

Prepared Statement by Senator Chuck Grassley of Iowa
Ranking Member, Senate Judiciary Committee
Executive Business Meeting
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Good morning everyone. In addition to the two Justice Department nominees, today on the agenda for the first time we have five judicial nominees which our side would like to be held over. We also have S. 228, the Merger Filing Fee Modernization Act, which Senator Klobuchar and I have sponsored, and three bills for Police Week. I'll have more comments on the judicial nominees next week when we've finished holding them over, but I want to address Todd Kim and Kristen Clarke.

I'll be voting for Todd Kim to head the environment division. I don't think I agree with him on a lot of issues and I certainly don't agree with President Biden's environmental policies. But I think he's well qualified to run environmental enforcement at the Justice Department. He won't be making policy; he'll be enforcing the law. I trust he'll do so in a fair and even-handed way.

I won't be supporting Kristen Clarke to run the Civil Rights Division. I want to explain why. Ms. Clarke is a good attorney, but I believe she continues the disturbing trend of highly politicized nominees to the Justice Department under President Biden. While I disagree with her strongly on some of her views, especially when it comes to defunding the police and her activist activities in college and law school, that disagreement alone doesn't explain my 'no' vote.

The Department of Justice, and especially the Civil Rights Division, needs to be committed to impartial and equal justice for all. In the wrong hands it's a division that can be used to target the president's political opponents, like law enforcement, school-choice advocates, religious schools, red states or pro-lifers. Our civil rights laws are broad and even the threat of their enforcement can chill legitimate political opposition.

Unfortunately, Ms. Clarke is a partisan. She opposed the enforcement of voting rights laws against Ike Brown, either because of the color of his skin or because of his political party. Neither answer is acceptable. She has disparaged religious freedom groups, Supreme Court decisions protecting religious liberty, individual Supreme Court Justices and some of my colleagues on Twitter. She has held Republican nominees to standards she doesn't want applied to herself.

Many of my colleagues have also expressed concern about Ms. Clarke's candor in answering our questions. To an extent, I share this concern. I asked Ms. Clarke whether Mumia Abdul Jamal, the country's most notorious cop killer, was a political prisoner. She wouldn't answer, telling me that she was unfamiliar with his case. Given her youthful activism, I find that very hard to believe. To paraphrase a colleague of mine, there has to be a less-partisan, more candid nominee to lead the Civil Rights Division. So unfortunately I'm a no on Ms. Clarke.

Let me mention the bills on the agenda today. The Klobuchar-Grassley *Merger Filing Fee Modernization Act* will help boost enforcement resources for the Justice Department's Antitrust Division and the Federal Trade Commission. The bill adjusts merger filing fees so that fees

would be shouldered by larger transactions in a more equitable manner. I hope that my colleagues will support this bill.

Mr. Chairman, I want to thank you for holding a police week markup. Every year at this time we get the opportunity to show our appreciation to America's law enforcement community for the work they do keeping us safe. Today, we'll be marking up three bills for Police Week. I'm proud to cosponsor all of them.

One of those bills is S.1502, the *Confidentiality Opportunities for Peer Support Counseling Act*. This bill protects information shared by law enforcement officers during their peer-support counseling sessions. Another bill is S.1511, the *Protecting America's First Responders Act*. This bill ensures that fallen and severely disabled public safety officers get the compensation they are entitled to from the Public Safety Officers Benefit program. We also have Senator Cornyn's bill, S.921, the *Jaime Zapata and Victor Avila Federal Officers and Employees Protection Act of 2021*, which many of us have cosponsored. That bill lets courts across the country know that they have jurisdiction over criminals who kill U.S. law enforcement officers overseas. Some federal courts have understood this to be the law already – but not all of them. This bill makes Congress's intention clear, to protect our federal officers.

I do want to say that police officers are suffering from not only violent attacks directed at them because of the uniform they wear, but also demoralization and fatigue. Over the last year, police officers began quitting the force in large numbers, and police departments have struggled to attract enough applicants to fill out the next generation of law enforcement. I worry that more and more police officers won't want to do the job. And I worry that more and more young adults won't want to start careers in law enforcement. We need more qualified people who want to be police officers, not fewer.

It's nice to work in a bipartisan way during Police Week for our officers. The past year has been a difficult one for them, and their services have been instrumental in protecting our communities during what has been a very trying time for us all.