

LAW BLOG

Justice Department's Crime Chief Apologizes for Put-Down of Colleagues



Leslie Caldwell, assistant U.S. attorney general of the criminal division *PHOTO: ASSOCIATED PRESS*

By **DEVLIN BARRETT**

Dec 13, 2016 12:59 pm ET

A senior Justice Department official has apologized to federal prosecutors around the country for suggesting some of them do not follow or understand department rules for pursuing white-collar criminal cases.

Leslie Caldwell, who oversees the Justice Department's criminal division, sent a "Dear Friends and Colleague" letter over the weekend to all the U.S. attorney's offices around the country, apologizing profusely for her remarks last week at an event hosted by the Federalist Society to discuss DOJ probes of corporations and executives.

"I write to apologize to each of you for the remarks I made," Ms. Caldwell wrote in the letter. "I deeply regret my remarks and the genuine hurt they have caused. As a federal prosecutor for 19 years... I know better."

At the event, several lawyers who successfully fought charges against companies or executives accused the Justice Department of overzealously pursuing their innocent clients and trying to bully them into big-dollar settlements and admissions of guilt.

Responding to those criticisms, Ms. Caldwell during the panel talk repeatedly suggested that poor performance at local U.S. attorney's offices can sometimes result in misguided prosecutions.

"Not all U.S. attorney's offices are not created equal," she said, adding that all federal prosecutors are not as well-versed in the Justice Department manual as they should be. "The U.S. attorney's manual is something much more used in Washington than in the field," she said.

Those comments weren't reported widely but spread quickly through the Justice Department, infuriating some who felt that a senior Justice Department leader was publicly castigating the people who work under her, according to several people familiar with the discussions.

Over the weekend, Ms. Caldwell penned a contrite letter of apology. She stated:

I did not have prepared remarks for the event, and I certainly should have. Instead, I overreacted to the criticisms — which I strongly believe were not an accurate

reflection of the department's work — by defending the department in a way that inappropriately suggested that the care taken by U.S. Attorney's Offices and others in making prosecutorial decisions was less than that taken by attorneys [at Justice Department headquarters].

The apology may end up serving as a capstone to what has been a thorny issue for the Justice Department during the Obama administration — the investigations of major corporations.

The government has extracted record multibillion-dollar fines from banks and other multinationals, but Democrats have charged the Obama administration has failed to hold executives criminally accountable for conduct leading up to the financial meltdown of 2008. And lawyers for corporations argue that the Obama administration has instead pressured firms to cough up big cash settlements to end investigations, often without criminal charges against any individuals.

Share this: <http://on.wsj.com/2htGHNS>

LESLIE CALDWELL

WHITE COLLAR

Copyright 2014 Dow Jones & Company, Inc. All Rights Reserved

This copy is for your personal, non-commercial use only. Distribution and use of this material are governed by our Subscriber Agreement and by copyright law. For non-personal use or to order multiple copies, please contact Dow Jones Reprints at 1-800-843-0008 or visit www.djreprints.com.



U.S. Department of Justice

Criminal Division

Office of Assistant Attorney General

Washington, D.C. 20530

December 10, 2016

Dear Friends and Colleagues:

I write to apologize to each of you for the remarks I made during a recent panel at a Federalist Society event. My remarks followed statements by my co-panelists in which they expressed their strong views about specific cases which they believed were mishandled by the Department. I did not have prepared remarks for the event, and I certainly should have. Instead, I overreacted to the criticisms—which I strongly believe were not an accurate reflection of the Department’s work—by defending the Department in a way that inappropriately suggested that the care taken by U.S. Attorney’s Offices and others in making prosecutorial decisions was less than that taken by attorneys in the Criminal Division. And by making unscripted references to isolated issues in my recent experience, I realize that, rather than defending the reputation of the entire Department, I appeared to be criticizing U.S. Attorney’s Offices, Assistant U.S. Attorneys and other components. I deeply regret my remarks and the genuine hurt that they have caused. As a federal prosecutor for 19 years, including 16 years as an Assistant U.S. Attorney in two different districts, I know better.

Over the course of my career, I have worked with hundreds of dedicated prosecutors, and supervised many hundreds more. I know from personal experience that these prosecutors are committed public servants who have, in many cases, devoted their careers to protecting the innocent, to providing fair and due process to the accused, and promoting the cause of justice, almost always for far less compensation than they could obtain in the private sector. I also know first-hand that prosecutors across the Department care equally about upholding the Department’s values and the Constitution’s mandates in prosecuting crimes ranging from gang violence to white collar fraud. As I said at the event, I wish the American public could see what I have seen every day for nearly 20 years: the level of care and thought given by Department attorneys to prosecutorial decisions both large and small. I also wish the public could see the way in which Department prosecutors consistently hold themselves to the highest standards, embracing both the enormous responsibility and scrutiny that their positions place on them. The public would be impressed, as I am.

I have tremendous respect for the U.S. Attorneys and fully recognize that the hard work of Assistant U.S. Attorneys is what leads to most of the Department’s successes. Indeed, that is why, as Assistant Attorney General, one of my highest priorities has been to strengthen and broaden the already deep relationship between the Criminal Division and the U.S. Attorney’s

Offices. In my view, the Division's greatest strength is our partnership with the U.S. Attorney's Offices. Working together, we have been able to achieve extraordinary results in many significant cases, ranging from major gang prosecutions, to cutting-edge cyber cases, to some of the most complicated fraud cases ever handled by the Department. Our partnership is strong, and getting stronger. And for that reason, I regret even more deeply any negative impact my unscripted comments might cause. I also want to add a word to the Criminal Division personnel who saw and were upset by my remarks. These trial attorneys and supervisors spend their days working alongside colleagues in other components even more regularly than I do, and I know how much they respect their colleagues and enjoy building relationships at the same time as building cases. My remarks should not for a second be taken to reflect their views.

Last week, I addressed a group of new DOJ attorneys, and when they asked for career advice, I told them something that I am now going to apply to myself: Admit your mistakes, deal with the consequences, and learn.

I love the Department of Justice and deeply respect our values, the work we do, and the way we do it, both in the U.S. Attorney's Offices and at Main Justice. That by my own remarks I suggested otherwise pains me deeply. I made a mistake, and I am sorry.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Caldwell". The signature is fluid and cursive, with a large initial "L" and "C".

Leslie R. Caldwell