

**Prepared Statement by Senator Chuck Grassley of Iowa**  
**Chairman, Senate Judiciary Committee**  
**Executive Business Meeting**  
**April 19, 2018**

Good morning. Today, we have a number of nominees and two bills on the agenda.

Among the nominees we'll consider today is Magistrate Judge C.J. Williams, nominated to the Northern District of Iowa. Judge Williams is a native of my home-state of Iowa. He graduated from the University of Iowa College of Law and clerked for Judge Donald O'Brien on the Northern District of Iowa. Judge Williams spent nearly two decades serving as an AUSA in Iowa. Early in his career, he served as a trial attorney in the Justice Department's Criminal Division and as a Special Assistant United States Attorney in the Eastern District of Virginia.

Judge Williams is a very talented attorney and judge, who is widely respected and recommended across the political spectrum back home in Iowa. He received a unanimously Well-Qualified rating from the ABA.

We will also vote on three circuit court judges, two additional district court nominees, one U.S. Attorney nominee, and three U.S. Marshal nominees. The Committee will also vote on Jody Hunt, nominated to be an Assistant Attorney General for the Civil Division.

On the agenda today we have S. 994, *Protecting Religiously Affiliated Institutions Act of 2017*, a bipartisan bill introduced by Senators Hatch and Feinstein, which was previously held over. This bill amends the Church Arson Prevention Act to clarify that the act includes threats to religious institutions, whether they be synagogues, mosques, churches, or religious community centers.

We also have on the agenda for the first time S. 2644, the *Special Counsel Independence and Integrity Act*, introduced by Senators Graham, Coons, Tillis, and Booker. As I said last week, this bill is the product of months of work by its bipartisan cosponsors to reconcile the two special counsel bills that were introduced on the same day last August.

I told the bill proponents that if they reached a bipartisan compromise, we would consider taking the bill up. When the bill was introduced last Wednesday, I announced that I would be placing it on the markup agenda. I even reached out to Ranking Member Feinstein to ask for her approval to put it on the agenda last Thursday. That way we could mark the bill up today. But, for reasons I don't understand, I couldn't get agreement from the other side to do so. As a result, we will hold the bill over today, at the request of several members of this committee, and mark it up next week.

Some have raised the question of why the Committee plans on proceeding with the markup despite the fact that the Majority Leader has indicated that he will not take this bill up on the floor. Others cite constitutional concerns about the bill. The views of the Majority Leader are important to consider, but they do not govern what happens here on the Judiciary Committee. If

consideration on the floor was the standard for reporting bills, then we wouldn't do half the legislation we normally do.

I will say the Majority Leader might be more inclined to bring bills to the floor if he didn't have to waste so much floor time on nominees. But the other side refuses to cooperate and insists on slowing down even non-controversial district court and lower-level agency nominations.

As for the bill's constitutionality, I've expressed my own concerns about the bill. At our hearing last September, prominent legal scholars offered differing views as to whether the special counsel bills were constitutional, but each acknowledged that there was uncertainty about how the current Supreme Court would come down on the issue.

It's appropriate for members of the judiciary committee to discuss constitutional issues with potential legislation. But it's also important to acknowledge the fact that we are senators, not judges or presidents, though some in this room might like to be one day. In the Federalist Papers, James Madison wrote that our constitutional structure is designed so that the ambition of each branch of government counteracts the ambition of the others.

Where there are issues of national importance, such as the appointment of special counsels and the investigation of a sitting president, Congress must consider its constitutional role and act to make sure that it can avail itself of its traditional checks against the executive branch.

In my view, that means that Congress should at least require the executive branch to issue detailed reports to Congress about the appointment, investigation and removal of the special counsel. And, especially in light of the work done by a bipartisan group of Senators from this Committee, I think this Committee should consider whether a law requiring judicial review of the removal of the special counsel is appropriate.

These are issues with implications beyond the Mueller Investigation and the Trump Administration. They would affect every future administration, both Democratic and Republican. I look forward to that discussion next week.

I'll now turn to Senator Feinstein for any remarks.