

Statement in Support of Mike Drescher Nomination to the Vermont Supreme Court

January 23, 2026.

I am here to testify in support of Michael Drescher's nomination to the Vermont Supreme Court.

I was the presidentially-appointed U.S. Attorney under President Obama. I also served as counsel to Senator Leahy on the Senate Judiciary Committee, where I worked on, among other things, judicial nominations. I have been a long time Democrat.

I share the concerns of many Vermonters about the Trump administration's challenges to some of the important underpinnings of our democracy. And his use of the Justice Department as an instrument to undermine these institutions. We are a nation of immigrants.

I know Mike from working with him for about 15 years both as a fellow AUSA and while I was U.S. Attorney during the Obama administration. Mike is a person of character, integrity, and empathy. He is learned in the law, and has an excellent legal mind, capable of extremely high-level and thoughtful legal analysis. He is a hard worker, and pretty relentless when pursuing a legal or factual issue. He is a great communicator; an excellent speaker and writer.

He is fair minded. He is moderate. Mike is not an ideologue.

In almost 15 years of working with him, and spending a lot of time with him outside of work as well, I never heard him say or saw him do anything that was discriminatory, disrespectful, disdainful or hurtful to another person or class of persons. He is by nature moderate, polite, civil. He is kind.

He is well-liked by his colleagues and opposing counsel, and liked and respected by the federal judges before whom he has appeared. He has strong integrity, and fealty to the rule of law and the need for government institutions, individuals and judges to abide by the law.

I know there are questions about Mike's role while serving as acting U.S. Attorney on some immigration cases that came before the court while Mike served in that role. [Ozturk and Mahdawi] I do not have a lot of visibility into what happened in the U.S. Attorney's Office during the Trump administration so I can't really speak to that in significant detail.

-- As I say, I come from a place where I am very concerned by some of the actions of the Trump Justice Department, so I understand the concerns expressed by some members of the public about this.

I have read Mike's public statements about his thinking regarding his role in these cases. I have thought about that. I will say that one, the situation he was in was very difficult. As head of the office when asked to present the government's position in court on these cases, he did not have a number of palatable options. It is hard to second guess the choice he made to present the government's position in the cases and have the court rule on it, which it did.

Second, I read into some of the rationale for his thinking that he wanted to protect office members from having to be in the hot seat, in the decision-making role, if he was not going to do it. He was thus expressing loyalty to his fellow AUSAs in this role, something that is a tradition of the office, an aspect of leadership that should be recognized, and a facet of his situation that made it more difficult.

Third, it is important to understand that this was not a role for the exercise of normal prosecutorial discretion: These were cases where lawsuits had been filed. The individuals had been arrested and detained before the cases came to the USAO. Mike did not have an option to seek their release in defending the lawsuits. That call had been made by others already. There were not a lot of good options.

In conclusion, as I say, for reasons separate from his role in these recent immigration cases, I think Mike would be an excellent Supreme Court Justice. I also think his position in these cases and the options he took were complex and are difficult to judge. So I hope the committee looks beyond these issues to assess Mike's fitness to be confirmed.

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