

Hearing before the U.S. Senate Committee on the Judiciary

Merrick Brian Garland
Nominee for Attorney General
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Mr. Chairman, Mr. Ranking Member, and members of the Judiciary Committee.

I am honored to appear before you today as the President's nominee for Attorney General.

I would like first to take this opportunity to introduce you to my wife, Lynn; my daughters, Jessie and Becky; and my son-in-law, Xan. I am grateful to them -- and to my entire extended family watching these proceedings on C-SPAN -- every day of my life.

The President nominates the Attorney General to be the lawyer -- not for any individual, but for the people of the United States. July 2020 marked the 150th anniversary of the founding of the Department of Justice, making this a fitting time to remember the mission of the Attorney General and the Department.

It is a fitting time to reaffirm that the role of the Attorney General is to serve the Rule of Law and to ensure equal justice under the law. And it is a fitting time to recognize the more than 115,000 career employees of the Department and its law enforcement agencies, and their commitment to serve the cause of justice and protect the safety of our communities.

If I am confirmed, serving as Attorney General will be the culmination of a career I have dedicated to ensuring that the laws of our country are fairly and faithfully enforced, and that the rights of all Americans are protected.

Before I became a judge almost 24 years ago, a significant portion of my professional life was spent at the Justice Department -- as a special assistant to Ben Civiletti, the last of the trio of post-Watergate Attorneys General; as a line Assistant U.S. Attorney; as a supervisor in the Criminal Division; and, finally, as a senior official in the Deputy Attorney General's Office.

Many of the policies the Justice Department developed during those years are the foundation for reaffirming the norms that will ensure the Department's adherence to the Rule of Law: Policies that protect the independence of the Department from partisan influence in law enforcement investigations; that strictly regulate communications with the White House; that establish guidelines for FBI domestic operations and foreign intelligence collection; that ensure respectful treatment of the press; that read the Freedom of Information Act generously; that respect the professionalism of DOJ's career employees; and that set out principles of federal prosecution to guide the exercise of prosecutorial discretion.

In conversations we have had before this hearing, many of you asked why I would agree to leave a lifetime appointment as a judge. I have told you that I love being a judge. I have also told you that this is an important time for me to step forward because of my deep respect for the Department of Justice and its critical role in ensuring the Rule of Law.

Celebrating DOJ's 150th year reminds us of the origins of the Department, which was founded during Reconstruction, in the aftermath of the Civil War, to secure the civil rights promised by the 13th, 14th and 15th Amendments. The first Attorney General appointed by President Grant to head the new Department led it in a concerted battle to protect black voting rights from the violence of white supremacists, successfully prosecuting hundreds of cases against members of the Ku Klux Klan.

Almost a century later, the Civil Rights Act of 1957 created the Department's Civil Rights Division, with the mission "to uphold the civil and constitutional rights of all Americans, particularly some of the most vulnerable members of our society."

That mission remains urgent because we do not yet have equal justice. Communities of color and other minorities still face discrimination in housing, education, employment, and the criminal justice system; and bear the brunt of the harm caused by pandemic, pollution, and climate change.

150 years after the Department's founding, battling extremist attacks on our democratic institutions also remains central to its mission.

From 1995 to 1997, I supervised the prosecution of the perpetrators of the bombing of the Oklahoma City federal building, who sought to spark a revolution that would topple the federal government. If confirmed, I will supervise the prosecution of white supremacists and others who stormed the Capitol on January 6 -- a heinous attack that sought to disrupt a cornerstone of our democracy: the peaceful transfer of power to a newly elected government.

That critical work is but a part of the broad scope of the Department's responsibilities. DOJ protects Americans from environmental degradation and the abuse of market power, from fraud and corruption, from violent crime and cybercrime, and from drug trafficking and child exploitation.

And it must do all of that without ever taking its eye off the risk of another devastating attack by foreign terrorists. The Attorney General takes an oath to support and defend the Constitution of the United States against all enemies -- foreign and domestic.

I am mindful of the tremendous responsibility that comes with this role. As Attorney General, later Supreme Court Justice, Robert Jackson famously said:

The prosecutor has more control over life, liberty, and reputation than any other person in America. [The prosecutor's] discretion is tremendous.... While [prosecutors] at [their] best are one of the most beneficent forces in our society, when [they] act from malice or other base motives, [they are] one of the worst.

Jackson then went on to say:

The citizen's safety lies in the prosecutor who tempers zeal with human kindness, who seeks truth and not victims, who serves the law and not factional purposes, and who approaches [the] task with humility.

That was the kind of prosecutor I tried to be during my prior service in the Department of Justice. That is the spirit I tried to bring to my tenure as a federal judge. If confirmed, I promise to do my best to live up to that ideal as Attorney General.

Thank you.