

Remarks by
THE HONORABLE DAVID J. HICKTON
on the occasion of his Investiture
as the 57th United States Attorney
for the Western District of Pennsylvania

September 7, 2010
Courtroom 8B
U.S. Post Office & Courthouse
700 Grant Street
Pittsburgh, Pennsylvania

Chief Judge Lancaster, Judges of our United States District Court; Judges of the United States Court of Appeals for the Third Circuit; Senator Casey; Senator Specter; members of Congress; my fellow United States Attorneys; distinguished former United States Attorneys; members of the Pennsylvania Appellate and Common Pleas Courts; our federal, state and local law enforcement partners; distinguished elected State, and local public officials, leaders of organized labor, corporate and civic organizations; members of the clergy; my dear family and friends:

I thank all of you for your support and good wishes. I am honored and grateful for this opportunity to serve. I am indebted to many people here for friendship, loyalty and wise counsel, which I have not always taken, and for gallantry in many worthy causes.

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Please permit me to acknowledge a few people individually.

First, I thank President Barack Obama for this appointment. With his words and example the President has inspired so many to offer their skills and efforts in the noble undertaking of full-time public service. The President has shown me great honor, and given me a great responsibility by nominating me for this very important job.

I am grateful for the confidence expressed by Attorney General Eric Holder and I look forward to working with him and his leadership in the Department of Justice.

I would not be standing here without the recommendations of Senators Casey and Specter. I am grateful for their confidence and I

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will use every ounce of energy I have to justify it by doing a good job on behalf the people in the Western District of Pennsylvania.

I want to recognize Jim Brown, the principled and dedicated chief of Staff to Senator Casey who was especially helpful and considerate to me throughout this extended process.

I also want to recognize and thank Bob Cessar, my predecessor in this office, a steady and strong public servant, who has been untiring in his help during this transition.

And finally, I thank the most important people in my life: our children, my family, my friends and most of all my closest friend, my true better half — Dawne Hickton.

My father inspired me to enter and to love the law and always to engage in the principled pursuit of justice. I have been lucky to have brilliant professionals as teachers and mentors. They tried to develop my skills along their lines of excellence.

The late W Edward Sell, universally recognized as the father of the modern University of Pittsburgh School of Law, was the first of these. Ed Sell taught us that professionalism is defined by a consistent excellence in one's legal work and that the most important quality of a good lawyer is to be able to disagree without being disagreeable.

David Armstrong is quite simply the best lawyer I have ever seen in action and I was lucky to work

under him as a law clerk and young lawyer. I learned strategic thinking, risk analysis and “on your feet” trial skills by working with him on some of the most interesting and complicated cases in my career.

Judge Diamond who administered the oath of office today has been a deep and sustaining influence. It was a privilege but also a great joy to work as his clerk. We learned to work hard: to consider all legal matters as important and worth handling with care. Working under his very high standards, we became part of a team which delivered fair and impartial justice.

Judge Diamond had served as United States Attorney under Attorney General Robert Kennedy. He was inspired -- as I am to this day -- by this

instruction from Attorney General Kennedy: "Do the right thing; be just; do not concern yourself with the background or political persuasion of the people you investigate -- prosecute crime not people -- be strong and vigilant but always be fair."

As Robert Kennedy understood, the highest purposes of law enforcement involve doing justice. And in a constitutional democracy like ours, justice and freedom are interdependent.

We are not free if we live in a neighborhood with gunfire and murder all around us. The terror of random irrational violence is an intolerable threat to our civil life. Unless we can protect our neighborhoods, our families, our children from drug dealers, predators and gangs, from

exploitation and violence, our entire community is threatened.

Freedom from fear is a basic right. The violent criminals who tyrannize our neighborhoods and towns will feel the full force of the law as it can be marshaled by this office. We must limit and then end the mad cycle of killing and revenge. We must bring the law back to places where it has been forgotten.

Let me be clear about this commitment. I do not hold with those who seem to believe that enforcing the law vigorously, intensely, thoroughly means trampling our basic freedoms. Quite the contrary, I believe that NOT enforcing the law is the surest way to see those freedoms disappear in practice. An old medieval legal

proverb puts it in a nutshell: "With laws shall our land be built up but with lawlessness laid waste."

We cannot be free unless we recognize that the freedom of our nation depends, first of all, on the safety of our nation. And, therefore, we in this office will do our part to bring to justice those who would harm our country in any way. That is our national commitment as the office of the United States Attorney.

We will work every day to extend that commitment to protecting our families, our children, our neighborhoods and our communities from harm. We are here to secure the blessings of freedom for our citizens.

We are not free if our homes, our savings, our pensions can be taken by fraud.

We are not safe or free unless justice is brought to those who destroy our environment, our water, our air, our soil.

We are not free unless we end health care fraud by those who prey on the sick.

We are not free unless justice is brought to those who tear our social fabric by violating civil rights or committing hate crimes.

And we are not free unless justice is applied correctly to acts of public corruption, crimes which betray both the people and the government in which they have put their faith.

The Office of the United States Attorney has a clear purpose and mission: we are to protect the public interest by following the Constitution and applying the rule of law. That broad charge involves a number of specific responsibilities.

We will be aggressive in defending the interests of the United States and its citizens. We will organize the office for maximum efficiency. We will establish priorities and deploy all the assets of this office -- money, talent and spirit -- to fight for our friends and neighbors.

It has long been recognized -- and I recognize -- that the powers of the United States Attorney must be tempered with justice, with fairness and restraint.

70 years ago, Attorney General Robert Jackson assembled the United States Attorneys in Washington for an address which is recognized as the gold standard for Federal Prosecutors. Jackson reminded those present: "the best protection against the abuse of power and the citizens safety lies in the prosecutor who tempers zeal with human kindness, who seeks truth and not victims, who serves the law and not factional purposes..."

The United States Supreme Court in *Berger v United States* also set a standard: "the United States Attorney...is not to win cases but ensure that justice is done ... he may strike hard blows but not foul ones...it is as much his duty to refrain from improper methods to produce a wrongful conviction as it is to use every legitimate means

to bring about a just one.”

Therefore the office has two levers—the power to prosecute and the obligation to use restraint.

Justice and therefore freedom requires the application of both levers.

We will be vigorous and fair -- we will strike hard blows but not foul ones -- we will ensure that the guilty are punished and the innocent do not suffer.

We will aggressively protect the public interest and we will aggressively insure the protections guaranteed to all citizens by the Constitution and the Bill of Rights. There is and there can be no conflict between these two commitments.

Now, I have been on the job for just a very short time but I can already report to you that the office is filled with very qualified, capable and diligent lawyers and staff -- they are career public servants in the highest meaning of that term.

For most of its history, this Office has been a sustaining force in the rule of law in this region. I will do my best to ensure that it will continue to be that force in coming years and to ensure that I myself will live up to the high expectations reflected in this appointment.

My faith has been a sustaining force in my life.

I have cherished and drawn strength and inspiration from Jeremiah 29:11 where the Lord says "for I know the plans I have for you, plans to prosper you and not to harm you, plans to give you hope and a future."

I believe those words. I believe there is a plan; that each of us have a higher purpose and that all of us will be held accountable for our stewardship of this life.

I am sustained by your support and I ask God's blessing on our work.

Thank you.