

**Prepared Statement by Senator Chuck Grassley of Iowa
Chairman, Senate Judiciary Committee
Hearing on “Oversight of the Department of Justice”
Wednesday, March 9, 2016**

Attorney General Lynch, welcome. Thank you for being here. Our Founding Fathers gave us a Constitution that set up a revolutionary system of government. They divided the government between three co-equal branches: the legislative, the executive, and the judicial. This separation of powers also came with checks and balances. Each branch has certain powers and responsibilities to make sure the others don't grow too powerful.

Most importantly, this system of checks and balances helps to protect the rights and liberties of the American people. From the beginning of our country, Congress, the President, and the courts have engaged in a great debate over their proper roles. That debate continues to this very day. And I'm proud to be helping to lead it as the Chairman of the Judiciary Committee.

Oversight is just one of the critical functions and constitutional responsibilities for the legislative branch in this ongoing debate. It's an opportunity for Congress to investigate and question the policies and actions of the executive branch. It's an opportunity for the executive branch to take responsibility for them. And it's an opportunity for Congress to defend its constitutional powers and to check any abuses by an over-reaching executive branch.

When you appeared before this Committee last year, I said that there were serious challenges facing the Department of Justice. I meant it. These challenges go to the heart of our system of government. The Justice Department had become deeply politicized under your predecessor. And it had failed to take care that the laws were faithfully executed.

Instead, laws were being rewritten, unilaterally changed, or altogether ignored. Executive agencies were allowing firearms to walk off into the hands of drug cartels. Conservative political groups that had spoken out against the government were being targeted. And in many ways, the President himself was at the root of the problem because he was carelessly ignoring the rule of law. He was also substituting his own political preferences for the will of the American people and their elected representatives in Congress.

He ignored Congress and the law when he traded five terrorists from Guantanamo Bay for an American soldier who had walked away from his base. And he did so again when he granted amnesty and gave work permits to millions of undocumented immigrants. And he hasn't stopped. Last month he outlined a plan to transfer terrorists from Guantanamo Bay to prisons in the United States so that he can fulfill a campaign promise, even though the law says he can't.

Today I look forward to ensuring that this President isn't abusing his power, and ensuring that the rights of the American people are being protected. I want to discuss whether the President can use his executive authority to empty Guantanamo Bay by sending Al Qaeda terrorists to U.S. prisons. I want to hear about the Administration's strategy to work with technology providers to solve the “Going Dark” problem, especially now that Apple is refusing to provide assistance the Justice Department has requested, even in cases involving dead terrorists.

I want to have a conversation about recent policy changes by the Department of Justice to investigate and prosecute individuals for corporate wrongdoing, an approach I have long called for since the 2008 financial and mortgage crisis. I want to explore a host of whistleblower issues relevant to the Department, including my recent FBI Whistleblower Protection Enhancement Act legislation.

I also want to discuss with you yet another example of the Administration stonewalling Congress and using the Department of Justice as a tool for its resistance efforts. The American people are now aware that Secretary Clinton used a private email address and non-government server for all of her official business during her time at the Department of State. Over two thousand emails contain classified information, with some containing Top Secret/Sensitive Compartmented Information, and others relating to Special Access Programs. But the Department and the FBI have refused to officially confirm basic information about the scope and nature of the investigation to this Committee.

Apparently, the FBI is conducting an investigation related to the mishandling of that classified information. But, given the politics involved, the potential for improper influence over the work of the investigators and career prosecutors is high. The President and his spokesman have commented on the merits of the investigation. And some news reports say the investigation includes the Clinton Foundation.

But President Clinton, who is involved in the Foundation, appointed you to be U.S. Attorney in New York. Given these appearances, more needs to be done to ensure the public that decisions are being made without any influence from political appointees. If the FBI refers the matter to the Justice Department, and it refuses to prosecute, then the public may be kept in the dark about the FBI's findings. But the public has a right to know the facts, even if those facts don't result in a prosecution.

This controversy isn't just a matter of protecting the sensitive national security information in some of the emails. It's also about a systematic effort to avoid freedom of information laws and federal record requirements. The public's work ought to be public. The records of the government's business belong to the people.

Simply said, the American people ought to know what their government is doing, and must be sure that it's free from the interference of political appointees in the executive branch. I look forward to conducting oversight over all of these issues. Again, thank you for being here Attorney General Lynch, and for engaging in this important part of our system of checks and balances.