The Honorable Harry Reid Senate Majority Leader S-221 Capitol Building Washington, DC 20510-7362

The Honorable Addison Mitchell McConnell Senate Minority Leader S-230 Capitol Building Washington, DC 20510-7010

Dear Leaders Reid and McConnell:

We are a bipartisan group of former Deputy Attorneys General of the United States. We write to urge the expeditious consideration by the Senate of the nomination of James Cole to be Deputy Attorney General.

The Cole nomination was received by the Senate on May 24, 2010, and reported favorably from the Judiciary Committee on July 20, 2010, so the nomination has been pending before the Senate for more than one hundred and twenty days. Because of the responsibilities of the position of Deputy Attorney General, votes on nominations for this position usually proceed quickly. Over the past twenty years, presidents of both parties nominated eleven individuals to serve as Deputy Attorney General. Their nominations were pending on the Senate calendar for an average of twelve days, and none remained pending for longer than thirty-two days. Nine of the eleven nominees were confirmed by voice vote or unanimous consent.

The position of Deputy Attorney General is an important position in the federal government. The Deputy Attorney General functions as the chief operating officer of the Department of Justice, supervising its day-to-day operations. As such, the Deputy plays a central role in ensuring effective enforcement of federal laws, including laws against mortgage fraud, health care fraud, organized crime and child exploitation. The Deputy is also a key member of the president's national security team, a function that has grown in importance and complexity in the years since the terror attacks of September 11. He or she supervises the work of the Department's National Security Division, and is called upon to make crucial, time sensitive decisions to protect the American people.

There is a capable individual currently serving as Acting Deputy Attorney General, but it is important to the proper functioning of the Department that there be a confirmed official in this position. Only a Deputy appointed by the President may formally and automatically assume all of the duties of the Attorney General when that Cabinet official is unavailable for one reason or another. And there is at least one critical statutory responsibility that an Acting Deputy cannot perform—signing applications to the Foreign Intelligence Surveillance Court.

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We strongly urge that the Senate vote on the nomination of James Cole as soon as possible.

Sincerely,

Donald B. Ayer Carol E. Dinkins Mark R. Filip Jamie S. Gorelick Philip B. Heymann Paul J. McNulty David W. Ogden Larry D. Thompson