

TESTIMONY

of

Chuck Canterbury
National President,
Grand Lodge, Fraternal Order of Police

on

the Nomination of
Michael B. Mukasey to be the next Attorney General of the United States
before the
Committee on the Judiciary

17 October 2007

Good afternoon, Mr. Chairman and distinguished members of the Committee on the Judiciary. My name is Chuck Canterbury, the National President of the Fraternal Order of Police. I want to thank you, Mr. Chairman, for inviting me to share with you and your committee the views of our nation's largest law enforcement labor organization in the United States, representing more than 325,000 members in every region of the nation. You know that we regard you as one of the FOP's foremost champions on Capitol Hill, and I am honored that you asked me to be here today to speak, not only for my members, but also all rank-and-file law enforcement officers, who certainly have an interest in making their voices heard on the President's choice to fill the position of our nation's top law enforcement officer. I am pleased to be here today to offer our support for the nomination of Michael B. Mukasey to be the 81st Attorney General of the United States.

Judge Mukasey has a long and distinguished career in public service, which began with his becoming an Assistant United States Attorney in the Southern District of New York. In 1987, he was nominated for a seat on the Federal bench in that same District and was unanimously confirmed by the Senate. He spent the last twenty years as a Federal judge—including his last six as Chief Justice—in one of the toughest, busiest, and most prominent of our nation's Federal courts.

During his tenure, he oversaw some of the most important and complicated national security cases—including the successful prosecution of Omar Abdel Rahman, the Blind Sheik, who plotted to destroy the World Trade Center in 1993. His handling of this case earned him widespread acclaim and respect from his peers in the nation's legal community. In fact, the U.S. Court of Appeals for the Second Circuit specifically praised him, noting he demonstrated "extraordinary skill and patience" during the case, and superbly handled challenges "far beyond those normally endured by a trial judge."

Judge Mukasey also issued the very first ruling in the legal challenge brought by Jose Padilla. In a very thoughtful and well-reasoned decision, he ruled that the President does, in fact, have the legal authority to detain, as "enemy combatants," citizens captured during a time of war. And yet, he also ruled that those citizens should have monitored access to an attorney.

His deft handling of the issues in the Rahman and Padilla cases, and the challenges he faced as the presiding judge in these cases, prompted him to write an article in the *Wall Street Journal*, which argues that current statutes and institutions which comprise the U.S. legal system are ill-suited to handle the prosecutions of terrorist suspects without compromising homeland security or foreign intelligence sources.

Clearly, Judge Mukasey has given a great deal of consideration to the challenges facing our legal system when it comes threats from terrorists. In the opinion of the Fraternal Order of Police, this strongly recommends him for the position of U.S. Attorney General, as we will be facing these challenges as our war on terrorism continues.

The FOP has the honor of representing rank-and-file law enforcement officers and, in many localities and States, we are the bargaining unit for these officers. For this reason, our interest in the cases that Judge Mukasey has been involved in over his distinguished career are not limited to high profile cases related to national security or complex criminal matters. We are very satisfied with his record on those matters. As a labor organization, however, we were also keenly interested in those

cases in which he made rulings which touched on the rights of employees—particularly public employees. We are pleased to report to this Committee that he demonstrated just as much skill and even-handedness in the cases we examined as he did in those which generated nightly headlines.

Judge Mukasey's distinguished career has earned him the respect of the political community as well. He was unanimously confirmed by the Senate in 1987 and, much more recently, was among those jurists suggested by Senator Charles E. Schumer (D-NY) for appointment to the United States Supreme Court.

Senator Schumer, a good friend of law enforcement, is very aware of the impeccable reputation that Judge Mukasey has earned in his twenty years in New York. He handled politically charged cases without turning them into political theatre. Given his bipartisan support, I believe that Judge Mukasey will be able to rebuild the relationship between the Justice Department and Congress.

Finally, the FOP has been greatly concerned for some time about the large number of vacancies in key positions at the Justice Department. There is a real need for leadership over there—not by “Acting” leadership, but by officials who have been reviewed by this Committee and confirmed by the Senate. In our view, Judge Mukasey can provide that leadership.

His experience as Chief Judge, as a Federal prosecutor, and a lawyer in a large law firm have shown him to be the kind of well-qualified, experienced legal executive who will be able to keep the Department functioning as these vacancies are filled.

His record, both as a prosecutor and a judge, demonstrates a genuine commitment to the law and an appreciation for the challenges law enforcement faces in its ongoing fight against terrorism. We believe that President Bush has made a fine choice in Judge Michael B. Mukasey to lead the U.S. Department of Justice and, on behalf of the more than 325,000 members of the Fraternal Order of Police, we are proud to support his nomination.