

**Prepared Statement by Senator Chuck Grassley of Iowa  
Chairman, Senate Judiciary Committee  
Hearing on Nomination of Senator Jeff Sessions  
to be United States Attorney General  
January 10, 2017**

Good morning. I want to welcome everyone to this very important hearing to consider the nomination of our colleague Senator Sessions to serve as the 84th Attorney General of the United States.

Before we get started, I want to set out a couple ground rules. I'm going to handle this hearing the same way I handled the hearing for Attorney General Lynch's nomination. And it's also the same way Chairman Leahy handled previous hearings. I want everyone to be able to watch the hearing without obstruction. If people stand up and block the view of those behind them, or speak out of turn, it's not fair or considerate to others, so officers will immediately remove those individuals.

Now, before I turn to my opening statement, let me explain how we're going to proceed.

Senator Feinstein and I will give our opening remarks. Then I'll call on Senators Shelby and Collins to introduce the nominee. Following Senator Sessions' opening remarks, we'll begin the first round of questions. Each Senator will have an initial 10 minute round for questions. After the first round, we're going to do eight minute rounds of questions. I want everyone to know that I'm prepared to stay here as long as Members have questions they'd like to ask in person. Again, that's the way I handled Attorney General Lynch's nomination. I think that's the most fair way to proceed for both Members and the nominee.

I'd like to welcome our new Members to this Committee. I look forward to working with you. I'd also like to recognize and welcome a number of important audience members: former Attorneys General Meese and Mukasey. Welcome back, as well, to Senator Kyl, a former Member of this Committee.

Finally, before I turn to my opening remarks, I wanted to extend my congratulations to Senator Feinstein on her new role as Ranking Member of this Committee. I have a great deal of respect for her, and we've always worked well together. I look forward to working with her on all of the important issues this Committee handles.

With that, I'll turn to my opening remarks.

Our hearing today hardly *introduces* Senator Sessions to the Committee. No, we're here today to review the character and qualifications of a colleague who has served alongside us in the Senate for twenty years. That includes time as the Ranking Member of this Committee. We know him well. We know the policy positions he has taken as a legislator. I've been on both sides of debates with Senator Sessions. Having served with him for so long we pretty well know whether he supports your policy positions or opposes them. He tells us so with thoughtfulness, humility, and respect. As a former Chairman of this Committee has put it, Senator Sessions is "wonderful

to work with.” We know him to be, as another senior Democrat on this Committee described him, “a man of his word.” As a third senior Democrat colleague put it, “he is always a gentleman”; “he is straightforward and fair.”

Most of all, the Members of this Committee know him to be a leader who has served the people of Alabama—and all Americans—with integrity, dedication, and courage.

As former Chairman Leahy observed the last time a new President took office, it’s “important that the Justice Department have its senior leadership in place without delay. . . . We need the Justice Department to be at its best.” Perhaps my good friend Senator Schumer said it best when he observed that we should “move to a vote, hopefully sooner rather than later.” And when we do, as he said, we “won’t be voting for or against the President’s policies.” Instead, we’ll be voting for a colleague with a first-rate legal mind whose record proves his commitment to just law enforcement and eminently qualifies him to lead the Department of Justice.

I’ve been encouraged by the initial support many of our colleagues on both sides of the aisle have expressed for Senator Sessions’ nomination. So I look forward to hearing from Senator Sessions and moving to his confirmation without delay.

Senator Sessions’ record is a life of public service. And so we know his story. He was raised in the small town of Hybart, Alabama, where his father owned and ran a small country store. He then studied at Huntingdon College and the University of Alabama before practicing law in Russellville and Mobile. Senator Sessions has always been an active member of his community. He taught school before attending law school and taught Sunday School at Ashland Place Methodist Church. He served our Nation in the Army Reserve, attaining the rank of Captain.

After his time in private practice, Senator Sessions served as an Assistant United States Attorney in the Southern District of Alabama. He then headed that office after the Senate confirmed him as United States Attorney, a post he held for a dozen years. All told, that’s 15 years as a federal prosecutor in the Department.

It was during that time that he oversaw the investigation of Klansman Francis Hays for the brutal abduction and murder of a black teenager, Michael Donald. He made sure that case was brought in state court where the defendant was eligible for and received the punishment he justly deserved, the death penalty. His office then successfully prosecuted that murderer’s accomplice in federal court.

Based on his prosecutorial record, the people of Alabama elected him their Attorney General and then their Senator. He has served with us since 1997. And, as our former Chairman observed, this Committee has relied on him for his prosecutorial experience during the course of his Senate service.

Throughout his public service, both within the Department and outside of it, he has raised his hand and served when called upon. He has done his duty, enforced the law fairly, and let the chips fall where they may.

Reflecting on this record of service, it's no surprise that Senator Sessions is also an Eagle Scout. Other members of this Committee may know, as I do, that the Scouts' motto—"Be Prepared"—sits on his desk in his Senate office.

Senator Sessions' entire life of dedicated public service has prepared him for this day. If he's confirmed—and I expect he will be—Senator Sessions will shed his role as a legislator who writes our laws and he'll take on the task of enforcing the laws Congress has written. He has made this transition before, when the people of the State of Alabama elected him their Senator based on his record of service as United States Attorney and Attorney General there.

As one Member of this Committee observed about a lawyer's transition into the role of a judge: "There are turning points in a person's life when they put away things of the past and move into new responsibilities." Serving as our Nation's Attorney General will mark another such turning point in Senator Sessions' distinguished career.

And every Member of this Committee knows from experience that, in his new role, Senator Sessions will be a leader for law and order administered without regard to person.

Leadership to that end is exactly what the Department now needs. It should go without saying that the Department is tasked with the responsibility of enforcing our laws—ALL of our laws—in a dispassionate and even-handed way.

We write the laws. The Executive enforces them, *faithfully*. This is a simple but foundational principle.

Unfortunately, for the last several years the Department has simply declined to enforce some laws the Executive branch found distasteful. The Department's failure to enforce the law has run the gamut of issues from criminal law legislation to our nation's duly enacted immigration laws.

It's true that each branch of government has an independent duty to assess the constitutionality of the laws it writes, administers, or adjudicates. But it's equally true that the Executive has a constitutional responsibility to "take care that the laws be faithfully executed." I know our colleague Senator Sessions respects the legislative process and the prerogative of Congress to write the law. As he explained during the confirmation hearing we held for John Ashcroft's nomination to serve as Attorney General, "The Attorney General is a law enforcer. There is a big difference between a politician and a Senator where we vote on policy and executing policy."

I look forward to hearing from Senator Sessions on how he will transition from voting on policy matters to enforcing the laws he has labored so long to improve and sustain.

Just as he respects Congress's duly enacted laws, Senator Sessions knows and respects the importance of an independent Attorney General at the Department's helm. When he has questioned other candidates for the office of Attorney General, he has made plain the priority of an Attorney General's independence. He sought assurances on this account during the confirmation hearing for Attorney General Eric Holder—a nominee Senator Sessions and I both

supported despite our policy disagreements. Senator Sessions asked: “You are not threatening and not guaranteeing you are going to prosecute people until you fairly evaluate all the facts and the evidence and the law they thought they were dealing with at the time?”

During this Committee’s hearing on the confirmation of another Attorney General, he reflected on the obligations of the office as he knew them from his service in Alabama: “You speak for the legal interests of the State.” As a result, he said, “there are times when the Attorney General represents the State, he has an obligation and a duty regardless of what the parties to a litigation may say”—including when one of those parties is the government—“to ensure that it is fair for all the people of the State.”

This firm grasp on the separation of powers equips Senator Sessions to provide the Department with independent leadership of the highest integrity. He knows the Department’s obligations well—not only because he knows the Department but because he has seen those obligations observed in the breach from his seat beside us in the Senate.

To this legislator, the Department’s failure in the just enforcement of our laws isn’t just a policy disappointment on a particular issue. It’s an affront to the very separation of powers that defines our role and the voice of the people that warrants our votes. I imagine Senator Sessions may have thoughts on that question too, and I’d like to hear them.

On this Committee, we don’t always agree on the right way to handle the complex policy issues we consider. And when you have served in the Senate as long as Senator Sessions and I have, you are bound to find at least a few points of disagreement with even the most like-minded colleague.

But Senator Sessions’ two decades of service beside me testify without question to this: he is a man of honor and integrity, dedicated to the faithful and fair enforcement of the law, who knows well and deeply respects the Department of Justice and its role. I look forward to hearing from him about his vision and plans for the Department.

With that, I’ll turn to Ranking Member Feinstein. And, again, congratulations to you on your new role as Ranking Member. I look forward to working with you.