

**Prepared Statement by Senator Chuck Grassley of Iowa
Chairman, Senate Judiciary Committee
Executive Business Meeting
September 14, 2017**

Good morning. Today, we have a number of nominees on the agenda as well as one bill.

Brian Benczkowski, nominated to be the Assistant Attorney General for the Criminal Division, is on the agenda for the first time today and the minority has requested that he be held over, so his nomination is held over.

Today, we'll vote on the nominations of four judicial nominees and four United States Attorneys.

Judge Erickson is nominated to be a Circuit Judge on the Eighth Circuit and enjoys bipartisan support from his home state Senators. Judge Erickson is well qualified for this job. He's been a state court judge since 1994, and in 2003, he was unanimously confirmed by the Senate to be a District Court Judge in North Dakota. He's presided over nearly 500 cases in his 23 years as a judge. And he's already sat by designation in 92 cases on appeal in Circuit Courts. The Committee has received many letters of support regarding his nomination, and I'm pleased to be supporting him today.

We're also considering two District Court nominees today. Don Coggins for the District of South Carolina was nominated by President Obama last Congress and was reported out of this Committee on a voice vote. He was re-nominated by President Trump earlier this year and, in keeping with the tradition of not holding hearings for nominees who had one last Congress, we put his nomination on today's markup agenda.

Dabney Friedrich has been nominated to be a District Judge for the District of Columbia. I believe Senator Hatch may have a few words to say on her behalf. She is very familiar to many of us on the Committee. She served as the Chief Crime Counsel to then-Chairman Hatch. Ms. Friedrich has also served as a federal prosecutor, a commissioner on the U.S. Sentencing Commission, and a counsel to President George W. Bush. Ms. Friedrich also served as a law clerk for Judge Hogan on the same court to which Ms. Friedrich is now nominated. I am pleased to support this exceptionally well qualified woman to serve on the DC District Court.

Finally, Stephen Schwartz has been nominated to be a Judge for the Court of Federal Claims. He has extensive litigation experience in a wide range of issues, including administrative law and regulatory issues on matters involving federal preemption. He's currently a partner at a law firm where he represents clients in administrative, trial, and appellate matters.

I understand there may be concern that he hasn't practiced in front of the Court of Federal Claims. However, he has vast experience litigating matters that regularly come before the Court, including Takings Clause Issues and claims under the Administrative Procedure Act.

Mr. Schwartz has also been involved in cases involving so-called “hot button political topics.” Of course, he was representing clients in these matters and the Committee has a long-standing practice of not assuming client interests are the same as their attorney’s personal beliefs. Indeed, some of the most elite lawyers from DC’s prestigious law firms have regularly provided their legal services – for free – to suspected terrorists at Gitmo. Then-Attorney General Eric Holder defended these lawyers. In fact, in 2010, Attorney General Holder said the following in response to public criticism of these lawyers:

"Lawyers who accept our professional responsibility to protect the rule of law, the right to counsel, and access to our courts – even when this requires defending unpopular positions or clients, deserve the praise and gratitude of all Americans. They also deserve respect. Those who reaffirm our nation's most essential and enduring values do not deserve to have their own values questioned." I hope that my colleagues will consider Mr. Holder’s counsel today.

In questions for the record, Senator Feinstein asked Mr. Schwartz about his ability to be fair and objective. In response, he wrote: “I believe my legal career has been marked... by consistent contact with complex and unsettled legal issues across a wide range of constitutional and statutory fields. I believe that my own work has been characterized not only by integrity and careful legal reasoning, but by objectivity and fairness.”

I believe Mr. Schwartz will display fairness and impartiality in the cases he hears and that his legal experience qualifies him for the job. I’ll be supporting his nomination today.

Now, we’ll turn to the bill. S. 1766, the SAFER Act of 2017, is on our agenda for the first time, and it will be held over. This bill would extend a program, originally enacted in 2013, which makes resources available for jurisdictions to inventory and track untested sexual assault evidence collected from crime scenes.