

The Position Of Assistant Attorney General For The Criminal Division May Be Filled In The Near Future

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By Mark Stuaan | Leslie Caldwell, a partner at Morgan Lewis & Bockius LLP, was nominated in September 2013 by the White House for the position of Assistant Attorney General for the Criminal Division in the Department of Justice. She was re-nominated for the position in January 2014, and her nomination took a step forward when she testified last week before the Senate Judiciary Committee. If confirmed, she would fill the position left by Lenny Breuer when he returned to private practice in 2013. In her prepared remarks, Caldwell told the Committee: "I will do my best to ensure the vigorous enforcement of our criminal laws, and to apply them with equal force whether the wrongdoing is in a boardroom, across a computer network, or on a street corner." In response to questioning by Committee members, Caldwell said that, if her nomination is confirmed, her priorities for the Criminal Division will include cyber-crime, international and organized crime and gangs, and narcotics. She indicated her understanding that cyber-attacks, data breaches and intellectual property theft are very important issues and legitimate concerns for businesses. Other questions to Caldwell solicited her views on the Department's policy concerning enforcement of federal drug laws against marijuana growers and sellers in states which have laws permitting such activity (e.g., Colorado and Washington). One concern along those lines is the movement or diversion of marijuana from a state where possession and sale are lawful to another state where they are not. Noting that she while was not familiar with the Department's internal considerations and discussions on those policies, she said it would be important to keep marijuana out of the hands of cartels and children, and that getting a handle on diversion from one state to another would be a priority. A related issue might be the Department's position on state-legal marijuana businesses having access to and use of banks for their businesses. Caldwell also acknowledged that whistleblower programs, such as the Dodd-Frank Whistleblower Program, can and have led to "very important sources of information." A vote on her nomination has not yet been scheduled. Caldwell is a graduate of Pennsylvania State University and George Washington University School of Law. She has considerable experience in various roles within the Department; serving briefly as Special Assistant to the Assistant Attorney General for the Criminal Division in 2004, and as the head of the task force formed to investigate Enron Corporation. She has served in U.S. Attorney's Offices in the Northern District of California and the Eastern District of New York.

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