

**Statement of Senator Patrick Leahy (D-Vt.),
Ranking Member, Senate Judiciary Committee,
Department of Justice Oversight Hearing
March 9, 2016**

I want to welcome our Nation's top law enforcement officer, Attorney General Loretta Lynch, back to the Senate Judiciary Committee. One of the core responsibilities of this Committee is to provide oversight of the Justice Department. It is critical that carrying out that responsibility include *public* hearings with the Attorney General so that the American people can watch as she responds to our questions. They deserve the opportunity to evaluate for themselves the work of the Department. I look forward to hearing from the Attorney General about a range of subjects that are important to Vermonters.

Public hearings are an equally important tool for the American people to watch *us* – their elected officials. Americans should be able to see their government in action and know whether we are working on their behalves and keeping their interests – not partisan politics – at the forefront of everything we do. That is also why it is so important that this Committee hold public hearings on the next nominee to the Supreme Court.

The Senate's constitutional duty to provide advice and consent on Supreme Court nominees falls to this Committee to initiate, and we have done so for the last 100 years in the form of public hearings. However, for the next nominee to the Supreme Court, we have yet to hold a single public Committee meeting to discuss how we will fulfill our constitutional duty. Instead, the Republican Committee members met behind closed doors to unilaterally decide that this Committee – and the Senate as a whole – will simply refuse to consider a Supreme Court nominee this year. This is not only a dereliction of our constitutional duty, but also denies the American people the chance to participate in the public consideration of the nominee.

Today, as we talk about the Justice Department's responsibility to keep Americans safe, we should remember that the Senate Republicans' refusal to consider the next Supreme Court nominee will make that very goal harder for the Justice Department. A Republican shut down of any confirmation process for a Supreme Court nominee means the Court will be missing a justice for more than a year. As several former U.S. Attorneys from Ohio, Washington State, California, and Virginia recently wrote: "For federal prosecutors, agents and criminal investigations, a year is a lifetime. We have seen real threats, whether it is the heroin epidemic or the threat of ISIS recruitment, facing the people in our communities each day. While law enforcement stands ready to protect the public from those threats, they need to know the rules of the road." These former law enforcement officials explained that with a Supreme Court unable to function as the final arbiter of our Nation's laws for more than a year, it would be a real challenge to our law enforcement community.

The Senate's consideration of the next Supreme Court nominee should not be a question of politics or electoral math. It should be about the solemn oath we all took as Senators to uphold the Constitution. That is why the American people should expect to see this Committee convening this spring to hold public hearings to consider the next nominee to the Nation's highest court. The Justice Department, through its Solicitor General, represents the American

people every week before the Supreme Court. Our hearing today is on the Justice Department but what looms large on the horizon is whether this Committee will do its job to fairly consider the next nominee to the Supreme Court. I hope that we will, for the good of this country and our entire justice system.

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