

**Prepared Statement by Senator Chuck Grassley of Iowa
Chairman, Senate Judiciary Committee
Executive Business Meeting
January 31, 2017**

Good morning. Today, we're going to vote today on Senator Sessions' nomination to serve as Attorney General. After we vote on Senator Sessions, we'll turn to legislation and other Committee housekeeping business on the agenda. Before I turn to my opening remarks, let me just mention how we're going to proceed.

Except for the Ranking Member, I'm going to ask everyone to try and limit their remarks to 5 minutes. That's how I handled Attorney General Lynch's nomination. And by my count, every Democrat on this committee except for two has already announced they intend to oppose the nominee. So, there isn't a lot of mystery here.

With everyone's cooperation, we should be able to move forward in an orderly way. With that, I'll turn to my opening remarks.

Three weeks ago, Senator Sessions testified before this Committee for more than 10 hours. Throughout that testimony, the American people had the opportunity to hear and learn directly from Senator Sessions what all of us on this Committee already knew to be true. He knows the Department better than any nominee for Attorney General in recent memory. He's a man of integrity. He's a man of his word. And he'll enforce the law, regardless of whether he would've supported passage of that law as a legislator.

He explained that he's enthusiastically prepared to set aside his role as legislator and adopt a new role as our chief law enforcement officer. And he told us he'll execute that role with strength, integrity, and independence in order to provide equal justice for all.

That's precisely what we want from an Attorney General. Equal and fair application of the law.

His answers to written questions made this clear as well. And I might add, there were quite a few written questions. Senator Sessions answered roughly 700 written questions, including over 350 questions from Members who announced they would vote against his nomination *even before* they submitted a single written question.

One consistent thread that ran through all his answers is this: he will follow the law, regardless of whether he would've supported it as a matter of policy.

The witness testimony we heard at his hearing tells the same story. We heard from witnesses concerned that the Attorney General must provide full and fair law enforcement. And then we heard from witnesses who have known Senator Sessions personally and worked for and with him for decades.

Those witnesses included former Attorney General Mukasey, former Deputy Attorney General Thompson, and lawyers who worked with Senator Sessions for decades. All of those witnesses who actually know Senator Sessions said, in effect, the same thing: if you are concerned with securing the strong and equal enforcement of our laws, you should look no further than Senator Sessions to find an Attorney General up to the task.

Senator Sessions was asked a number of questions about the policy positions he's taken as a legislator. That's good and well. But the test isn't whether or not you agree with a policy position Senator Sessions may have taken as a legislator.

As Ranking Member Feinstein said in her opening statement at the hearing, the test is whether Senator Sessions as Attorney General will uphold the laws he voted against as Senator. On issue after issue, Senator Sessions made clear that he will. It's important to recall what Senator Sessions said in this regard: "The Office of Attorney General of the United States is not a normal political office, and anyone who holds it must have total fidelity to the laws and the Constitution of the United States."

And everyone on this Committee—Republican and Democrat—knows Senator Sessions to be a man of integrity and a man of his word. Because we know him to be a man of his word, we know that he will uphold and enforce *all* laws, equally, without regard to person, as he pledged.

I'd like to take a second and address a few questions concerning the executive orders issued by the President. Some on the other side have raised concerns about whether Senator Sessions was involved in drafting or reviewing the executive orders.

It's not clear to me why it would be a problem even if he had been involved. But the fact of the matter is he wasn't. In his written responses to Senator Leahy, Senator Sessions stated for the record "neither I, nor any of my current staff" had a role in formulating or drafting the executive orders.

Ranking Member Feinstein also asked about the Department's role, more specifically, the Office of Legal Counsel. Of course, as we all know, Senator Sessions is not yet the Attorney General. He isn't yet running the Department because now roughly three weeks and over 700 written questions after his hearing, this Committee is still debating his nomination. To me, this underscores that we shouldn't needlessly delay this vote any further. The Department needs its leadership in place as soon as possible.

I'd also like to take a moment to address a criticism I've heard lodged against Senator Sessions that I believe to be particularly unfair. As I've said, it's fine to ask Senator Sessions policy questions about votes on legislation.

But to imply that because he had a principled objection to a provision in a particular bill, that he therefore didn't support the underlying purpose of that legislation, is unfair.

Senator Sessions has been repeatedly criticized for voting against the Democrat version of the 2013 Violence Against Women Act. Of course, his critics routinely fail to mention that he voted *for* my version of the Act, which provided stronger provisions for grant accountability and tougher penalties for abuse.

And of course, critics also conveniently fail to mention that Senator Sessions supported the VAWA reauthorization of 2005.

So, to claim he didn't support the underlying purpose of that legislation is just a rhetorical trick. It's an unfair one, and maybe even mean spirited.

We all know that members of this Committee on both sides of the aisle disagree on bills for all sorts of reasons all the time.

Every Democrat on this Committee opposed my version of that legislation, which included mandatory minimums, to combat child pornography and assault. Are we to conclude that members who opposed my amendment aren't concerned with child pornography?

Of course not.

Or what about debates we've had over the years about legislation that included the death penalty? When Members oppose legislation to combat terrorism because that legislation includes the death penalty, would it be fair to claim those Members don't care about protecting the Nation from terrorism?

Of course not. In fact, it would be shameful.

There are Members of this Committee who have principled objections to mandatory minimums and the death penalty. By and large, I disagree with those policy positions.

But they are just that: policy disagreements. We can and should have those debates, but we should have them in good faith, and not impute a motive to another Senator we know they don't possess.

Rather than focus on policy disputes we've had over the years, I think it's more productive to consider some of the important questions Ranking Member Feinstein asked at the beginning of our hearing. Questions about whether he will be an independent Attorney General who will enforce the law in a fair and even-handed way are the right questions to ask.

First, will Senator Sessions enforce a law he voted against?

- Here's his answer: "It is passed by Congress. It would be the duty of the Attorney General, whether they voted for it or support it, to defend it."

Another important question: Will he use the awesome power of the Attorney General fairly? Will he respect law and the Constitution?

- Senator Sessions answered: “The Office of Attorney General of the United States is not a normal political office, and anyone who holds it must have total fidelity to the laws and the Constitution of the United States.”

And a final, crucial question: Will he be independent? Will he tell the President No when necessary and faithfully enforce ethics laws and constitutional restrictions?

- Senator Sessions answered precisely as an independent Attorney General should. He said the Attorney General “must be willing to tell the President or other top official No if he or they overreach. He or she cannot be a mere rubber stamp.”

Senator Sessions has assured us that he will enforce the laws fully, fairly, and independently. These answers, combined with his life of public service and his experience working with each of us, assure me that Senator Sessions will make an outstanding Attorney General. I am pleased to support his nomination and I’ll be pleased to cast my vote in favor of his confirmation. I urge my colleagues to do the same.

In regard to the other items on the agenda, our staffs are continuing to work on an agreement on updates to the committee rules, so we will hold over the rules this week.

The final item on the agenda is the Elder Abuse Prevention and Prosecution Act, a bill that this Committee reported unanimously last September. Senator Blumenthal and I last year collaborated closely on its development, after I chaired a hearing before this Committee in which we learned that fraud and scams targeting seniors are widespread and growing. This bill tackles the financial exploitation of older Americans, which has been called the crime of the 21st century. It will be held over a week.

With that, I’ll turn to Ranking Member Feinstein.

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