

**Prepared Statement by Senator Chuck Grassley of Iowa  
Chairman, Senate Judiciary Committee  
Hearing on the nomination of Christopher Wray to be director of the Federal Bureau of  
Investigation  
July 12, 2017**

Today, the Committee is considering the nomination of Christopher Wray to be the 8<sup>th</sup> Director of the Federal Bureau of Investigation. Mr. Wray, congratulations to you on your nomination. This is an important day for you, your family, and for the country and I welcome you and your family to the Committee.

The Ranking Member and I will give opening statements. Then, Senator Nunn will introduce the nominee. Mr. Wray will then give his opening statement and after that we'll turn to Member questions. As an accommodation to the Minority's request, we'll have 10-minute rounds for questions during the first round, rather than the normal 7.

The Director of the Federal Bureau of Investigation is charged with running a vast agency with tremendous power. This power, if used inappropriately, could threaten the civil liberties of every American. However, when used appropriately, and subject to rigorous oversight by Congress, it protects the nation from terrorists, spies and hardened criminals.

The Attorney General is commonly referred to as the top law enforcement officer in the country. The FBI Director serves the Attorney General as the Top Cop on the street.

It's a demanding job that requires a keen understanding of the law, sound management skills, calm under significant pressure, and a level head.

From what I've seen so far from meetings with Mr. Wray and from looking at his record, he appears to possess these qualifications. He has an impressive legal career. He graduated from Yale University and Yale Law School and clerked for a Judge on the Fourth Circuit. He spent many years as an Assistant United States Attorney and was on the front line in cases involving violent crime, drug trafficking, public corruption, and fraud. During his time as a prosecutor, he often worked closely with the FBI. While there, Mr. Wray received the Department's highest award for public service and leadership.

In 2003, Mr. Wray was unanimously confirmed by the Senate to lead the Criminal Division of the Department of Justice as the Assistant Attorney General. In this role, he led and managed over 400 prosecutors and 900 total employees in nearly all areas of federal criminal law. There, too, he worked closely with federal law enforcement partners and key senior officials at the FBI.

Of course, it's vitally important for the FBI Director to be independent. In reviewing his record, I've seen Mr. Wray's commitment to independence. He's prosecuted "little guys" and "big guys," including a major league baseball player, gun-traffickers, and RICO violators. He's prosecuted folks on both sides of the political spectrum, including folks working on a Republican campaign.

While at the Department of Justice, he oversaw the task force that investigated Enron. This investigation led to convictions for several Enron executives.

Mr. Wray has earned the strong bipartisan support from over 100 former U.S. Attorneys across the country, including former Attorney General Eric Holder and other appointees of Presidents Clinton and Obama. I'll enter this letter of support into the record.

The top priority of the FBI is to protect the national security of the United States. The Director of the FBI needs to be effective and accountable when protecting our nation from terrorism, against foreign intelligence threats, and against cyber-attacks and high-technology crimes.

The gravity of this responsibility is clear when we remember the scores of Americans and others killed or wounded in the many terror attacks on U.S. soil following the tragic events of September 11, 2001.

ISIS and other international terror groups have directed or inspired terrorist attacks in Ft. Hood, Boston, San Bernardino, Orlando, St. Cloud, New York City, Columbus, and elsewhere. Uniformly, these terrorist attacks on U.S. soil show the FBI must have the tools it needs to protect against and investigate terrorism and other serious violent crimes in the homeland. And these tools must preserve civil liberties while being adaptable to changing threat streams and advances in technology.

Chief among these tools is the FISA Section 702 authority. This authority provides the government the ability to collect the electronic communications of approved foreign intelligence targets outside the United States with the compelled assistance of American companies. Section 702 received the strong support of the Bush, Obama, and now the Trump Administration, and it is up for reauthorization at the end of this year.

Many federal courts, the Foreign Intelligence Surveillance Court, and the Privacy and Civil Liberties Oversight Board have found Section 702 constitutional and consistent with the Fourth Amendment. But the FBI does face questions about its queries of Section 702 information and the impact on privacy and civil liberties.

In addition, the FBI must also have the tools it needs to navigate the Going Dark problem as more and more terrorists and criminals use encryption.

I look forward to hearing how Mr. Wray plans to handle these national security issues and "protect the American people and uphold the Constitution of the United States," in keeping with the FBI's mission.

Of course, everyone here knows I care about whistleblowers and whistleblower protection.

In December, President Obama signed the FBI Whistleblower protection bill that Senator Leahy and I worked together to pass. The law clarifies that FBI employees who make disclosures to supervisors are protected.

Unfortunately, there are still a lot of problems with the whistleblower protection process.

Unlike other law enforcement agencies, the Justice Department doesn't allow FBI agents to get any independent judicial review of retaliation claims. It concerns me that the Department and the FBI hasn't worked with us on the legislation to fix that. FBI whistleblowers need the support of their leadership to ensure that there is a speedy and effective way to resolve their cases. I'd like an assurance from Mr. Wray that whistleblowers will not face retaliation. Some of his predecessors have done a poor job of protecting whistleblowers.

At the FBI oversight hearing on May 3, I said that a cloud of doubt hangs over the FBI's objectivity. The previous director, James Comey, said that the people at the FBI don't give a rip about politics. But, Mr. Comey installed as his Deputy Director a man whose wife ran for Virginia State Senate and accepted almost a million dollars from Virginia Governor Terry McAuliffe's political machine. That's a lot of money for one state Senate seat.

Gov. McAuliffe is a longtime friend and fundraiser for the Clintons and the Democratic Party. Deputy Director Andrew McCabe met in person with Gov. McAuliffe about his wife's political plans. His official FBI biography was used in setting up the meeting and the goal was for McAuliffe to "close the deal" and get his wife to run for office. The Office of Special Counsel is reviewing whether that coordination was a violation of the Hatch Act, which prohibits partisan political coordination by FBI officials. The Inspector General is reviewing whether Mr. McCabe should have been recused from the Clinton investigation based upon Mr. McCabe's financial ties to the Clinton political network.

Mr. McCabe was also named in a sex discrimination lawsuit by a female FBI agent who alleged retaliation. Just last week, it was reported that Lt. Gen. Michael Flynn wrote a letter in support of the female agent. That means Lt. Gen. Flynn is an adverse witness to Mr. McCabe in a pending proceeding. Yet, Mr. McCabe supervised a criminal investigation of Flynn, and allegedly wanted it pursued very aggressively. According to press reports, three FBI employees personally witnessed McCabe make disparaging remarks about Flynn before and during the Russia investigation. Yet, Mr. McCabe never recused himself from the Flynn investigation. His failure to do so calls into question whether he has handled that investigation fairly and objectively. I have asked the Inspector General to add this to their ongoing review.

The Director of the FBI is entrusted with a tremendous amount of power. That power is subject to appropriate checks against the abuse of our civil liberties. The Director is accountable to his leadership, and to the People's elected representatives.

That is why the FBI Director has a 10-year term limit, and why there are no restrictions on the ability of any President to fire any Director, as President Trump did former Director James

Comey. The term limit is a ceiling, not a floor. And while independence from partisan influence is critical—and this Committee intends to closely examine the circumstances of Mr. Comey’s firing – history shows that the 10-year term limit isn’t there to protect the FBI Director from politicians or politics. It’s there to help prevent the FBI Director from overreaching or abusing power.

For more than 50 years, the FBI was run by J. Edgar Hoover – arguably the most “independent” FBI Director in history. The very people charged with constraining his power were targets of his secret files. So were the Americans whose civil liberties were trampled by the COINTELPRO program and Hoover’s other illegal abuses. Yet, the FBI building still bears his name, just as the bureau bears the weight of his ugly legacy.

But in America, the people rule—not the police or the military. Vigorous oversight by elected officials in both the Executive and Legislative Branch is essential in protecting that liberty. I’ve been doing vigorous oversight of the FBI for my entire career. As long as I’m the Chairman, I will continue to ask important questions and expect honest answers on behalf of the American people.

Just yesterday, we had a hearing in the crime subcommittee that illustrated the long history of Congress exercising its Constitutional authority to do oversight, including of ongoing criminal and intelligence matters. Sometimes we cannot talk publicly about all the details of our work, although we strive to be as open as possible.

Some people have argued that oversight of ongoing investigations is somehow “interference.” This ignores the importance of our work to ensure transparency and accountability. And it ignores history.

This Committee has received detailed information about ongoing criminal matters and Foreign Intelligence Surveillance activity in the past, and it will continue to do so. That’s what oversight and accountability are all about.

In the past, the FBI has resisted accountability to Congress and has been unresponsive to my letters. Mr. Wray, you and I have spoken about this problem and I expect you to change this practice at the FBI. I would like an assurance from you that you will be responsive to my oversight work and that my questions and document requests will be taken seriously and answered in a timely and complete manner.

I thank Mr. Wray for his willingness to return to public service. I look forward to a full and candid conversation today.