

Statement of
The Honorable Chuck Grassley

United States Senator
United States Senate
November 16, 2011

Mr. Chairman,

I join you in welcoming the nominees before us today. Today we will first hear from Kathryn Keneally, nominated to be Assistant Attorney General, Department of Justice. I am pleased that Chairman Leahy and I were able to reach agreement on the timing and format for her hearing today. I express my appreciation to the Chairman for the way we are proceeding on this nomination.

If confirmed, Ms. Keneally will head the Tax Division of the Department. The Tax Division's mission is to enforce the nation's tax laws fully, fairly, and consistently, through both criminal and civil litigation. It has a duty to ensure compliance with the tax laws, maintain public confidence in the integrity of the tax system, and promote the sound development of the law.

The Assistant Attorney General for Tax is an important and unique position. In order to be effective, this person must have a strong command of the tax laws and maintain a strong working relationship with the Internal Revenue Service. Given the severe debt and deficit situation facing our country, it is imperative that the IRS collect every dollar of tax that is owed to the government. I have always said that taxpayers should pay what they owe - not a penny more, not a penny less. The Assistant Attorney General for Tax plays an important role in helping the IRS collect these taxes.

It is disappointing that we have not been able to get a qualified candidate into this position for three years. The first nominee for this position, while qualified for any number of other legal positions, had no tax experience and was wholly unqualified for this position. After her nomination was withdrawn in August of 2010, it took over a year for the President to submit Ms. Keneally's nomination. In contrast to the first nominee, Ms. Keneally has significant tax experience and will hopefully be a valuable addition to the Department of Justice. I was pleased to meet with Ms. Keneally yesterday. We had a good visit and I look forward to her testimony today.

In addition, we will be considering the nomination of Brian C. Wimes, nominated to be United States District Judge for the Eastern and Western Districts of Missouri.

I would note that we are making real progress with regard to the nominations of President Obama to the federal judiciary. Today marks the 18th nominations hearing held in this committee this year, and we will have heard from 70 judicial nominees. All in all, nearly 89% of President Obama's judicial nominees have received a hearing.

The Senate has confirmed twenty Article III judicial nominees during the past month and a half. We have now confirmed 58 judicial nominees in this Congress alone. With the confirmation of two judges yesterday, over 70% of President Obama's nominees have been confirmed.

Kathryn Keneally is nominated to be Assistant Attorney General, Department of Justice. After obtaining her J.D. from Fordham University in 1982, Ms. Keneally served as a law clerk for Judge Edward R. Neaher of the U.S. District Court for the Eastern District of New York. She then worked as an associate attorney at Skadden Arps Slate Meagher & Flom from 1983 - 1985. Her practice there consisted of complex commercial litigation and pro bono criminal defense matter. In 1985, she became an associate at Kostelanetz & Ritholz and was made a partner in 1990. At this firm her practice included criminal tax defense, other white collar criminal defense, and tax controversy, as well as complex commercial litigation matters involving fraud, civil RICO, securities, and similar issues.

In 2000, she became a member in the firm of Owen & Davis where she primarily handled commercial litigation, as well as tax controversy and criminal tax defense. In 2002, she joined Fulbright & Jaworski, LLC., where she is a partner. She initially practiced commercial, tax controversy and criminal tax defense, but since 2004 has primarily handled only tax controversy and criminal tax defense.

Brian C. Wimes is nominated to be United States District Judge for the Eastern and Western Districts of Missouri. Upon graduation from law school in 1994, Judge Wimes became an Attorney Advisor in the Litigation Branch of Federal Bureau of Prisons in Washington, D.C. Judge Wimes represented the Bureau in civil actions by inmates throughout the country.

In 1995, Judge Wimes left the Bureau and became an Assistant Prosecuting Attorney for the Jackson County Prosecutor's Office in Kansas City, Missouri until 2001. During his time there, Judge Wimes specialized in drug prosecutions. Additionally, as Coordinator for the Drug Abatement Response Team, he supervised a staff that was focused on closing drug houses in the Jackson County area. In 1999, Judge Wimes became the Senior Trial Attorney for the Drug Unit, prosecuting cases involving major crimes with an emphasis on drug-related homicides.

In 2001, Judge Wimes became the Drug Court Commissioner for the Court for Jackson County, Missouri. He was appointed for two, four year terms. Judge Wimes presided over 400 assigned cases to Drug Court, with a caseload of 120 to 150 docketed cases per week.

After serving as the Drug Court Commissioner for Jackson, Judge Wimes was appointed by then-Governor Matt Blunt to serve as the Circuit Court Judge for the 16th Judicial District, Jackson County, Missouri. He was appointed in 2007, and was retained in the 2008 election cycle.

As a Circuit Court Judge, Judge Wimes has presided over approximately twenty-nine criminal trials that have gone to judgment and twenty-five civil trials that have done the same. From 2008 to 2009, Judge Wimes was assigned to the Family Court Division and heard over 500 domestic cases to judgment as well.

Again, I welcome the nominees, their family members and guests. I look forward to the testimony.