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AP: Senate confirms Cole as Holder's No. 2 at Justice

WASHINGTON -- The Senate on Tuesday confirmed James M. Cole to the No. 2 spot at the Justice Department under Attorney General Eric Holder after the nomination was stalled over terrorism trials and access to documents.

The 55-42 vote fell largely along party lines after GOP Sen. Chuck Grassley of Iowa lifted an objection that had blocked Cole's confirmation as deputy attorney general. In a floor speech before the vote, Grassley said he had lifted his objection after the Justice Department agreed to allow oversight into a botched undercover operation involving guns being sent from the U.S. into Mexico.

But the deal didn't mean Grassley and others supported the nomination. They were troubled by Cole's preference for civil trials for terror suspects over military tribunals. And they chafed at President Barack Obama's appointment of Cole during Congress' winter recess. Cole has served as acting assistant attorney general since then.

"We have a process in place for nominations and if the president isn't willing to work with senators to clear nominations, the nominee shouldn't get a second bite at the apple," Grassley said.

The Senate also confirmed by voice vote two other high-ranking Justice officials, Lisa Monaco as assistant attorney general for national security and Virginia Seitz as head of the department's Office of Legal Counsel.

Republicans have specifically objected to a 2002 article in the Legal Times in which Cole likened the Sept. 11, 2001, terrorist attacks to the 1995 bombing of the federal building in Oklahoma City. Cole also said al-Qaida attacks on New York and Washington were "criminal acts," rather than acts of war.

Had he not been confirmed, Cole, a former prosecutor, would only have been able to serve as deputy attorney general until the end of the year. Now, he can serve through 2012.

Monaco most recently served as the deputy attorney general's primary adviser on criminal, national security and civil matters. She also had been chief of staff and special counsel to FBI Director Robert Mueller.

Seitz is a veteran litigator who has worked on more than 100 Supreme Court briefs, Holder said.

http://www.forbes.com/feeds/ap/2011/06/28/general-us-senate-cole-nomination_8539648.html

Bloomberg: Senate Confirms Second-Ranking Justice Department Official

By Justin Blum

The U.S. Senate confirmed James M. Cole, the No. 2 Justice Department official appointed by President Barack Obama during a congressional recess.

Cole's confirmation as deputy attorney general, by a 55-42 vote, was a victory for the Obama administration more than a year after the president nominated him. After Republicans objected to his nomination, Obama appointed Cole during Congress's December recess, allowing him to serve without confirmation for up to a year. Senate Republicans also blocked a vote on his confirmation last month.

Obama chose Cole for the position in May 2010. Republicans had complained that Cole favored treating terrorism suspects as criminals and trying them in criminal courts instead of holding them as enemy combatants and using the military justice system.

Cole, 59, was a Justice Department official for 13 years before entering private practice in 1992. He served as deputy chief of the department's public integrity section, which handles corruption cases involving public officials. Cole's law practice at Bryan Cave LLP in Washington included advising companies on securities, regulatory and criminal law matters.

<http://www.bloomberg.com/news/2011-06-28/senate-confirms-second-ranking-justice-department-official.html>

Politico (Blog): Senate OKs DOJ recess appointee

The Senate voted along mostly party lines Tuesday to confirm Deputy Attorney General James Cole to the No. 2 position at the Department of Justice, a position he's held since January when President Barack Obama installed him temporarily as a recess appointment.

On Tuesday, Cole picked up five Republican votes, clearing the Senate 55-42. Sens. Roy Blunt (R-Missouri), Scott Brown (R-Mass.), Susan Collins (R-Maine), Jon Kyl (R-Ariz.) and Richard Lugar (R-Indiana) voted for Cole's confirmation.

Sen. Chuck Grassley (R-Iowa), the top Republican on the Judiciary Committee, lifted his opposition to the vote on Cole's nomination after reaching an agreement with the Justice Department for access to information related to the Alcohol, Tobacco, Firearms and Explosives program, "Operation Fast and Furious".

The ATF operation permitted gun stores near the Mexican border to sell firearms so it could track them. Many of these guns were linked to various crimes, including a Border Patrol agent's death. Sen. Grassley had opposed a vote on the nomination after the Justice Department repeatedly denied his requests for information on the law enforcement operation.

"As a result, I urged my colleagues to oppose cloture on James Cole to be deputy attorney general," Grassley said on the floor today. "Well, that cloture opposition worked and we have since reached an agreement with the Justice Department and Sen. Leahy that will guarantee my access to vital documents, information and witnesses regarding this ATF operation."

Grassley added that since Sen. Saxby Chambliss (R-Ga.) had also reached an agreement for documents he had sought on behalf of the Intelligence Committee, he had decided to lift his opposition to the Senate voting on Cole's nomination. Grassley, however, voted against the nomination.

The Senate also confirmed two other DoJ nominees. Virginia Seitz will now serve as assistant attorney general in charge of the Office of Legal Counsel and Lisa Monaco will be assistant attorney general for national security.

"I am pleased the Senate moved to confirm Jim, Lisa and Virginia, following their appointments by President Obama," Attorney General Holder said in a statement. "I'm confident they will provide invaluable leadership to the department, and will play a critical role in protecting the American people, ensuring the fairness and integrity of our financial markets and restoring the traditional missions of the department."

http://www.politico.com/blogs/glennthrush/0611/Senate_OKs_DOJ_recess_appointee_.html?showall

Reuters: Senate confirms 3 top Justice Department nominees

WASHINGTON - The Democratic-led Senate on Tuesday confirmed three of President Barack Obama's senior Justice Department nominees, including long-stalled Deputy Attorney General James Cole, who drew broad

Republican opposition.

Senator Charles Grassley, the Judiciary Committee's ranking Republican, voiced "serious concerns" about Cole's qualifications as Justice Department's second in command. He and other Republicans particularly objected to Cole favoring civil over military trials for terrorism suspects.

But the Senate, on a largely party-line vote of 55-42, confirmed Cole. The long-time prosecutor was temporarily installed into the job in January by Obama after Republicans blocked a confirmation vote for nearly a year.

Grassley recently lifted his procedural roadblock after reaching an agreement with the Justice Department to obtain information that he said was needed in the Senate's oversight of a botched undercover operation to track guns to Mexico.

The Senate also confirmed, on voice votes, Lisa Monaco to run the Justice Department's division that handles terrorism cases and Virginia Seitz to run the office of legal counsel, which provides the president advice on issues like the legality of U.S. military action in Libya.

Judiciary Committee Chairman Patrick Leahy, a Democrat, complained that Republicans had blocked the three for months "in abject disregard of the needs of the Justice Department and the country."

Leahy said Republicans had made Cole the first deputy attorney general nominee to face a procedural roadblock.

He noted that at his Senate confirmation hearing, Cole was introduced by former Republican Senator Jack Danforth as "someone without an ideological or political agenda."

Monaco previously served as chief of staff to FBI Director Robert Mueller and worked as a federal prosecutor, including being a part of the Enron Task Force that investigated the massive fraud at the company.

Obama used a procedural maneuver -- a so-called recess appointment -- to install Cole as deputy attorney general after the post had been filled on an acting basis for almost a year.

If the Senate had not confirmed Cole, he would have been only allowed to serve until the end of this year. Now he can stay at least until the end of Obama's first term in 2013.

Before serving as deputy attorney general, Cole worked at a law firm as well as in other jobs at the Justice Department. He also served as special counsel for the House Ethics Committee in its 1997 probe of then-Speaker Newt Gingrich.

<http://www.reuters.com/article/2011/06/28/us-obama-justice-idUSTRE75R5G120110628>

Washington Post (Blog): Senate confirms James Cole as deputy attorney general after year-long battle

By Felicia Sonmez

The Senate on Tuesday confirmed James Cole as U.S. deputy attorney general, bringing to a close a year-long battle between congressional Republicans and the White House over one of President Obama's most embattled nominees.

The final vote on Cole's nomination was 55 to 42, with three senators not voting. The confirmation vote clears the way for Cole, who has already been serving as deputy attorney general since he received a recess appointment by President Obama last December, to serve permanently in that position.

Cole's road to confirmation has been among the bumpiest of any Obama nominee.

He was first nominated by Obama in May 2010 but was blocked from receiving a confirmation vote for months by

Senate Republicans, who charged that he had ignored compliance problems during his tenure as independent monitor at AIG before the 2008 financial collapse and had made inappropriate comments about the attorney general's role in fighting terrorism.

Obama then pushed the nomination through during last winter's congressional recess, allowing Cole to serve through December 2011.

After the start of the 112th Congress in January, Republicans continued to voice opposition to Cole. The confirmation process then came to a standstill when Sen. Charles Grassley (R-Iowa), the ranking Republican on the Senate Judiciary Committee, urged Republicans to block a vote on Cole. Grassley said that he took the action because he was dissatisfied with the Justice Department's handling of his request for documents related to the Bureau of Alcohol, Tobacco, Firearms, and Explosives "Fast and Furious" operation.

The Justice Department eventually reached an agreement with the senators on the documents, and the confirmation vote proceeded, although Grassley was one of the 42 Republicans voting against Cole's confirmation on Tuesday.

Five Republicans on Tuesday joined 50 members of the Democratic caucus in voting to confirm Cole. The Republicans voting "yes" were Sens. Roy Blunt (Mo.), Scott Brown (Mass.), Susan Collins (Maine), Jon Kyl (Ariz.) and Richard Lugar (Ind.).

The Senate also on Tuesday confirmed by unanimous voice vote Virginia Seitz and Lisa Monaco to serve as assistant attorneys general.

http://www.washingtonpost.com/blogs/2chambers/post/senate-confirms-james-cole-as-deputy-attorney-general-after-year-long-battle/2011/06/28/AG1nWMpH_blog.html

CNN: Senate approves new deputy attorney general

By Terry Frieden

Washington (CNN) -- The Senate voted Tuesday to approve the nomination of James Cole to the powerful post of deputy attorney general, number two in the Justice Department to Attorney General Eric Holder.

The vote, largely along party lines, was 55-42.

Cole, who has been serving in the post following a recess appointment in January, was strongly opposed by most Republicans.

The long-delayed vote took place after Sen. Charles Grassley, R-Iowa, was given promises by the Justice Department that Republicans would have access to a trove of documents, including those involving a controversial illegal weapons program run by the Bureau of Alcohol, Tobacco, Firearms and Explosives, according to Senate Justice Committee sources.

Under the deal with Grassley, acting ATF Director Ken Melson, who is under fire for the weapons program known as "Fast and Furious," would appear before the panel after the upcoming Fourth of July recess. The program permitted the illegal sale of weapons in order to track them, and some ended up in the hands of Mexican drug cartels.

Following Cole's confirmation, the Senate by voice vote also confirmed two other high-ranking Justice Department officials -- Virginia Seitz as Assistant Attorney General for the Office of Legal Counsel, and Lisa Monaco as Assistant Attorney General for the National Security Division.

"I'm confident they will provide invaluable leadership to the department, and will play a critical role in protecting the American people, ensuring the fairness and integrity of our financial markets and restoring the traditional missions of the department," Holder said in a statement issued after the Senate votes.

<http://www.cnn.com/2011/POLITICS/06/28/senate.justice/>

FOX News: Former AIG Consultant Wins Confirmation as DOJ #2

By Trish Turner

The Senate on Tuesday confirmed President Obama's nominee to be Attorney General Eric Holder's top deputy at the Justice Department largely along party lines in a vote of 55-42.

James Cole, a veteran Washington attorney nominated in May, had been serving in the position since late December courtesy of a presidential recess appointment, one that would have expired at the end of the current session of Congress. And despite the bipartisan support of eight former attorneys general, the GOP remained steadfast in their opposition as top Republicans sought information on both the terrorist prison at Guantanamo Bay, Cuba, as well as, the Bureau of Alcohol, Tobacco, and Firearm's program dubbed "Fast and Furious."

Once the Administration came forward with the information sought, Republicans ended their filibuster, one that had successfully blocked the nomination earlier in June.

But opposition was not just about a lack of information. Some of it was directed at the nominee, himself.

Not only is there concern about Cole's tenure as an independent consultant to failed insurance industry giant AIG prior to the company's near-collapse in 2008 and its subsequent government bailout, but Republicans also voiced strong concern about what they believe to be his soft-on-terrorism stance.

Republican senators repeatedly referred to an op-ed the nominee penned in 2002 in the Legal Times in which Cole referred to the Sept. 11, 2001 attacks as "criminal acts of terrorism against a civilian population," and included the attacks in the same vein as "many other devastating crimes" like rape, drug trade, organized crime, and child abuse.

Cole told Judiciary Committee members in his confirmation hearing last year that decisions to try alleged terrorists should be made on a case-by-case basis, not ruling out military commissions for some. The Obama administration has since said it will try the alleged 9/11 terrorists imprisoned at the Guantanamo facility in military commissions.

Cole previously served in the Justice Department for more than a dozen years before heading into private practice in 1992. He also served on former President Bill Clinton's transition team in 1992.

<http://politics.blogs.foxnews.com/2011/06/28/former-aig-consultant-wins-confirmation-doj-2>

Blog of Legal Times: Senate Confirms Three High-Level DOJ Nominees

The top ranks of the U.S. Justice Department are almost at full strength, after the Senate today confirmed nominees for three high-level spots that had been vacant for months or years.

Deputy Attorney General James Cole, who's been serving on an acting basis in DOJ's No. 2 position, was the most divisive of the nominees because of his support for using civilian courts to try suspected terrorists. He won confirmation 55-42 and succeeds David Ogden, who stepped down in February 2010 to return to Wilmer Cutler Pickering Hale and Dorr.

DOJ's Office of Legal Counsel will have its first Senate-confirmed head since 2004, after heated battles over the definition of torture and other national-security questions kept senators from confirming nominees. Virginia Seitz, a partner in Sidley Austin's Washington office, won confirmation on a voice vote and succeeds Jack Goldsmith, now a professor at Harvard Law School. The office has received attention most recently for its role in determining the legality of U.S. involvement in Libya.

And DOJ's National Security Division will be led by Lisa Monaco, a former career department official who has been serving as Cole's top deputy. Monaco won confirmation on a voice vote and succeeds David Kris, who resigned in March to become general counsel at Intellectual Ventures, a technology company based in Bellevue, Wash.

Together with the Senate's confirmation this month of Solicitor General Donald Verrilli Jr., the action today leaves the Tax Division as the only major DOJ component without a Senate-confirmed head. President Barack Obama has not nominated anyone for the tax position since his initial choice, Mary Smith, withdrew last year. Serving on an acting basis, Cole would have needed to leave his position at the end of 2011.

Attorney General Eric Holder Jr. released a statement praising the new appointees. "I'm confident they will provide invaluable leadership to the department, and will play a critical role in protecting the American people, ensuring the fairness and integrity of our financial markets and restoring the traditional missions of the department," he said.

The Senate deadlock broke as Sen. Charles Grassley (R-Iowa), the top Republican on the Senate Judiciary Committee, said he reached an agreement with Holder on getting information related to a controversial anti-gun-smuggling program.

Still, even as Republicans allowed the votes to go forward, Grassley reiterated their longstanding criticisms of Cole. The former Bryan Cave partner's views on trying terrorists topped Grassley's list.

"Military tribunals have many advantages to civilian criminal courts and are better equipped to deal with dangerous terrorists and classified evidence while preserving due process. I'm troubled that Mr. Cole does not appear to share this belief," Grassley said in a speech on the Senate floor.

Sen. Ben Cardin (D-Md.), in a separate speech, pointed to Cole's 13 years as a career federal prosecutor and to his work as a special counsel to the House Ethics Committee in the 1990s, investigating then-Speaker Newt Gingrich (R-Ga.). "He has the experience, he has the character and he has the commitment to fill this very important position," Cardin said.

<http://legaltimes.typepad.com/blt/2011/06/senate-confirms-three-high-level-doj-nominees-cole-seitz-monaco.html>

The Hill: Tuesday: Attorney general nominations in the Senate

By Pete Kasperowicz

The Senate meets at 10 a.m. and will consider the nominations of James Cole to be deputy attorney general and Lisa Monaco and Virginia Seitz to be assistant attorneys general. Votes on these nominations are expected at noon.

After their return from weekly caucus lunches, senators will continue consideration of S. 679, the Presidential Appointment Efficiency and Streamlining Act.

Several amendments are still pending to that bill, although the Senate seems likely to at least vote on one, from Sen. Jim DeMint (R-S.C.), at some point. That amendment, which would repeal certain loans to the International Monetary Fund, would need 60 votes to pass.

Late Monday, the Senate approved H.R. 2279, the Airport and Airway Trust Fund extension, by unanimous consent. This bill extends airport and airway taxes that help fund the Federal Aviation Administration until July 22.

A longer-term FAA extension bill remains stuck in a House-Senate conference, as Republicans are looking to cut spending and have insisted on language that would make it harder to form air and rail unions.

With Senate passage, President Obama is expected to sign H.R. 2279 sometime this week, as current airport and airway taxes expire June 30.

<http://thehill.com/blogs/floor-action/senate/168739-tuesday-attorney-general-nominations-in-the-senate>