

Statement of Donna A. Bucella
United States Senate Committee on the Judiciary
Nomination of the Honorable Merrick Brian Garland to be Attorney General of
the United States
February 23, 2021

Chair Durbin, Ranking Member Grassley, and distinguished members of the Committee, thank you for this opportunity to testify at today's confirmation hearing for Judge Merrick Garland to be the Attorney General. I have had the privilege of knowing Judge Garland since 1993. We worked together at the Department of Justice from 1993 to 1997. At that time, I was the Principal Deputy Director of the Executive Office for United States Attorneys--the organization that oversees the day-to-day operations of the 94 United States Attorneys' Offices. Judge Garland and I had constant contact during these years, and I witnessed Judge Garland make sound and factually based decisions every day.

I have been honored to serve our Country in various roles, some of which include: Assistant United States Attorney for the Southern District of Florida; Director and Principal Deputy Director of the Executive Office for United States Attorneys; United States Attorney for the Middle District of Florida; Director of the Terrorist Screening Center; Assistant Commissioner, Office of Intelligence, U.S. Customs and Border Protection; and Colonel (retired) in the U.S. Army Judge Advocate Generals Corps. One of my life-changing experiences happened while working with Judge Garland in Oklahoma City after one of the most horrific domestic terrorist acts was committed on U.S. soil.

On April 19, 1995, one hundred and sixty-eight people were senselessly murdered in Oklahoma City. That day, Attorney General Janet Reno asked me to go to Oklahoma City. I went to the United States Attorney's Office to offer assistance and soon realized that all of downtown was a crime scene. Within 24 hours, Merrick arrived and immediately began leading the investigation. I had the opportunity to see Merrick deal calmly and purposefully with this horrific event. Initially, we worked out of the Command Center in the Southwest Bell Telephone Building. Downtown Oklahoma City was still in chaos; the streets were closed except to first responders and law enforcement. The structures around the Alfred P. Murrah Federal Building and the Daily Register Building were smoldering. Cars

in the parking lot were crushed from the force of the explosion. Rescue workers with their dogs walked through the rubble searching for survivors. Later, the rescue dogs were substituted for cadaver dogs and many first responders were desperate to find the remains of their co-workers, family members, loved ones, law enforcement, and government colleagues. Many federal agencies had offices in the Murrah Building. Behind that Murrah Building was the Daily Register where many victims were catastrophically impacted. On the other side of the Murrah building was the Federal Courthouse where Federal Judges worked; large shards of glass were embedded in office chairs and in the walls and other furniture. How could this have happened in America's heartland?

Merrick and I walked downtown around and through the Murrah building. As we walked by the Daycare Center, which was attached to the Murrah building, an empty silence overcame us; neither of us said anything to each other about our shock and grief--not until about twenty years later. We then went upstairs to one of the floors in the building and there we saw a desk with a chair, someone's jacket on a chair, a can of Coke, and papers still lying on the desk. Less than five feet away from where we were standing, there was nothing but open air. Without exchanging words, we knew that we had to find the perpetrators of this unimaginable terrorist act. I knew Merrick, who would be leading the investigation, would ensure that justice would be done, and it would be carried out objectively and fairly. Emotions were not part of his decision-making process.

Merrick is unwavering in doing what is right and he has always demonstrated outstanding judgment. I worked with him weeks and months after the bombing in Oklahoma City and in Denver where the trials were conducted. I saw the countless hours he devoted to make sure there were no corners cut and justice was done. Under his leadership, Merrick required the investigation be coordinated through the Western District of Oklahoma, with involvement from at least eight different jurisdictions around the United States. It required a tremendous coordination effort which Merrick led. As is his nature, Judge Garland was committed to making sure the investigation was conducted the right way. Why? Because we owed the victims and the people of Oklahoma and the United States a thorough and fair investigation that comported with the rule of law; Merrick would accept nothing less.

Merrick relentlessly followed the law throughout this complex investigation. There were times when people wanted to help and wanted to provide evidence without a subpoena. Merrick was meticulous in requiring that subpoenas were issued and there were complete records of how evidence was obtained. He made sure applications for wiretaps, search warrants and other investigative tools were reviewed and approved by each Federal District where the evidence was sought, as well as by the FBI, and the Department of Justice.

Judge Garland was committed to making sure the public knew what was occurring and that all hearings were open to the press, including during the arrest of Timothy McVeigh. McVeigh was transported to Tinker Air Force Base for his initial appearance. Tinker officials did not allow visitors for security reasons, but Merrick directed that the press be present for McVeigh's initial appearance. Following the law, Merrick argued that McVeigh was a risk of flight and a danger to the community. Merrick met with and worked with McVeigh's and Nichols' attorneys to make sure their clients' rights were protected.

Merrick worked closely with federal, state, local officials, agents, and first responders. He made sure all voices were heard and there were many voices. Merrick is a collaborator and a consensus builder. He is always willing to tackle the difficult issues head on. While many in law enforcement had their own opinions as to how the investigation should be conducted, Merrick welcomed and listened to diverse opinions. His sense of collegiality, fairness, and objectivity earned the respect of even those who may not have agreed with his decisions.

Merrick helped select the trial team and led them throughout the trials of both McVeigh and Nichols. He met with the prosecutors, defendants' lawyers, and agents throughout the entire process.

Merrick's commitment to victims' rights was strong and enduring. He listened to and ensured that victims and survivors were heard during the investigation and trial. He went so far as to assign a federal prosecutor to work with the victims so they would understand the legal proceedings.

Judge Garland has dedicated most of his professional life to public service which includes his two decades on the bench. He is brilliant, thoughtful, kind, empathetic, compassionate, and down to earth. He is a serious person and does

not shy away from making the hard decisions. He is a man of integrity, honesty, and fairness. I can attest to all of this because I know him, was there with him in Oklahoma City, and have worked with him in good times and in bad. He has committed his life to our Country. He is extraordinarily well qualified to be our Attorney General. Thank you for allowing me the privilege to share my thoughts regarding the qualifications of Judge Garland. I welcome any questions you may have.