

WRITTEN STATEMENT OF ROD J. ROSENSTEIN
NOMINEE TO SERVE AS DEPUTY ATTORNEY GENERAL
UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY
WASHINGTON, D.C.
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Chairman Grassley, Ranking Member Feinstein, and other members of the Committee, it is a great privilege for me to be here. Thank you for scheduling this hearing, and thank you for taking the time to meet with me in your offices over the past two weeks.

I am very grateful to Senator Cardin and Senator Van Hollen for their generous introductions, and for their consistent support of law enforcement in my home state of Maryland.

My presence today is possible only because of a supportive family, exceptional colleagues, and my good fortune in being a part of one of America's crown jewels. The United States Department of Justice has been my professional home for almost three decades. I have served under five Presidents and nine Attorneys General. On every floor of the Robert F. Kennedy Main Justice Building, there are reminders of the heroes, mentors and friends who have occupied offices along the stately hallways. They taught me that the Justice Department stands for the principle that every American deserves equal protection under the rule of law. I want to thank the Attorney General and the President for placing their trust in me to help manage the Department and enforce the principle.

Please allow me to introduce the relatives who are here with me today. My wife, Lisa, is a former Assistant U.S. Attorney who shares my affection for the Justice Department. She now devotes much of her time to our most impressive accomplishments, our daughters, Julia and Allison. I would not be here today without Lisa's love and support.

At our local high school, Julie and Allie recently studied the confirmation process. They will never forget this opportunity to see it in operation. Allie was eager to attend, even though it required her to break her perfect school attendance record. Julie writes for the school newspaper, but journalistic ethics preclude her from reporting about this event. Julie and Allie are excellent students, superb athletes and fundamentally good people. I am thankful for their love and their understanding about the demands of my career, and I look forward to watching them continue to pursue their life journeys.

I am proud that my parents, Robert and Gerri Rosenstein, are here to share this moment. My mom worked as a bookkeeper and served as the president of the local school board. My dad ran a small business in Philadelphia with a partner, Miriam Smalls, who is also here.

My parents raised two children. They encouraged us to take full advantage of the limitless promise of America, even when it took us far from their home. It is probably not a coincidence that we both have spent our entire careers as federal public servants. My sister, Dr. Nancy Messonnier, traveled here from Atlanta, where she is the Director of the National Center for Immunization and Respiratory Diseases at the Centers for Disease Control and Prevention.

My mother-in-law, Alice Barsoomian, flew here from California with one of her sisters, Rita Arslanian.

I am grateful for the support of many other family members, friends and colleagues who are in this hearing room or watching the broadcast.

In my small hometown of Lower Moreland, Pennsylvania, I learned straightforward values. Work hard. Play by the rules. Question assumptions, but treat everyone with respect. Read widely, write coherently and speak thoughtfully. Expect nothing, and be grateful for everything. Remain gracious in times of defeat, and humble in moments of victory. And try to leave things better than you found them.

After high school, I attended the Wharton School of Business, where I studied public policy, management and economics. My interest in government led me to Harvard Law School.

During my senior year of college, I read a newspaper article about the large salaries paid to law firm associates. I remember thinking that I probably would be in their shoes in a few years. But something intervened and caused me to take a different path: I served as an intern for the U.S. Attorney's Office in Massachusetts. The federal prosecutors, agents and support employees who worked there were men and women of great intellect and integrity. They spoke about doing the right thing and keeping people safe, and they took immense pride in their careers. I aspired to work with professionals like them.

I started my career as a law clerk to Judge Douglas Ginsburg, on the U.S. Court of Appeals for the District of Columbia Circuit. In 1990, I joined the Justice Department as a public corruption prosecutor in the Criminal Division, under the leadership of Robert Mueller. During the Clinton Administration, I worked directly for Deputy Attorney General Philip Heymann and Criminal Division Assistant Attorney General Jo Ann Harris. After serving on detail to Independent Counsel Ken Starr for two years, I moved to Maryland when U.S. Attorney Lynne Battaglia hired me as an Assistant U.S. Attorney. In the Bush Administration, I served as Principal Deputy to Tax Division Assistant Attorney General Eileen O'Connor, who is seated with my family today.

Those distinguished government lawyers are most responsible for my career, but many other exemplary public servants taught me, inspired me and guided me along the way.

When I became a U.S. Attorney, I expected to serve for just four years, under President Bush. I am grateful to President Obama for demonstrating his confidence in me by allowing me to serve in his administration for eight years. With support from Senators Mikulski, Cardin and Sarbanes, I have been a U.S. Attorney for 12 years, under three Presidents.

I partnered with three Maryland Governors – Robert Ehrlich, Martin O'Malley and Larry Hogan – with three state Attorneys General – Joseph Curran, Douglas Gansler and Brian Frosh – and with many other officials to fight crime, protect national security and improve the lives of our citizens.

Political affiliation is irrelevant to my work. Effective law enforcement requires us to work cooperatively with all local, state and federal partners, and with private sector stakeholders. We relied on that model in Maryland to implement a comprehensive and proactive strategy to reduce gun crime and dismantle criminal gangs. Violent crime declined for nearly a decade.

A case that I personally prosecuted a few years ago illustrates how much damage one violent repeat offender can do to a community, and how law enforcement agencies can prevent crime by working together. The defendant committed more than 50 burglaries and nine armed home invasion robberies. During one robbery, he sexually assaulted a child. Authorities who executed a search warrant at the suspect's home discovered an arsenal of stolen weapons and ammunition. They also uncovered evidence that the defendant was a vicious serial killer known as the "mother-daughter killer." Although the federal charges did not include murder, the judge imposed a life sentence. After our conviction was upheld on appeal, the defendant confessed to murder in state court. The surviving victims were relieved to see justice done. The federal agents and local police officers who caught that sociopathic criminal almost certainly saved lives.

The hardworking men and women of the U.S. Attorney's Office and our partner agencies achieved notable results in many priority areas during my tenure, including corruption, fraud, child exploitation, civil rights, human trafficking, narcotics, organized crime and national security prosecutions; as well as in false claims act and other civil litigation.

Corruption and civil rights cases are among our most sensitive and important matters, particularly when other agencies have not vindicated the rights of victims. Iconic photographs from the 1960s show Justice Department lawyers and U.S. Marshals protecting students from racist attacks on their way to school. Modern cases may not be as dramatic, but they continue to illuminate and address the harm caused when government officials disregard the rule of law.

Last Wednesday, our U.S. Attorney's Office announced charges against seven Baltimore City police officers for allegedly abusing their authority by robbing citizens, filing false police reports and defrauding taxpayers. Prosecuting corrupt police officers is essential both to protect victims and to support honorable officers whose reputations are unfairly tarnished.

Our office also has prosecuted dozens of correctional officers who abused their power and mistreated inmates, and we recently filed corruption charges against elected officials for allegedly betraying their constituents by taking bribes.

Gathering the evidence for those cases required thousands of hours of painstaking work by talented federal agents and prosecutors, over many months and sometimes years. Their efforts pay off in several ways: criminals are held accountable; crime is deterred; and policy changes sometimes are adopted to prevent corruption from reoccurring.

Enforcement is our primary tool, but we also engage directly in crime prevention. One of our employees works full-time educating school groups and community organizations about gangs, child exploitation and drug abuse. Another employee focuses on monitoring reentry programs for ex-offenders and arranging for prosecutors to speak with school students. We also

hold “call-in” sessions; joining with local officials, we meet with groups of ex-offenders to warn them about the potential consequences they will face if they are caught with guns.

The most significant change in the Justice Department this century is the high priority we now place on preventing terrorism. On September 11, 2001, I was a prosecutor based in the federal courthouse in Greenbelt, Maryland. From our office windows, we saw smoke rising over the Pentagon. We later learned that some of the terrorists had used a gym just two miles away from our courthouse, in a mall that we often visited for lunch. Preventing terrorism was not my responsibility then, but it is our top priority now. Our Anti-Terrorism Advisory Council works with all stakeholders, and the Maryland Coordination and Analysis Center is a model fusion center for sharing national security and law enforcement intelligence.

My office includes 160 employees, and we receive additional support from volunteers and detailees. Our Special Assistant U.S. Attorney program supplements our staff, provides valuable experiences for the lawyers, and builds useful relationships. Our student intern program is another point of pride. A law school internship in Boston fueled my interest in the Justice Department, and we have given hundreds of aspiring lawyers a similar opportunity in Baltimore and Greenbelt. Many of them go on to pursue public service careers.

The mission of pursuing justice attracted me to law enforcement, but the people who carry out the mission are what I treasure most about my job. With few exceptions, they are honorable, principled and trustworthy. I emphasize that point when I teach in classrooms and speak in public forums. If I become the Deputy Attorney General, I will draw on my personal experience with thousands of upstanding law enforcement officers as I seek to build public trust in our criminal justice system and to implement change where needed.

Law enforcement officers need to be role models. I remind police and prosecutors that we do not just represent the government. From the perspective of many citizens, we are the government. Contacts with law enforcement officers create indelible memories. That gives us a special responsibility to adhere to ethical and professional standards.

When faced with difficult issues, wise Justice Department veterans taught me to ask the right questions. The first question is: What *can* we do? It is essential to understand the extent of our power and the boundaries of the law. The second question is: What *should* we do? Our decision how to achieve justice must be informed by an appreciation of the intended and unintended consequences. The final question is: How will we explain it? Inspiring public confidence is part of our job, and that requires us to be as forthcoming and transparent as possible about our rationale.

The public may sometimes judge us only by whether we secure a conviction. But we hold ourselves to a higher standard. Justice is our name, and justice is our mission. Attorney General Robert Jackson famously said that “the citizen’s safety lies in the prosecutor who tempers zeal with human kindness, who seeks truth and not victims, who serves the law and not factional purposes, and who approaches his task with humility.”

With those words in mind, we seek to hire and promote men and women who demonstrate exceptional integrity, because the rule of law is not about words on paper. It depends upon the character of the people who enforce the law. I encourage prosecutors to remember how they felt the first time they announced to the court, “I represent the United States,” and stay in the job only so long as they are grateful to have that opportunity.

I continue to serve because the awe that I experienced the first time I entered the Main Justice building has never waned. But the grand hallways are familiar now. They echo with the voices of mentors and friends. I strive to live by the principles they taught me.

If my nomination is confirmed, I will approach the job with deep respect for the institution and employees of the Department of Justice, with acute understanding of our role in the constitutional structure, and with profound appreciation of our weighty responsibilities.

The oath of office is an obligation. It requires me to support and defend the Constitution of the United States; to bear true faith and allegiance to the Constitution; and to well and faithfully discharge the duties of my office. I have taken that oath several times, and I have administered it many times. I know it by heart. I understand what it means, and I intend to follow it.

If you confirm my nomination, I will work to defend the integrity and independence of the Justice Department; to protect public safety; to preserve civil rights; to seek justice; to advance the rule of law; and to promote public confidence.

Our predecessors worked hard to build trust in the Justice Department. Now it falls to us to preserve, protect and defend that legacy, and bequeath it to our successors. The members of this committee are indispensable partners in pursuing those goals.

Thank you for considering my nomination.