

**Prepared Statement of Senator Chuck Grassley of Iowa
Chairman, Senate Committee on the Judiciary
Hearing Regarding the Nomination of:
Loretta Lynch, to be United States Attorney General
Wednesday, January 28, 2015**

Ms. Lynch, let me start by welcoming you to the Senate Judiciary Committee. It's a big day for you and your family. Congratulations on your nomination.

I know you've already been confirmed to serve as a U.S. Attorney.

But the process involved to serve as the 83rd Attorney General of the United States is a bit more rigorous.

For one thing, U.S. Attorneys don't even have hearings, let alone one like this.

So, it's my hope that as we discuss some of the most important matters facing our Nation, we'll get to know you a bit better.

The fact of the matter is, this nomination comes at a pivotal time for the Department of Justice and for our country.

The next Attorney General will face some very difficult challenges – from combating cybercrime, to protecting our children from exploitation, to helping fight the war on terror.

But I'm not just talking about the tough decisions that come with the Office.

There are challenges facing the Department of Justice that go to the heart of our system of government.

How about restoring faith in bedrock principles like respect for the rule of law, and the fair and evenhanded application of those laws?

How about restoring respect for the co-equal branches of government?

How about taking care that the law is faithfully executed, and not rewriting it?

How about the Department of Justice honoring, once again, its longstanding duty to vigorously defend our Nation's laws—even when political appointees disagree with the policy?

Then there is the Office of Legal Counsel. I'm interested in returning that Office to its rightful place as the impartial "crown jewel" of the Justice Department.

Its opinions should be firmly rooted in the Constitution's text, neutral interpretation of statutes, and sound judicial precedent.

They shouldn't be transparently self-serving attempts to justify whatever the President or Attorney General wants to do for political reasons.

And let me say it right here: that Office should be sharing with the American public the opinions it's been providing to the President, especially when they supposedly sanction the unprecedented authority he claims to possess.

And I'm going to work to see that it does. The public's business ought to be public.

Transparency brings accountability.

The ideals and principles I'm talking about are foundational to our Republic.

But they aren't simply academic. And they don't exist in a vacuum.

Over the last few years, public confidence in the Department's ability to do its job without regard to politics has been shaken, with good reason.

It's not just Republicans who see the problem, or who recognize it has real-world effects on our fellow Americans.

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."

He cited several examples, including the Department falsely denying basic facts in the Fast and Furious controversy. The Inspector General concluded this "resulted in an erosion of trust in the Department."

In that fiasco, our government knowingly allowed firearms to fall into the hands of international gun traffickers.

And it led to the death of a Border Patrol Agent, Brian Terry.

And then, after Congress called on the leadership of the Department to account for this foolish operation, what did they do?

Did they apologize to the family and rush to uncover the truth?

Quite the opposite.

They denied, spun and hid the facts from Congress and the American people.

They bullied and intimidated whistleblowers, members of the press, and anyone who had the audacity to investigate and uncover the truth.

The Department has also failed to hold another government agency accountable: the Internal Revenue Service.

We watched with dismay as that powerful agency was weaponized and turned against individual citizens.

And why? What, exactly, did these fellow citizens do to make their own government target them?

They had the courage to get engaged and speak out in defense of Faith, Freedom, and our Constitution.

And for that, they were targeted by the IRS.

What was the Department's reaction to the targeting of citizens based on their political beliefs?

Appoint a campaign donor to lead an investigation that hasn't gone anywhere, and call it a day.

That simply isn't good enough.

Meanwhile, the Department's top litigator, the Nation's Solicitor General, is arguing in case after case for breathtaking expansions of federal power.

Consider this: Had the Department prevailed in just some of the arguments it pressed before the Supreme Court in the last several years:

- There would be essentially no limit on what the federal government could order states to do as a condition of receiving federal money;

- The Environmental Protection Agency could fine a homeowner \$75,000 a day for not complying with an order, and then turn around and deny that homeowner any right to challenge the order or those fines in court when the order is issued;

- The federal government could review decisions by religious organizations regarding who can serve as a minister;

- The federal government could ban books that expressly advocate for the election or defeat of political candidates;

- And the Fourth Amendment wouldn't have anything to say about the police attaching a GPS device to a citizen's car without a warrant and constantly tracking their every movement for months or years.

These positions aren't mainstream.

At the end of the day, the common thread that binds all of these challenges together is a Department of Justice that is deeply politicized.

But that's what happens when the Attorney General of the United States views himself, in his own words, as the President's "wingman."

I don't expect Ms. Lynch and I will agree on every issue.

But I for one need to be persuaded Ms. Lynch will be an independent Attorney General.

The Attorney General's job is to represent the American People — not just the President and not just the Executive Branch.

So, today we'll hear from Ms. Lynch.

Tomorrow we'll hear from a second panel of witnesses – many of whom will speak directly to the many challenges facing the Justice Department under the Obama Administration.

As I listen to both panels, I'll be considering whether Ms. Lynch has what it takes to fix the Obama Justice Department.

We need to get back to first principles, and that starts with depoliticizing the Department of Justice. Because the American people deserve better.

With that I'll turn to the Ranking Member.