is here, but he has kindly granted me -- I have to be at another meeting -- but he's granted me the right to just ask a couple of questions for Senator DeWine. And then, also, I just have a couple of questions about Ron Brown and that, just so we can clear the air in that area, as well.

And keep in mind, I'm asking these questions so that they're on the record, and so that people will know that you have

HEARING OF THE SENATE JUDICIARY COMMITTEESUBJECT: NOMINATION OF ERIC HOLDERTO BE
DEPUTY ATTORNEY GENERALCHAired BY SENATOR ORRIN HATCH (R-UT)226 DIRKSEN SENATE
OFFICE BUILDINGWASHINGTON, DC Federal Ne

answered them, and because I fully intend to support your nomination, and will do everything in my power to -- depending upon your answers to these last questions -- (laughter) -- everything in my power to get you through.

MR. HOLDER: The pressure is on.

SEN. HATCH: What are the standards -- and this is -- these two questions will be from Senator (Mike) DeWine (R-Ohio). What are the standards that you apply in making your decision -- or what were the standards that you applied in making your decision to prosecute under 18 U.S.C. Section 25(10), the Electronics Communications Privacy Act of 1986?

If you were to prosecute under that act, what would be your standards? I think that's what the question is.

MR. HOLDER: Senator -- Mr. Chairman, I have to be honest with you. That is not a statute that I have --

SEN. HATCH: -- are familiar with.

MR. HOLDER: -- I'm familiar with right now, but I'd be more than glad to look into that.

SEN. HATCH: If you could answer that for him in writing, I'd sure appreciate it.

The second question is Congressman Boehner wrote to Attorney General Reno on March 21st, 1997, concerning the Department of Justice's ongoing investigation into the interception of the cellular phone call that he placed on December 21st, 1996. You're familiar with that.

MR. HOLDER: I've read about that, yes.

SEN. HATCH: Somewhat. Alice and John Martin, who intercepted the call, have pled guilty and were each fined \$500. Apparently the investigation continues. When do you expect that the Department of Justice will make a decision whether to prosecute other individuals who are involved -- who are alleged to be involved in this matter, and will you pursue that with diligence?

MR. HOLDER: Senator -- Mr. Chairman, I have not really been involved in that matter, only know of it from what I have read about it in the newspapers, or what I've heard on television. And it is a pending matter. I'd be a little reluctant to discuss it, even if I had more information about it. But I'm sure that the people assigned to the case are trying to resolve that matter as quickly as possible.

SEN. HATCH: I think his basic thrust is: will you get into it, and do what needs to be done in that case, and get it resolved?

MR. HOLDER: Sure. I will attempt to do that.

SEN. HATCH: Okay. Now, some of the media have urged that you recuse yourself from any matters involving former Commerce Secretary Ron Brown -- who was a dear friend of mine, by the way. In particular, the case of *Judicial Watch v. Department of Commerce*. Would you be kind enough to explain why you have not recused yourself from this case in the past, and whether you will do so as deputy attorney general?

MR. HOLDER: The *Judicial Watch* case is a Freedom of Information Act matter. It is a request that has been filed by a plaintiff seeking to get access to records from the Commerce Department. The involvement of former Secretary Brown, who was a friend of mine -- it's really not apparent. I looked at that matter; thought about whether or not I should recuse myself on that matter -- given the fact that it was simply the Commerce Department -- and made the determination that I didn't think that was needed. In an abundance of caution, I have asked the appropriate people at the Justice Department to apply the appropriate regulations and statutes, and asked them for an opinion.

It is their opinion, as well, that there is not the need for me to recuse myself in that matter. I will, however, be extremely sensitive to matters involving former Secretary Brown, or anybody else with whom I have some connection, to make sure that I recuse myself in cases where that is appropriate. I have done that in the past, where I thought it was needed, and I would not hesitate to do that in the future.

SEN. HATCH: Well, thank you. And I think that's all we could ask of you.

Now, I understand that a recent deposition of Mr. Graham Watley (sp) revealed the existence of the document not previously produced by the Commerce Department, listing minority donors to the Democratic National Committee, and that your office subsequently notified the court about this discovery. That's correct, isn't it?

MR. HOLDER: Yes, that is correct.

SEN. HATCH: Okay. Have you personally participated in any decisions, letters or filings with respect to this particular matter?

HEARING OF THE SENATE JUDICIARY COMMITTEESUBJECT: NOMINATION OF ERIC HOLDERTO BE
DEPUTY ATTORNEY GENERALCHAired BY SENATOR ORRIN HATCH (R-UT)226 DIRKSEN SENATE
OFFICE BUILDINGWASHINGTON, DC Federal Ne

MR. HOLDER: -- with regard to the Judicial Watch matter?

SEN. HATCH: Right, or even if you participated in any litigation decisions or personally reviewed and signed any pleadings in that case?

MR. HOLDER: No, I have not. My name appears on the pleadings; and there might even be a signature there, but my signature would be placed by the trial attorneys in that matter.

SEN. HATCH: Okay. Well, I think that's -- I am glad to have covered those matters. And I am going to turn you over to the distinguished senator from Pennsylvania, who plays a very effective and important role in this committee and does a terrific job on our committee. And I think you and he will have an excellent time together.

MR. HOLDER: Okay.

SEN. HATCH: But if I have to leave a little early, please understand I have to go meet with leaders on the Finance Committee about upcoming matters.

And I only have a limited time -- they only have a limited time to meet with me, so I have to go do it at that time. It's not a matter of disrespect. I have tremendous respect for you. I intend to be a strong supporter, and I intend to make your life as good at Justice as life can be. (Laughter.) And there are a lot of ifs in that, of course -- (laughs) -- but I'll do my best to be one of the best friends you have up here on Capitol Hill and to help you do your job down there, and I hope you'll do the same for us up here.

MR. HOLDER: I look forward to continuing to work with you, Mr. Chairman. You've been extremely helpful to me in my role as United States attorney in the work that you've done behind the scenes. You've not sought credit for it, and I think maybe you deserved it for all that you've done for the citizens of this city and for law enforcement here in Washington, DC. You've been a great aid to us, and we really appreciate it.

Well, thank you. It's nice of you to say that.

Senator Specter, we'll turn the remaining time to you. If there is -- if a Democrat does come, I would hope that you would, after you're finished, recognize whoever it is.

SEN. SPECTER: Of course. (Laughter.)

Thank you very much, Mr. Chairman. When you say that you're sure that Mr. Holder and I will have a good time together, we met on my invitation in my office some time ago and we had a good time then, and I look forward to many more good times. (Light laughter.)

The job of the deputy attorney general, Mr. Holder, is one of the most important in our government. Already commented, the day-to-day operation of the Department of Justice is in the hands of the deputy attorney general. And crime is a problem of enormous importance, without any amplification. It's one that I have worked on for most of my professional life. Became an assistant district attorney when I was 29, and then later, district attorney of Philadelphia, and on the Judiciary Committee have had great concern about the federal government can do in the fight against violent crime.

And now I come to a specific matter. Yesterday, in this room, we took up the Juvenile Justice bill, and there's a proposition to have very substantial federal funding with the import of affecting violent juvenile crime. And we know that it is an enormous problem, and that juveniles in their early teens, both boys and girls, young men and young women, are committing crimes of violence, and the question is how to do something about it.

We are now talking about, in the House bill, prosecuting 13-year-olds as adults.

The Senate bill has a delineation of 14. And my own view is that, when we deal with the problem of violent crime, both as to juveniles and as to adults, we ought to separate them in two categories. If we're dealing with career criminals, people who have committed three or more major offenses -- and I wrote the Armed Career Criminal bill that was adopted in 1984, providing for up to life sentences for career criminals -- then it's doable to put them in jail forever; to lock them up and, in effect, throw away the key.

But there's a second category of individual who will be released one day from jail. And I think that it is indispensable that we take into account what's going to happen when that person comes back, as a matter of public safety and as a matter of what is going to happen to that individual. If you release from custody a functional illiterate without a trade or

HEARING OF THE SENATE JUDICIARY COMMITTEESUBJECT: NOMINATION OF ERIC HOLDERTO BE
DEPUTY ATTORNEY GENERALCHAired BY SENATOR ORRIN HATCH (R-UT)226 DIRKSEN SENATE
OFFICE BUILDINGWASHINGTON, DC Federal Ne

a skill, it is no surprise when that person becomes a recidivist and goes back to a life of crime.

And when we're dealing with juveniles, almost all of them -- if not all -- will one day be released. And that requires, in my judgment, that we do more than talk about more jails, although we do have to provide more custodial space. But I think we also have to focus on literacy training and job training. Would you give me a brief sketch of your views on the subject as to how you handle recidivism, violent crime versus juvenile crime, and the issue of preparing people for return to society?

MR. HOLDER: I think we need to strike a balance. There are people who are hardened, and who are beyond help and who need to be dealt with in the harshest way. We have used the statute that you passed, I think, very effectively, here in Washington, and put people in jail for the rest of their lives where that was appropriate; the people, who by their actions have demonstrated over a number of years, that they simply should not walk the streets.

With regard to juveniles and people who, by their record, have not shown that there is a reason to keep them in jail for that extended a period of time; I think we need to always be mindful of the fact that, while in jail, we need to provide them with educational opportunities. And one of the things I saw as a judge at the D.C. Superior Court; I could probably count on one hand the number of people who were found guilty by a jury, or sentenced by me, who had any college experience. Almost all of the people who came before as a judge and were found guilty of crimes had educational deficits. And I think we have to try to understand that and try to, to the extent that we can, use our correctional facilities, while we have them there, to prepare them for reentry into the --

SEN. SPECTER: Mr. Holder, when you say "to the extent that we can," what's your evaluation as to facilities available to educate, provide literacy training and job training for juveniles at either the federal or state level of America today?

MR. HOLDER: I don't think we're doing a good job of it. In the experience that I have had here with the local system in Washington, we too frequently are warehousing young kids, young adults --

SEN. SPECTER: So what's the answer?

MR. HOLDER: Well, the answer is that we have to commit ourselves, I think, as a society, to spending the money in order to come up with programs.

Because, as you say, they will -- eventually, the majority of them will eventually be returned to the streets, and we need to, to the extent that we can, prepare them for that re-entry. It involves a commitment on the part -- on our society's part, though -- to devote the resources to doing that.

SEN. SPECTER: Would you make it a commitment today, Mr. Holder, to take a close look at the American judicial system correctional system, and give a report back to this committee within six months after you are confirmed -- and I do believe you will be confirmed -- as to what ought to be done on the aspect of literacy training and job training, both as to juveniles and adults?

MR. HOLDER: Well, I would certainly want to work with the attorney general and clear that with her, and other people in the administration. I would certainly want to be responsive to the request that you have made. I would not want, as a deputy attorney general, to commit the department or the administration to a policy paper. But to the extent that I can be responsive to that, I certainly will try, senator.

SEN. SPECTER: Well, I wasn't asking you to commit the department, or to make a policy statement. I was asking for a personal commitment on your part, to take a look at what we're doing on that aspect. Because too often, we simply talk about incarceration. And I've talked a lot about incarceration over my career, but also on the rehabilitation side. And that's why I ask you if you would make that a personal priority, and give us your personal views, within six months.

MR. HOLDER: I'd be more than glad to sit down and talk to you about that within that time period. And it is not something that I would do only in response to your request. I mean, this is something that I am interested in, vitally interested in myself.

SEN. SPECTER: In the legislation which we're currently considering, it's my thinking that we ought to condition federal grants on states having a plan, so that they take a comprehensive look at their own system on a state-by-state basis, decide what they need by way of jail space, what they need by way of job training, literacy training, and make a submission of a plan. And I'm a little concerned as to whether we ought to bring that back to the Department of Justice,

HEARING OF THE SENATE JUDICIARY COMMITTEESUBJECT: NOMINATION OF ERIC HOLDERTO BE
DEPUTY ATTORNEY GENERALCHAired BY SENATOR ORRIN HATCH (R-UT)226 DIRKSEN SENATE
OFFICE BUILDINGWASHINGTON, DC Federal Ne

the Office of Juvenile Justice and Delinquency Prevention, or simply require that the states have a plan.

There's a lot of concern about federalism. A lot of concern -- Goals 2000 -- education, for example, about the federal requirement of a plan.

What do you think would be a good balance on really, in effect, compelling the states to consider this issue as to an overall program so that we just don't make an allocation of funds without any comprehensive analysis or thinking behind what ought to be done to put those monies to the best possible use?

MR. HOLDER: Well, again, I think we need to look for a sense of balance and see what works; what states are doing, what the federal government might be doing in aid of states in that regard. And I'd be more than glad to work with you in trying to come up with a way in which we can make these programs more available and more effective.

SEN. SPECTER: Well, I would appreciate your thinking on that. Perhaps the Office of Juvenile Justice and Delinquency Prevention. We need to strike a balance on federalism. But I have substantial reluctance on just making an allocation of the funds without knowing that there's going to be a real thoughtful process on where they best should be spent.

The legislation has a provision which would require states to try 14-year-olds as adults, presumptively on crimes of violence. And I have a concern about the federal aspect on that, as to whether the federal government ought to be imposing that requirement, or leaving it up to the states to make their own judgment as to how to handle juveniles.

Also, in the bill there's a provision that a wide variety of offenses are mandatory to try as a juvenile. I think homicide is one where juveniles ought to be tried as adults. That's a general practice, a common law rule. But where you have offenses such as conspiracy to commit murder, that could have a wide variety of factors which might require trial as an adult or might not, and might better be left to state judgment.

What's your thought on that, Mr. Holder?

MR. HOLDER: Well, I am not totally conversant with the legislation as it exists. I don't know what changes might have been made. I have not had a chance to really look at the legislation as it might have been submitted. I do like the administration's approach, though, to give to prosecutors some discretion.

As you look at what cases are brought into the federal system, I think that we have a unique vantage point in looking at a particular case, understanding what the background is of a particular juvenile and can make appropriate determinations with that unique background.

SEN. SPECTER: Well, that's the judgment as to whether the federal prosecutor would defer to the states, or whether we make a federal case of it. So the federal prosecutor does have that discretion at the present time. I am looking more sharply focused at a requirement that the state try a given individual as an adult, as a federal requirement or a federal mandate, as opposed to allowing the states to make that determination themselves.

MR. HOLDER: Yeah. Again, Senator, I am not aware of the position that the administration has taken on that. I'd really want to be more conversant with the competing proposals before I shared with you what my opinion was. I'd be more than glad to get back to you --

SEN. SPECTER: All right. We will --

MR. HOLDER: -- on that.

SEN. SPECTER: -- we will await the events. I am sure you'll have an opportunity to, because it's going to take some time to work this legislation through committee and then floor, et cetera. So they'll be ample time for you to do that.

Mr. Holder, this subject has been raised with you already to some extent, but I want to amplify it a bit. With respect to the individual Denzel McCauley (sp), said to be a drug kingpin, a brutal murderer of a D.C. police officer, Officer Jason White (sp); where it is reported that there was some reluctance on your part on seeking the death penalty, but that ultimately you did seek the death penalty, was there a reluctance on your part to seek the death penalty in that case?

MR. HOLDER: No, there was no reluctance on my part to seek the death penalty. The decision not to seek the death penalty, or the recommendation that we initially made not to seek the death penalty, was based only on our interpretation of the statute and the legal problems that we thought we faced. That was the only basis for that determination.

SEN. SPECTER: Well, what were those legal problems?

MR. HOLDER: We had concerns as to whether or not we could meet the necessary statutory aggravating factors that

HEARING OF THE SENATE JUDICIARY COMMITTEESUBJECT: NOMINATION OF ERIC HOLDERTO BE
DEPUTY ATTORNEY GENERALCHAired BY SENATOR ORRIN HATCH (R-UT)226 DIRKSEN SENATE
OFFICE BUILDINGWASHINGTON, DC Federal Ne

the statute contained at that time.

SEN. SPECTER: Why? What were the aggravating factors absent in that case?

MR. HOLDER: Well --

SEN. SPECTER: On its face, it looks like a very aggravated situation, loaded with the characteristic aggravating factors in a homicide. That was the first legislation by the federal government in a long time to apply the death penalty. And there was a lot of very concerted thinking in the Congress on it. So what problems did you find on applying the so-called aggravating factors?

MR. HOLDER: The aggravating factor that we thought was -- I think there were possibly 12 aggravating factors that we could consider, and we only thought that one really was applicable. And that dealt with whether or not the offense could be termed "heinous and cruel" -- and has -- that provision had been interpreted by various courts. It had not been interpreted in our circuit.

The matter necessarily involved showing that the victim had been tortured before the victim had been murdered. And we did not think that, under the facts that we had, we could meet that aggravating factor.

SEN. SPECTER: Well, you didn't think torture was an indispensable prerequisite, did you?

MR. HOLDER: Well, not on the face of the statute. But if we looked at the various courts of appeals and state courts that had looked at that provision, because some state statutes had a similar provision, that was the body of law that we thought was most applicable.

SEN. SPECTER: Well, was there any doubt in your mind that Denzel McCauley (sp) was a drug kingpin?

MR. HOLDER: A drug kingpin? I'm not sure I would characterize him that way. When this matter came into our office, I told the prosecutors in the office that this was a matter I wanted tried in federal court. The only way we could try it in federal court under the law as it existed was to come up with a drug connection. Mr. McCauley had in his possession a fairly substantial amount of drugs, and that was the connection, the nexus that we had to get --

SEN. SPECTER: Did he qualify under the federal statute, the so-called "drug kingpin statute," with the requisite amount of drugs or requisite drug connection?

MR. HOLDER: I do not believe that he was a drug kingpin as defined by the statute. He certainly was part of an organization that was dealing drugs, but I do not think we could characterize him as a kingpin.

SEN. SPECTER: But you ultimately did seek the death penalty.

MR. HOLDER: Yes, we ultimately did.

SEN. SPECTER: So ultimately the decision was made that he did qualify under the statute.

MR. HOLDER: Yeah. After consultation with the attorney general, my conversations with her about the statute, we made the decision to seek the death penalty.

SEN. SPECTER: Well, what were the factors that led to your ultimate decision to seek the death penalty that you were in doubt about originally?

MR. HOLDER: Well, there was a body of law that defined heinous and cruel in a different way. We thought there was a basis, therefore, for us to take the case into court and to seek the death penalty. The case had problems beyond the legal ones that I have described. And when we had the ability to get a plea from the defendant that put him in jail without any chance of parole for the rest of his life, we decided to accept the plea.

SEN. SPECTER: Mr. Holder, philosophically do you agree with the imposition of the death penalty?

MR. HOLDER: I am not a proponent of the death penalty, have stated that publicly on many occasions, but would not hesitate to enforce any law that this Congress has passed that has a death penalty provision.

SEN. SPECTER: So that if an issue came before the Senate, illustratively, and you were in the Senate, you would vote against the death penalty?

MR. HOLDER: It would depend on what the provision was. I have testified before the D.C. City Council that it is the policy of my office, where a law enforcement officer is killed, to seek the death penalty in that situation.

SEN. SPECTER: Okay, fair enough. Let me turn to the subject of terrorism, Mr. Holder, which is a matter of enormous concern on a lot of levels. We see the trial of Mr. Timothy McVeigh now, which I shall not dwell on. The

HEARING OF THE SENATE JUDICIARY COMMITTEESUBJECT: NOMINATION OF ERIC HOLDERTO BE
DEPUTY ATTORNEY GENERALCHAired BY SENATOR ORRIN HATCH (R-UT)226 DIRKSEN SENATE
OFFICE BUILDINGWASHINGTON, DC Federal Ne

problems of terrorism, both in this country and abroad, where there is extraterritorial jurisdiction, and I want to focus on a specific incident, where I have written the attorney general.

My letter, dated April 1st. I wrote to Attorney General Reno concerning a report that I saw that quoted a member of the Israeli Cabinet, Deputy Education Minister Moshe Peled (sp), saying that Arafat was part of the discussions on the operation of the World Trade Center, which killed six Americans and wounded thousands of others. And I asked Attorney General Reno to conduct an investigation, because under the so-called long arm jurisdiction, if somebody plans, or participates as an accessory or co-conspirator, to an act of terrorism in the United States, that individual can be tried in the United States under the 1984 statute, and the 1986 statute.

And I got back a rather perfunctory response under the signature of the assistant attorney general, Andrew Foyce (sp). And I wrote again to the attorney general on May 14th, picking up on what Mr. Foyce (sp) had said. Quote, "We have queried the Israeli authorities about this information, and they deny the accuracy of the statements attributed in the article to the deputy education minister." Close quote.

And I wrote back to the attorney general saying that that wasn't the thrust, whether Mr. Peled's statements were accurate or not. The thrust of my question was whether Yasser Arafat had knowledge, participated in, discussed, was a co-conspirator, or an accessory before the fact, to the World Trade Center bombing.

And I asked that Mr. Peled be questioned, and I asked that Israeli intelligence be pressed on the matter. I telephoned Mr. Peled myself and could not speak to him because he didn't speak English and I didn't speak Hebrew. And I had my deputy, David Braugh (sp), who did speak Hebrew, talk to him. And Mr. Peled wouldn't go beyond the statements which had been attributed to him publicly. Expressed some concern, but stood by them; didn't back off.

My question to you is, if there is evidence as to Chairman Yasser Arafat's complicity in the World Trade Center bombing, do you think that's the kind of a matter which we ought to press for extradition to try him in the United States criminal courts?

MR. HOLDER: I'm not aware that -- of any evidence that ties Chairman Arafat to that incident. I would certainly say, though, that we have to do all that we can to ensure that people who are responsible for terrorist incidents, wherever they reside, are brought back to this country to face our criminal justice system and be held accountable for their actions.

SEN. SPECTER: Well, I understand that you don't know the facts of the case. And I shan't press you on it further. It's a matter of some substantial sensitivity, and I will accept the answer which you have given.

But my view is that we can't wink at the terrorism, and that Arafat has an accepted record on terrorism; the murder of the charge in the Sudan in 1974, and Entebbe, and the Achille Lauro killing of Mr. Klinghoffer. And Prime Minister Netanyahu's statement about Arafat giving a green light to terrorism on the March 21st murder of three Israelis in the Tel Aviv restaurant and wounding of many others.

And when Secretary of State Albright was before a Senate subcommittee, I asked her recently if Arafat gave a green light, and she said, well, she didn't think he gave a green light, but he didn't give a red light. And I replied that I thought that was insufficient considering that the U.S. law was -- an amendment introduced by Senator Shelby and myself -- that Arafat had to do -- make maximum effort against terrorism.

Let me just request for the record -- and ask you to convey to the attorney general my renewed request for a comprehensive answer on this issue to my letter of May 14th, that I would expect before your confirmation comes up for vote on the Senate floor.

MR. HOLDER: We will try to be as responsive as we can with regard to that letter -- and as quickly as we can.

SEN. SPECTER: Well, I do not wish to delay your confirmation, but I do wish to have an answer to my letter.

Let me turn to the question now of campaign finance reform and some testimony, which the attorney general gave in our oversight hearing back on April 30th.

During the course of that proceeding, I questioned Attorney General Reno on media reports that the president had been denied national security information because of the pendency of the of an investigation. And the president was quoted, and I repeated that quotation to Attorney General Reno, that he had been denied significant national security information, which he felt he should have had. And I said to Attorney General Reno that I thought neither she nor the director of the FBI had the authority to deny national security information to the commander-in-chief, whose constitutional authority is to handle those matters as our chief executive, and that, as a policy matter, it seemed to me

HEARING OF THE SENATE JUDICIARY COMMITTEESUBJECT: NOMINATION OF ERIC HOLDERTO BE
DEPUTY ATTORNEY GENERALCHAired BY SENATOR ORRIN HATCH (R-UT)226 DIRKSEN SENATE
OFFICE BUILDINGWASHINGTON, DC Federal Ne

that it was more important to have an informed president than it was to run the risk of some collateral damage to a pending investigation, as concerned as I am professionally about pending investigations.

And my question to you is do you think that -- or more precisely stated, upon what authority does the Department of Justice -- or what authority does the Department of Justice have to deny the president of the United States national security information?

MR. HOLDER: Well, I certainly think that we ought to provide the president and the secretary of State, anybody engaged in the conduct of our foreign policy, all the information that they need, striking a balance such that we don't compromise criminal investigations. I think that the situation where a decision might have to be made to do one or the other would be extremely rare. And I am really confident that we can always come up with ways in which we can provide our policy-makers with the information that they would need and, at the same time, make sure that we don't compromise any ongoing investigations.

SEN. SPECTER: Mr. Holder, I can't agree with you. And when you say provide all they need, who is the attorney general and the FBI director, to determine what the president needs, if it's national security information? When White House counsel writes a letter to the Department of Justice, as Charles Ruff did in this case, who is to say, quote, all they need, close quote?

MR. HOLDER: Well, I think the attorney general ultimately has to make that determination -- how to respond appropriately to a request from the White house.

SEN. SPECTER: From the president?

MR. HOLDER: Yes. I mean, I think that the attorney general has to make sure that the information that is requested is there, if at all possible. And I really do think that the problem that we discuss here is more one that would be theoretical than real. I mean, I really do think that there are ways in which you can craft a response, such that the president will have that which he has sought, and we would not compromise any ongoing inquiries.

SEN. SPECTER: Mr. Holder, I do not think it is more theoretical than real. I think it was very real when White House counsel, acting for the president, made a request, and the Department of Justice turned down the request. And it involved matters which were germane to a trip which the secretary of state was about to make abroad. The secretary of state did not have the information. She told me that. Attorney General Albright said that.

I would like you to reflect on this issue, and provide what authority you think there is present for the Department of Justice to turn down the president.

MR. HOLDER: I'd be more than glad to share, in a more detailed way, my thoughts on that matter. Again, the position I really want to make clear, is, I really think there are ways in which both things can be handled, that is, to protect ongoing investigations, and to get necessary information to the appropriate people.

SEN. SPECTER: Well, the problem with that, Mr. Holder, is that the attorney general is making the judgment as to what is the appropriate information to give to the president. And when you say, quote, "all they need," close quote, somebody's making that judgment besides the president.

MR. HOLDER: Well, in the requests that we would handle, I would guess that -- I would hope that the request would be specific and would detail exactly why there was the need for the information so that the attorney general would be in a position to make a decision as to how if at all we wanted -- if at all an ongoing criminal investigation would be compromised in passing that information on. It's entirely possible that she would decide that there was a more compelling national security interest and the information needed to be passed and we just have to deal with the collateral effects on the ongoing investigation.

SEN. SPECTER: Well, I don't think the attorney general has the authority to do that. She's not elected to do that. The president's elected as the commander-in-chief. And if there's a basis to impeach him, that's a congressional judgment. Then he's not the president anymore. But while he's the president, I think he has an absolute right to national security information. And if there's a basis for denying it to him, that ought to come to the Congress. Under our constitutional authority, the Congress makes the decision if the president's not to continue to serve. The attorney general does not delimit his authority.

MR. HOLDER: Yeah. I -- there are real issues here. There is the concern always with the independence of the

HEARING OF THE SENATE JUDICIARY COMMITTEESUBJECT: NOMINATION OF ERIC HOLDERTO BE
DEPUTY ATTORNEY GENERALCHAired BY SENATOR ORRIN HATCH (R-UT)226 DIRKSEN SENATE
OFFICE BUILDINGWASHINGTON, DC Federal Ne

Department of Justice in the way in which it conducts its criminal inquiries, the desire to keep us as kind of unique among all federal departments. A certain amount of independence is expected of us. We're criticized if we are not seen as independent in certain areas. And there is still the need, as you note, to be a part of the administration and to pass information along that is needed. And --

SEN. SPECTER: Well, can the president be prosecuted criminally? Theoretically?

MR. HOLDER: I'm not at all certain that's an issue that has been decided. I think there are constitutional scholars on both sides who would argue about that.

SEN. SPECTER: I don't think that's so. I think that it's pretty well decided the president cannot be prosecuted criminally, that it's a matter for impeachment but not for criminal prosecution. I don't think the president can be prosecuted criminally.

MR. HOLDER: I tend to agree with that. I've seen articles to the contrary, but I tend to think that that's probably right; that absent impeachment, the president cannot be prosecuted.

SEN. SPECTER: I had occasion some years ago to take a look at it, and I believe the authorities are pretty much in agreement that you cannot prosecute a president criminally, that it's a matter for impeachment. And that's where I see this really serious line on denying the president national security information.

Well, if you have some more thoughts on it, I'd appreciate having them.

MR. HOLDER: Sure.

SEN. SPECTER: When the attorney general was in for her -- the oversight, I also asked her about the issue of soft money and a matter which the Government Affairs Committee is taking up in some detail. We had a very extensive session yesterday on some complex issues on immunity and subpoenas and politics, et cetera. And I told you, when we met in my office, that I was going to be asking you some questions on this line.

According to Richard Morris and others, the president was personally involved in preparing campaign commercials in the 1996 election. And the funds came from soft money. And there's an agreement that there was coordination -- the attorney general agreed to that. But in testimony before this committee on April 30th, took the position that the commercials were so-called "issue advocacy" instead of "express advocacy." And I took up two of the commercials with her, and I'd like to take up just one with you, and then leave you with this letter of May 1st that I wrote to her.

This is one of the commercials at issue. Quote, "Protecting families. For millions of working" -- this was on television during the campaign by the Democratic National Committee.

Quote, "Protecting families. For millions of working families, President Clinton cut taxes. The Dole-Gingrich budget tried to raise taxes on eight million. The Dole-Gingrich budget would have slashed Medicare \$270 billion, cut college scholarships. The president defended our values, protected Medicare, and a now a tax cut of \$1,500 a year for the first two years of college. Most community college is free. Help adults go back to school. The president's plan protects our values."

Kind of hard to see on the face of that how that could be called issue advertising as opposed to express advertising. And that comes into sharper focus, at least in my judgment, when you read the Federal Election Commission definition of express advocacy as, quote, "Communications using phrases such as vote for, president, reelect your congressman, Smith for Congress." That's clear-cut. And then, "Or in the disjunctive, language which, when taken as a whole and with limited reference to external events, can have no other reasonable meaning than to urge the election or defeat of a clearly identified federal candidate." Close quote.

It seems to me that the kinds of commercials which are involved here are clear-cut express advocacy commercials. But what I would ask you to do is to take a look at this, reflect on it, and let us have your opinions, if you care to do so. I'm going to make it optional for you because you work for the attorney general, and I wouldn't expect you to express an opinion which is different from her's if you choose not to. If you agree with her -- well, you can say whatever you like.

But as with the letter of May 14th -- this letter is May 1st -- I would expect to have that answered before your confirmation proceeding comes up. We write a lot of letters in the -- from the Congress to the executive branch. And very frequently, on the committees which I chair, I get the answers the day before the secretary comes up for the annual budget hearing. There is a certain persuasive process to the budget hearing where secretaries do answer.

HEARING OF THE SENATE JUDICIARY COMMITTEESUBJECT: NOMINATION OF ERIC HOLDERTO BE
DEPUTY ATTORNEY GENERALCHAired BY SENATOR ORRIN HATCH (R-UT)226 DIRKSEN SENATE
OFFICE BUILDINGWASHINGTON, DC Federal Ne

And there is a point of interest, and I would like to see you confirmed at any early date. I think it's very important. I think too much time has passed. You should have been confirmed a long time ago. But this is one occasion where, under our Senate rules, we have a little more leverage to get responses to letters. So I would expect answers to these letters that are pending before the attorney general. And I will make a part of the record, without objection, these letters that I've referred to.

Well, Mr. Holder, thank you very much.

MR. HOLDER: Thank you, Senator.

SEN. SPECTER: A little over two hours for a hearing. Not too -- not too bad for a position as important as deputy attorney general. I think it's a tremendously exciting office that you are going to be embarking on, and one of enormous importance. How old are you, Mr. Holder?

MR. HOLDER: Forty-six.

SEN. SPECTER: Forty-six. Well, that's a -- that's a great age. I think you have a great, great future. And I know this committee will be very supportive, and the Congress will, and I personally look forward to working with you.

Thank you. And that concludes our hearing.

MR. HOLDER: Thank you, Senator.

END

LOAD-DATE: June 14, 1997