

**Prepared Statement by Senator Chuck Grassley of Iowa**  
**Chairman, Senate Judiciary Committee**  
**Executive Business Meeting**  
**February 26, 2015**

Good morning. I appreciate everyone's willingness to start a little earlier this morning. We have a lot on today's agenda.

Before turning to my remarks on the Lynch nomination, I want to speak briefly on the process we've followed with this nomination.

This nomination arose during a somewhat unique set of circumstances. Not only did the Senate majority change, but a couple new members of the Senate joined our committee in January. It was important to me, as Chairman, to ensure those members had adequate time to consider the nomination. And, as is often the case with cabinet level appointments, we had to gather all of the relevant documents.

I want to take this opportunity to thank the Department of Justice for its willingness to work with us to gather those documents. While it's true that we were still gathering documents up until a week or two before the hearing, I think it's fair to say the department was working in good faith to get us the material we needed.

Finally, since our last Executive Business Meeting, a number of members submitted follow-up questions for the record seeking additional clarity from the nominee. And Ms. Lynch responded to those questions last week. One of the topics that some of us, myself included, wanted additional information about was the settlement reached between Ms. Lynch's office and HSBC Bank.

I won't take the time to go into the details of the allegations raised in that matter. But it's important for committee members to know this: Had we voted on Ms. Lynch's nomination during our last meeting, our staffs wouldn't have been able to conduct the bipartisan interview of a whistleblower like they did last week. And, Ms. Lynch wouldn't have had the opportunity to respond to our questions on this topic.

For that reason, had we voted at our last meeting, we wouldn't have been discharging our duty in an appropriate and thorough way. And that would've been irresponsible, in my view. So, my goal was to consider Ms. Lynch's nomination in a thorough, fair, and respectful way.

I know some of you who sit to my left think we took too long. And, some of you who sit on my right don't think we've taken long enough. But I believe we've carried out our constitutional duty in a thorough way, but we've also kept the process moving.

With that, I'll turn to my comments on the merits of the nomination.

From the outset, I've said that what we need from our next Attorney General – more than anything else – is independence. It's true the Attorney General is a cabinet officer who serves at

the pleasure of the President. But first and foremost, the Attorney General of the United States is the nation's top law enforcement officer.

The Attorney General may be appointed by the President, but the job is not to simply defend the President and his policies. The job is not to be the President's "wingman." The job is defined by a duty to defend the constitution, and uphold the rule of law. The Attorney General does not represent Democrats, or Republicans, or Independents. The job is to represent all Americans. Regardless of party. And regardless of politics.

Unfortunately, in my view, too often the current Attorney General has permitted politics to drive decision-making. And as I've said, it isn't only Republicans who recognize the problem.

In 2013, the department's own Inspector General listed as one of its top management challenges: "restoring confidence in the integrity, fairness, and accountability of the department."

I make these observations about the current leadership as one of the few Republicans who voted for Attorney General Holder. Our side had a lot of concerns regarding his nomination. But I gave him the benefit of the doubt. I voted for him. So, I approach this nomination with that vote in mind.

On the one hand, I feel as though I should learn my lesson. Leading the Department of Justice in an effective and independent way requires more than impressive credentials. Ms. Lynch has those credentials. So did Attorney General Holder. I supported Eric Holder, but his tenure – at least from where I sit – has been a huge disappointment.

On the other hand, I recognize that the quickest and most sure-fire way to replace Attorney General Holder is to support Ms. Lynch as his replacement. But as I've said, the question for me from the start has been whether Ms. Lynch will make a clean break and take the department in a new direction. After thoroughly reviewing Ms. Lynch's testimony, both before the committee and in written follow-up questions, I remain unconvinced she will lead the department in a different direction.

Now, I'm confident that if she had demonstrated a little more independence from the President, she would've garnered more support here today. To illustrate why, we need to look no further than the recent confirmation of Secretary Carter to the Department of Defense. When he testified before the Senate Armed Services Committee, Secretary Carter demonstrated the type of independent streak that many of us were hoping we'd see from Ms. Lynch.

Most of the media reporting on the two nominations seemed to agree. Consider these headlines from several major news outlets regarding the Carter nomination:

- "In Ashton Carter, Nominee for Defense Secretary, a Change in Direction," *The New York Times*
- "New Defense Secretary airs differences with Obama over Ukraine, Gitmo," *Washington Times*

- “Obama Pentagon pick Carter says he won’t bend to White House Pressure to release Gitmo prisoners,” *Fox News*
- “Defense nominee Carter casts himself as an independent voice,” *The Washington Post*

Compare those headlines to these regarding Ms. Lynch, from some of the very same news outlets:

- “Lynch Defends Obama’s Immigration Action,” *The New York Times*
- “Loretta Lynch Defends Obama’s Immigration Actions,” *Huffington Post*
- “Loretta Lynch Defends Obama’s Executive Action, NSA Surveillance,” *Newsweek*
- “Attorney General Nominee Loretta Lynch defends Obama Immigration policies,” *Washington Times*

Secretary Carter was confirmed with 93 votes. Only 5 Senators voted against his nomination. That lopsided vote was a reflection of his testimony before the Senate, which demonstrated a willingness to be an independent voice within the administration.

I suspect Ms. Lynch will be confirmed, but I doubt she’ll garner 93 votes in support of her nomination. And to the extent her support isn’t as broad as Secretary Carter’s, it will reflect a reluctance to take the department in a new direction, and her unwillingness to identify meaningful limitations on executive power.

I sincerely hope Ms. Lynch proves me wrong and is willing to stand up to the President and say “No” when the duty of the office demands it. But based on my review of the record, I cannot support the nomination.

Finally, let me say just a couple words about the legislation on the agenda before we take up amendments.

On Tuesday we had an excellent and informative hearing on human trafficking. Our witnesses told us about their efforts to end this terrible crime and help victims. We also learned of some of the obstacles they face in these efforts. Today we’ll take up two bills that should help make progress in the fight against human trafficking.

The first bill is S. 178, the Justice for Victims of Trafficking Act of 2015, which Senator Cornyn introduced last month. I’m a cosponsor of this important bill, which provides more services to victims while cracking down on those who engage in human trafficking.

The other bill is S. 166, the Stop Exploitation Through Human Trafficking Act of 2015, which was introduced by Senator Klobuchar last month.

The centerpiece of its bill is its “safe harbor” provision, which encourages states to adopt laws that treat children who are trafficked in the sex industry as victims rather than prostitutes. Both bills have strong bipartisan support.