

**Prepared Statement by Senator Chuck Grassley of Iowa
Chairman, Senate Judiciary Committee
Executive Business Meeting
July 13, 2017**

Good morning. Yesterday, the Committee held a hearing to consider Christopher Wray to be the next FBI Director. I was impressed by his testimony. I believe Mr. Wray is a man of principle. I believe he's the independent leader the FBI needs at this critical junction. I take Mr. Wray at his word when he plainly and consistently states that his loyalty will be to the Constitution of the United States and nothing and no one else.

I was pleased to see many of my colleagues express support for his nomination after the hearing concluded. I look forward to considering his nomination next week. Traditionally, FBI Director nominees are not held over in Committee. I assume this will remain true for Mr. Wray's nomination.

Turning to today's agenda: the following nominees are on the agenda for the first time and the other side has asked that they be held over this week. So, the following nominees will be held over:

- Trevor McFadden, D.C. District Court
- Jeff Clark, AAG Environment and Natural Resources
- Beth Williams, AAG, Office of Legal Policy

Mr. Huber is on the agenda to be US Attorney for Utah. Typically, the Committee doesn't hold over nominees to be U.S. Attorneys, but I understand that Senator Feinstein has requested that he be held over because she sent questions to him on Monday that he hasn't answered yet. I'll honor her request, but I'll note that there were several weeks in which to send these questions to this nominee. Furthermore, general questions were sent to all the U.S. Attorney nominees, which departs from normal Committee practice. Until now, the Committee has only sent written questions to U.S. Attorney nominees when a specific issue rises in a particular nominee's background.

I'm certainly not going to say that Members can't ask nominees questions. And I'll honor the request to hold the nominee over. But I intend to process this nominee at our next markup.

Today, we'll vote on the nominations of Mr. Bush and Mr. Newsom to be Circuit Court Judges, and Mr. Schiff to be on the Court of Federal Claims. I'm very pleased that we'll also be voting on Tim Kelly to be on the DC District Court. Tim is my Chief Counsel for National Security and Crime on the Committee and I appreciate the Minority not holding over his nomination, and for practicing traditional deference often shown to nominees of the Chairman and the Ranking Member.

Now, turning to the nominees we're voting on today. I know the other side is concerned about the blog posts some of these nominees have written. But these same colleagues didn't show the same concern in 2013, when President Obama nominated a prolific blogger. This blogger, Mr. Bough, wrote on many political issues and spoke against President Bush, and Senators McCain and Blunt, as well as Mrs. Blunt. He even admitted that he knew that he shouldn't be a judge.

I'm not comfortable reading his posts here in a public setting, but the Democrats certainly set the standard that prolific bloggers who write with no holds barred are certainly eligible to be judges. I don't think we should change that standard now.

To be clear: These blog posts were both extremely political in nature and showed a lack of, in my view, judicial temperament. But this was acceptable to all the Democrats on the Committee then, and so controversial blog posts are not a disqualification to become a federal judge.

When I look at these nominees' records, I look at more than their blog posts. I look at their records.

I also look at what people who know them say about them.

I received a letter from Christie Moore from Kentucky. She's known Mr. Bush for nearly 20 years and she writes to tell us that she's "confident he will follow the rule of law regardless of his personal or political opinions." Ms. Moore is a life-long registered Democrat and a Planned Parenthood Board of Directors Member.

Similarly, an ACLU Member, Mr. Snyder, said that Mr. Bush will "make an excellent Circuit Judge." Several other members of the Democratic Party who know Mr. Bush well have supported his nomination and have explained how Mr. Bush is respectful of differing viewpoints. I don't think these folks would have taken the time to write in support of his nomination if they didn't believe what they were writing. He's also won numerous awards for his legal work in Kentucky.

We're also voting on Damien Schiff to be a Federal Claims Judge. His career has been defined by defending ordinary citizens' private property rights against government intrusion. He successfully argued a case before the Supreme Court on behalf of a family who wanted to build a home but were hampered by unreasonable restrictions by the EPA. The Court ruled on behalf of his client's argument 9-0. Because of Mr. Schiff's advocacy in this case, all Americans are now able to challenge erroneous EPA rulings in Court. He received the California Lawyer Magazine's Attorney of the Year in Appellate Law award for his work in this case.

We'll also vote on Kevin Newsom for the Eleventh Circuit. Mr. Newsom is an exceptionally accomplished nominee, who has spent the last 20 years building an impressive legal resume. He began his career clerking for both the 9th Circuit and for Justice Souter on the Supreme Court. He's served as the Alabama Solicitor General. In the course of his legal career, he has argued four cases before the Supreme Court. The Committee has received several letters of support

applauding Mr. Newsom's professionalism and qualifications. These letters come from both lifelong Democrats and Republicans. I look forward to supporting Mr. Newsom's nomination.

And finally, I'm very pleased to report Tim Kelly out of Committee today. I wasn't surprised to see that the ABA gave him a unanimous "Well Qualified" rating—the highest rating they give.

Not only has Tim done an excellent job working on this Committee for the people of this country, but he has spent many years as a federal prosecutor including time as an Assistant United States Attorney for the District of Columbia and as a Trial Attorney in the Public Integrity Section at DOJ where he prosecuted public corruption cases.

Tim will make an excellent judge and I'm pleased to report his nomination today.