

Prepared Statement by U.S. Senator Chuck Grassley (R-Iowa)
Ranking Member, Senate Judiciary Committee
Hearing on Nominations of Lisa Monaco to be Deputy Attorney General and Vanita Gupta to be Associate Attorney General
Tuesday, March 9, 2021

Good morning. I want to welcome everyone to this hearing to consider the nominations of two candidates to the leadership of the Department of Justice: Lisa Monaco to be Deputy Attorney General; and Vanita Gupta to be Associate Attorney General of the United States.

Both nominees are here with us today. I'd like to extend a warm welcome to both of them and to their families.

Lisa Monaco is nominated to serve as the Deputy Attorney General, the second-highest ranking position in the Department of Justice. It's a serious job, and I want to applaud President Biden on nominating a serious person to the position. Ms. Monaco has worked to keep Americans safe – from violent criminals, terrorists, and cyber threats. She is the type of mainstream pick I would expect from a Democratic administration.

Vanita Gupta has been nominated to serve the DOJ as its third highest ranking official—the Associate Attorney General. While the Deputy Attorney General generally runs criminal law enforcement, the Associate Attorney General is in charge of the civil side of the Justice Department.

Ms. Gupta comes before this Committee with an impressive career advocating on behalf of various liberal civil rights organizations. She has worked with my office in the past on criminal-justice reform, and I appreciate what we've been able to do together in that area.

But Ms. Gupta is going to have her work cut out for her showing us that she can represent all Americans in the role she has been selected for. While some of Ms. Gupta's career has been admirable civil-rights litigation, much of it has been strident liberal advocacy. Her public persona has often been partisan and uncompromising. Will this advocacy affect her work supervising the Civil, Antitrust, Environment, Civil Rights, and Tax Divisions? We're here to find out.

Her Twitter feed has painted Republicans with a broad brush, describing the Republican National Convention as three nights of "racism, xenophobia, and outrageous lies." How many of our colleagues in this room were there? Of course, Ms. Gupta has in fact launched Twitter attacks on some of them directly. Will that kind of partisan political advocacy affect Ms. Gupta's legal advocacy in a role where she represents all of us Americans?

Ms. Gupta has attacked the character of many judicial nominees, most of whom are now sitting on the federal bench. She called the confirmation of now Supreme Court Justice Amy Coney Barret "illegitimate." She called Judge Kavanaugh "a privileged, life-long partisan" whose testimony was "horrifying." She personally signed salacious opposition-research dumps on 39 different circuit nominees over the last four years.

Judges have thick skins. But the fact is that Ms. Gupta's name is going to be on hundreds—maybe thousands—of briefs before those judges whose character she frequently maligned. How will she square the kind of even-keeled legal advocacy we expect from our country's top civil lawyer with the kind of unfair political advocacy she championed against the very judges she'll be appearing before?

Ms. Gupta's list of controversial statements is long. Ms. Gupta's prior experience in the Civil Rights Division also raises alarms. Whether it's the use of grant programs and consent decrees to federalize local law enforcement, the use of Justice Department slush funds to funnel money to liberal non-profit political allies, or attempts to restrict school choice in Louisiana through decades-old desegregation orders, there's a lot to worry about. In the weeks since President Biden took office, we've seen stark changes to the Justice Department, suggesting a rapid return to the Holder days. We need to find out from Ms. Gupta if she'll help run the Justice Department for all Americans or be President Biden's progressive wing-person.

I'd like to end by reiterating Ms. Gupta's help on criminal-justice reform and acknowledge the strong support she's received from some law-enforcement organizations. But the fact is the Associate Attorney General's portfolio includes almost no oversight over federal criminal prosecution or federal law enforcement. The kinds of targets that will be in her agenda are conservative non-profits, those who work in natural-resource extraction, pro-lifers, religious employers, Google's competitors, college students, Republican legislatures, and so on. They're the ones who are concerned about Ms. Gupta's nomination, and it's up to her to show us all that they shouldn't be.

Finally, I'd like to say how I approach the issue of equality. There's a big difference between equal protection and equal outcomes. Equality means equal treatment, unbiased competition, and impartiality judges outcomes. Equity means equal outcomes achieved by unequal treatment, biased competition and preferential judgement. We all need to go by what the Declaration of Independence said: it's self-evident that all people are created equal.

