

JUSTICE NEWS

Deputy Attorney General Rod J. Rosenstein Delivers Remarks at the Armenian Bar Association's Public Servants Dinner

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"Peri yerego." Good evening.

Rick, I am grateful for your friendship and for your 20 years of exceptional service to the Department of Justice — including seven years as the United States Attorney for Northern New York.

I am pleased to see several U.S. Attorneys here tonight: Geoff Berman from Southern New York, Richard Donoghue from Eastern New York, Grant Jaquith from Northern New York, and Craig Carpenito from New Jersey; as well as eight former U.S. Attorneys, and many other current and former government employees.

I am thankful to Armenian Bar Association Chair Gerard Kassabian, and Vice Chairs Kathryn Ossian and Lucy Varpetian.

My wife served on your board of governors from 1993 to 2002. I got to know many of the members, particularly the group that traveled with us to Armenia in 1994 to celebrate the 75th anniversary of the University of Yerevan.

When I met Lisa in 1988, some of her relatives viewed me as "odar," an outsider to the culture. But recently a friend introduced me as "Armenian by Choice." After tonight, I have an even stronger claim to be an honorary Armenian.

"Shot Shenorhagal em." Thank you very much.

Our wedding featured an Armenian opera singer who is in the audience tonight, Maro Partamian. One of my favorite songs was "Lerner Hyreni," or "Mountains of Armenia." We hired the "Dark Eyes" band to play at the reception, which was great except that I chose a country song called "I Swear" by John Michael Montgomery for the first dance. It did not sound quite right with an Armenian accent.

One of Lisa's relatives was raised in Syria, where government service was not highly valued. Before he approved of the marriage, he wanted to know when I planned to get a real job, in the private sector.

Unfortunately, many native-born Americans also are skeptical about government service. My Uncle Harold was a self-employed carpet installer. One beautiful spring afternoon in 1994, I called him from an office in the Department of Justice headquarters building. It was a Saturday. And when I told him that I was working through the weekend, he said, "I'm sorry to hear that."

And I said, "You don't understand. There is no place that I would rather be."

I first walked into that building as a federal prosecutor on December 3, 1990, at age 25. I remember how honored I felt to represent the people of the United States. I will still feel the same way when I walk out for the last time next month.

I joined the Department of Justice because I believe in the mission. I stayed because I believe in the people who carry out the mission.

Our agents, analysts, and attorneys demonstrate great intellect and integrity. They possess superb academic credentials and exceptional character. They pass rigorous screening interviews and face thorough background checks every few years. They are ethical, honorable, and admirable people.

No organization with 115,000 employees is error-free. But we have serious, professional, nonpartisan internal watchdogs. We investigate credible misconduct allegations. We correct mistakes and punish wrongdoers.

I have served under five Presidents and nine Senate-confirmed Attorneys General — ten, if you count Bill Barr twice. I served mostly outside the D.C. beltway, but I worked at Department of Justice headquarters three times — four years in the early 1990s as a career prosecutor, four years in the early 2000s as a supervisor, and two years in my current job.

Our headquarters is a beautiful Depression-era building. I frequently speak about the inspiration that I draw from three aspects of the building – the art it contains; the people it employs; and the principles it represents.

There are reminders of heroes, mentors, and friends on every floor. They taught me that our Department stands for the principle that every American deserves the protection of the rule of law.

We use the term “rule of law” to describe our obligation to follow neutral principles. As President Trump pointed out, “we govern ourselves in accordance with the rule of law rather [than] ... the whims of an elite few or the dictates of collective will.”

Justice Anthony Kennedy explained it this way: in a rule of law system, when you apply to a government clerk for a permit and you satisfy the objective criteria, you are not asking for a favor. You are entitled to the permit, and it is the clerk's duty to give it to you.

The idea that the government works for the people is relatively novel. In some countries, that concept of a government bound by law to serve the people does not exist.

When I visited Armenia in 1994, the nation was emerging from seven decades of Soviet domination. Gyumri and other northern cities were not yet rebuilt after the 1988 earthquake. The six-year war with Azerbaijan was halted by a recent ceasefire, but the blockade over Nagorno-Karabakh crippled the economy.

We flew on Air Armenia, which used a shabby old Russian jet. Our plane needed to stop for fuel in Bulgaria, and we heard that the pilots paid with cash.

Armenia faced many challenges in 1994. Many skilled and educated people had left the country. When we hired a taxi to visit Lake Sevan, the driver turned off the engine at every downhill stretch to conserve gasoline.

We stayed at a nice hotel near Republic Square, but some mornings there was no water to flush the toilets, and some evenings there was no electricity to cook the food.

I gave a lecture at the University of Yerevan about public corruption. When I finished, a student raised his hand. He asked, “If you can't pay bribes in America, then how do you get electricity?”

I repeat that question in many speeches. It usually elicits laughter. But the point is profound.

The question illustrates how that young man understood Soviet society. Corruption undermines law. It stifles innovation, creates inefficiency, and inculcates distrust.

The question explains why I devoted my career to law enforcement: because the rule of law is the foundation of human liberty. The rule of law secures our freedom. It will secure our children's freedom. And we can only achieve it if people who enforce the law set aside partisanship, because the rule of law requires a fair and independent process; a process where all citizens are equal in the eyes of the government.

I do not care how police officers, prosecutors, and judges vote, just as I do not care how soldiers and sailors vote. That is none of my business. I only care whether they understand that when they are on duty, their job is about law and not politics.

There is not Republican justice and Democrat justice. There is only justice and injustice.

In the courtyard of the Department of Justice headquarters, there is an inscription that reads, in Latin: “Privilegium Obligatio.” It means that when you accept a privilege, you incur an obligation. Working for Justice is a privilege.

Our commensurate obligations are established by our oath to well and faithfully execute the duties of the office. To honor that oath, you need to know your office's unique duties. At our Department, our job is to seek the truth, apply the law, follow the Department's policies, and respect its principles.

The rule of law is our most important principle. Patriots must always defend the rule of law. Even when it is not in their personal interest, it is always in the national interest. If you find yourself asking, "What will this decision mean for me?" then you probably are not complying with your oath of office.

At my confirmation hearing in March 2017, a Republican Senator asked me to make a commitment. He said: "You're going to be in charge of this [Russia] investigation. I want you to look me in the eye and tell me that you'll do it right, that you'll take it to its conclusion and you'll report [your results] to the American people."

I did pledge to do it right and take it to the appropriate conclusion. I did not promise to report all results to the public, because grand jury investigations are ex parte proceedings. It is not our job to render conclusive factual findings. We just decide whether it is appropriate to file criminal charges.

Some critical decisions about the Russia investigation were made before I got there. The previous Administration chose not to publicize the full story about Russian computer hackers and social media trolls, and how they relate to a broader strategy to undermine America. The FBI disclosed classified evidence about the investigation to ranking legislators and their staffers. Someone selectively leaked details to the news media. The FBI Director announced at a congressional hearing that there was a counterintelligence investigation that might result in criminal charges. Then the former FBI Director alleged that the President pressured him to close the investigation, and the President denied that the conversation occurred.

So that happened.

There is a story about firefighters who found a man on a burning bed. When they asked how the fire started, he replied, "I don't know. It was on fire when I lay down on it." I know the feeling.

But the bottom line is, there was overwhelming evidence that Russian operatives hacked American computers and defrauded American citizens, and that is only the tip of the iceberg of a comprehensive Russian strategy to influence elections, promote social discord, and undermine America, just like they do in many other countries.

In 1941, as Hitler sought to enslave Europe and Japan's emperor prepared to attack America, Attorney General Robert Jackson admonished federal prosecutors about their role in protecting national security. He said: "Defense is not only a matter of battleships and tanks, of guns and [soldiers].... It is raw materials, machines and [people who] work in factories. It is public morale. It is a law abiding population and a nation free from internal disorder . . . the ramparts we watch are not only those on the outer borders which are largely the concern of the military services. There are also the inner ramparts of our society — the Constitution, its guarantees, our freedoms and the supremacy of law. These are yours to guard and their protection is your defense program."

As acting Attorney General, it was my responsibility to make sure that the Department of Justice would do what the American people pay us to do: conduct an independent investigation; complete it expeditiously; hold perpetrators accountable if warranted; and work with partner agencies to counter foreign agents and deter crimes.

Today, our nation is safer, elections are more secure, and citizens are better informed about covert foreign influence schemes.

But not everybody was happy with my decision, in case you did not notice.

It is important to keep a sense of humor in Washington. You just need to accept that politicians need to evaluate everything in terms of the immediate political impact.

Then there are the mercenary critics, who get paid to express passionate opinions about any topic, often with little or no information. They do not just express disagreement. They launch ad hominem attacks unrestricted by truth or morality. They make threats, spread fake stories, and even attack your relatives. I saw one of the professional provocateurs at a holiday party. He said, "I'm sorry that I'm making your life miserable." And I said, "You do your job, and I'll do mine."

His job is to entertain and motivate partisans, so he can keep making money. My job is to enforce the law in a non-partisan way; that is the whole point of the oath of office.

In our Department, we disregard the mercenary critics and focus on the things that matter. As Goethe said, "Things that matter most must never be at the mercy of things that matter least." A republic that endures is not governed by the news cycle. Some of the nonsense that passes for breaking news today would not be worth the paper was printed on, if anybody bothered to print it. It quickly fades away. The principles are what abide.

America's founders understood that the rule of law is not partisan. In 1770, five American colonists died after British soldiers fired on a crowd in the Boston Massacre. The soldiers were charged with murder. Many people believed that they deserved the death penalty.

John Adams agreed to represent the soldiers. His political beliefs were firmly against them. But Adams felt obligated to protect their rights under the law.

Defending British soldiers was a very unpopular cause, to put it mildly. Adams faced a serious risk, in his words, of "infamy," or even "death." In a diary entry about the trial, he wrote as follows: "In the evening I expressed to Mrs. Adams all my apprehensions: That excellent Lady, who has always encouraged me, burst into ... Tears.... [S]he was very sensible of all the danger to her and to our children as well as to me, but she thought I had done as I ought, [and] she was ... willing to share in all that was to come and place her trust in Providence."

The rhetoric mirrors an earlier letter that Adams wrote to explain his preference for integrity over acclaim. Adams wrote that in theaters "the applause of the audience is of more importance to the actors than their own approbation. But upon the stage of life, while conscience claps, let the world hiss."

Adams endured harsh criticism in the court of public opinion. But in the court of law, he secured the acquittal of the British captain and six soldiers.

At the trial, Adams delivered a timeless tribute to the rule of law. He said that "[f]acts are stubborn things; and whatever may be our wishes, our inclinations, or the dictates of our passions, they cannot alter the state of facts and evidence."

Adams' words remind us that people who seek the truth need to avoid confirmation bias. Truth is about solid evidence, not strong opinions. A 19th century Philadelphia doctor remarked that "sincerity of belief is not the test of truth." Many people passionately believe things that are not true.

I spent most of my career prosecuting cases in federal courthouses. My past trials in courts of law contrast with my recent tribulations in the halls of Congress, the channels of cable television, and the pages of the internet.

The difference is in the standard of proof. In my business, we need to prove facts with credible evidence, prove them beyond any reasonable doubt, and prove them to the unanimous satisfaction of a neutral judge and an unbiased jury of 12 random citizens.

Pursuing truth requires keeping an open mind, avoiding confirmation bias, and always yielding to credible evidence. Truth may not match our preconceptions. Truth may not satisfy our hopes. But truth is the foundation of the rule of law.

If lawyers cannot prove our case in court, then what we believe is irrelevant.

But in politics, belief is the whole ball game. In politics – as in journalism – the rules of evidence do not apply. That is not a critique. It is just an observation.

Last year, a congressman explained why he decided not to run for reelection. He said, "I like ... job[s] where facts matter. I like jobs where fairness matters. I like jobs where, frankly, ... the process matters."

He was describing an American courtroom. "I like the art of persuasion," he said. "I like finding 12 people who have not already made up their minds and ... may [let] the facts prevail. That's not where we are in politics."

That congressman spoke the truth. It may never be where we are in politics. But it must always be where we are in law.

Attorney General Jackson spoke about the fiduciary duty of government lawyers, the obligation to serve as a trustee for the public interest. He contrasted the special duties of government lawyers with what he called "the volatile values of politics." That was in 1940.

Jackson understood that “lawyers must at times risk ourselves and our records to defend our legal processes from discredit, and to maintain a dispassionate, disinterested, and impartial enforcement of the law.”

“We must have the courage to face any temporary criticism,” Jackson urged, because “the moral authority of our legal process” depends on the commitment of government lawyers to act impartially.

Jackson also spoke about the role of lawyers in preserving liberty. He used a parable about three stonecutters asked to describe what they are doing. The first stonecutter focuses on how the job benefits him. He says, “I am earning a living.” The second narrowly describes his personal task: “I am cutting stone.” The third man has a very different perspective. His face lights up as he explains what the work means to others: “I am helping to build a cathedral.”

“[W]hether we are aware of it or not,” Jackson explained, lawyers “do more than earn [a] living[]; we do more than [litigate] [individual] cases. We are building the legal structure that will protect ... human liberty” for centuries to come.

As my time in public service comes to an end, I encourage each of you to remember the cathedral. You are always building a legacy. You set an example for your colleagues, and you lay a foundation for your successors.

Time flies when you get to work with good and honorable people. In the words of an Eagles song: “I’d do it all again; If I could somehow; But I must be leaving soon; It’s your world now... Use well your time; Be part of something good; Leave something good behind; ... It’s your world now.”

Ladies and gentlemen, this evening means a great deal to Lisa and me.

“Shot Shenorhagal-em yev Pari Keesher.” Thank you, and good night.

Speaker:

Deputy Attorney General Rod J. Rosenstein

Component(s):

Office of the Deputy Attorney General

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