

Prepared Statement by U.S. Senator Chuck Grassley (R-Iowa)
Ranking Member, Senate Judiciary Committee
Executive Business Meeting
Thursday, September 23, 2021

Good morning everyone. Today we have five judicial branch nominees, one executive branch nominee, seven U.S. Attorneys, and two bills that are ripe for consideration.

Before I say a few words about the nominees, I wanted to let my colleagues know that I support both S. 1787, the State Antitrust Enforcement Venue Act, and S. 2502, the *Begin Again Act*, and look forward to voting both these bills out of Committee. The *Begin Again Act*, led by Senators Coons and Cornyn, is a modest and helpful bill. Expanding eligibility for expungement to first-time, low-level, nonviolent drug possessors promotes successful reentry to society. This bill removes an arbitrary age requirement, therefore paving the way for more Americans to seek expungement if they meet other important qualifications. I'm pleased both Senators Cornyn and Coons are leading this effort and are supportive of criminal justice initiatives. I look forward to teaming up with them as we continue to work on similar criminal justice reform legislation.

Turning to today's nominees, I will be voting for Toby Heytens. He has a history of working with and respectfully engaging with people who he probably disagrees with on political or legal issues. He wrote letters supporting Judge Amul Thapar and Judge David Stras when they were nominated by the previous administration. He has also thanked Paul Clement and Judge Neomi Rao for comments on his legal scholarship.

As I said at the hearing, I think Mr. Heytens will have a moderating effect on the Fourth Circuit. When I asked him about a recent job posting where the Fourth Circuit described itself as a "progressive organization," he made clear that "all federal courts should avoid political entanglements or any appearance" of one. Mr. Heytens is the best pick I think we could expect from this administration.

I will also be voting for Ms. Giles. She is a seasoned litigator in the Eastern District of Virginia, having prosecuted cases there for the United States for many years.

I'll be voting against Ms. Nagala, Judge Nachmanoff, and Judge Williams. Like many of this administration's nominees, Judge Nachmanoff and Judge Williams had long careers as criminal-defense attorneys. Reviewing Judge Nachmanoff's record, I was hopeful I could support his nomination. But, like other nominees, when he applied to be a judge, he decided to ask the dark money group Demand Justice for advice. I don't think a person who wants to be a federal judge should call the head of an organization that publicly campaigns to undermine the public's trust in the federal judiciary. I'll be voting against Ms. Nagala because I am still concerned about the brief that she helped write that argued against some basic Second Amendment rights.

Finally, I'll be voting present on Mr. Dellinger because I have heard from Iowans that I respect and people in the U.S. House of Representatives that I respect about the nomination. I'd like to explain why I vote present, rather than against or for at this point. Mr. Dellinger has previous service in government

that is very commendable. He has worked at well-respected law firms. But when President Trump took office, he took on an increasingly partisan tone. It is hard to trust that card-carrying members of the “Resistance” will turn those cards in when they walk through the doors of the Biden-Harris Department of Justice.

