

**Statement of Senator Patrick Leahy (D-Vt.),  
Ranking Member, Senate Judiciary Committee  
Hearing on “‘All’ Means ‘All’: The Justice Department’s Failure to Comply With Its  
Legal Obligation to Ensure Inspector General Access to All Records Needed For  
Independent Oversight”  
August 5, 2015**

I am glad that the Judiciary Committee is focused on transparency and accountability today. For the past two weeks, I have fought to protect our Committee’s jurisdiction over the cornerstone transparency law, the Freedom of Information Act, and fought against attempts on the Senate floor to weaken it. Only when we ensure our open government laws are strong and protected can we hold federal agencies accountable for their actions.

Inspectors General are central to this mission. They play a crucial role in ensuring that federal agencies and their employees operate efficiently, effectively, and within the scope of the law. For no other agency is this watchdog role more important than for the Department of Justice, whose policies and actions directly affect our privacy, liberty, and constitutional rights. But for IGs at any agency to be effective, they must have access to the information and documents necessary to conduct program reviews, audits and investigations.

Unfortunately, a long-standing dispute between DOJ and its Inspector General over access to grand jury and other types of investigative material has blocked what was once a free flow of information. In several vitally important program reviews the IG has had to fight for access to documents. This dispute impeded the IG’s review of bulk collection of Americans’ phone records under Section 215 of the Patriot Act. It also impeded an ongoing review of the Drug Enforcement Administration’s bulk collection of phone records for routine criminal investigations – the very first independent review of a program that was conducted in secret for decades. To be an effective agency watchdog, the Inspector General needs complete and full access to agency information.

I want to thank Deputy Attorney General Yates for her efforts to work collaboratively with Inspector General Horowitz to help find a resolution. Under the DAG’s leadership, we finally have an opinion from the Office of Legal Counsel clarifying its position, and a new policy in place to help get information flowing again. But this is only a temporary solution. It leaves open the possibility that DOJ could still withhold information from the IG under certain circumstances. We need a more permanent solution—one that ensures the IG has access to all of the records it needs to do its job. I look forward to working with Senator Grassley to craft a legislative solution.

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