



U.S. Department of Justice

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ENRD COMMITMENT TO INTEGRITY

As representatives of the United States, Department of Justice attorneys are expected to perform their duties while adhering to the highest ethical standards. Both courts and commentators have reminded us of the special role of government attorneys. Paraphrasing the words of Justice Sutherland, Chief Judge Mikva wrote:

A government lawyer is the representative not of an ordinary party to a controversy but of a sovereignty whose obligation ... is not that it shall win a case, but that justice shall be done.

Freeport-McMoran Oil & Gas Company v. FERC, 962 F.2d 45, 47 (D.C. Cir. 1992) (quoting Berger v. United States, 295 U.S. 78, 88 (1935)). President Bush declared in 1991 that

The United States sets an example for private litigation by adhering to higher standards than those required by the rules of procedure in the conduct of Government litigation in Federal Court.

Executive Order on Civil Justice Reform, 56 FR 55195 (October 23, 1991). Adhering to those standards is imperative if we are to provide the people of the United States the representation they deserve.

As attorneys for the Department of Justice we have an advantage when we walk into a courtroom. Judges and other litigants know that while we are the strongest of advocates, we also rigidly adhere to the ideals of honesty and fairness. We take pride in the fact that our ethics and integrity are of the highest order. While we are all advocates, that does not mean that our positions are less trustworthy. To the contrary, every court we litigate before must know our rigid adherence to honesty and fairness. Every fact we assert, position we take, or settlement negotiation we conduct must be guided by the highest ethical considerations. Every court must know that it can rely upon our word, knowing our standards are higher than any other litigant.