

**OVERSIGHT OF THE U.S. DEPARTMENT
OF JUSTICE**

HEARING

BEFORE THE

**COMMITTEE ON THE JUDICIARY
U.S. HOUSE OF REPRESENTATIVES**

ONE HUNDRED EIGHTEENTH CONGRESS

FIRST SESSION

—————
WEDNESDAY, SEPTEMBER 20, 2023

—————
Serial No. 118-45

Printed for the use of the Committee on the Judiciary



Available via: <http://judiciary.house.gov>

—————
U.S. GOVERNMENT PUBLISHING OFFICE

WASHINGTON : 2023

COMMITTEE ON THE JUDICIARY

JIM JORDAN, Ohio, *Chair*

DARRELL ISSA, California	JERROLD NADLER, New York, <i>Ranking</i>
KEN BUCK, Colorado	<i>Member</i>
MATT GAETZ, Florida	ZOE LOFGREN, California
MIKE JOHNSON, Louisiana	SHEILA JACKSON LEE, Texas
ANDY BIGGS, Arizona	STEVE COHEN, Tennessee
TOM McCLINTOCK, California	HENRY C. "HANK" JOHNSON, JR., Georgia
TOM TIFFANY, Wisconsin	ADAM SCHIFF, California
THOMAS MASSIE, Kentucky	ERIC SWALWELL, California
CHIP ROY, Texas	TED LIEU, California
DAN BISHOP, North Carolina	PRAMILA JAYAPAL, Washington
VICTORIA SPARTZ, Indiana	J. LUIS CORREA, California
SCOTT FITZGERALD, Wisconsin	MARY GAY SCANLON, Pennsylvania
CLIFF BENTZ, Oregon	JOE NEGUSE, Colorado
BEN CLINE, Virginia	LUCY McBATH, Georgia
LANCE GOODEN, Texas	MADELEINE DEAN, Pennsylvania
JEFF VAN DREW, New Jersey	VERONICA ESCOBAR, Texas
TROY NEHLS, Texas	DEBORAH ROSS, North Carolina
BARRY MOORE, Alabama	CORI BUSH, Missouri
KEVIN KILEY, California	GLENN IVEY, Maryland
HARRIET HAGEMAN, Wyoming	BECCA BALINT, Vermont
NATHANIEL MORAN, Texas	
LAUREL LEE, Florida	
WESLEY HUNT, Texas	
RUSSELL FRY, South Carolina	

CHRISTOPHER HIXON, *Majority Staff Director*
AMY RUTKIN, *Minority Staff Director & Chief of Staff*

C O N T E N T S

WEDNESDAY, SEPTEMBER 20, 2023

OPENING STATEMENTS

	Page
The Honorable Jim Jordan, Chair of the Committee on the Judiciary from the State of Ohio	1
The Honorable Jerrold Nadler, Ranking Member of the Committee on the Judiciary from the State of New York	3

WITNESS

The Hon. Merrick Garland, Attorney General, United States Department of Justice	
Oral Testimony	6
Prepared Testimony	8

LETTERS, STATEMENTS, ETC. SUBMITTED FOR THE HEARING

All materials submitted for the record by the Committee on the Judiciary are listed below	105
Materials submitted by the Honorable Zoe Lofgren, a Member of the Committee on the Judiciary from the State of California, for the record	
A letter from David Weiss, United States Attorney, Jun. 7, 2023, to the Honorable Jim Jordan, Chair of the Committee on the Judiciary from the State of Ohio	
A letter from David Weiss, United States Attorney, Jun. 30, 2023, to the Honorable Jim Jordan, Chair of the Committee on the Judiciary from the State of Ohio	
A letter from David Weiss, United States Attorney, Jul. 10, 2023, to Lindsey Graham, Ranking Member of the Senate Judiciary Committee from the State of South Carolina	
A report entitled, "Annual Statistical Transparency Report: Regarding the Intelligence Community's Use of National Security Authorities," Apr. 2023, Office of the Director of National Intelligence	
A transcript entitled, "Oversight of the Department of Justice," Mar. 1, 2023, Senate Judiciary Committee Hearing, submitted by the Honorable Jerrold Nadler, Ranking Member of the Committee on the Judiciary from the State of New York, for the record	
Materials submitted by the Honorable Sheila Jackson Lee, a Member of the Committee on the Judiciary from the State of Texas, for the record	
An excerpt from the transcribed interview of Jennifer Lee Moore, Executive Assistant Director, Human Resources, Federal Bureau of Investigation, Jun. 2, 2023,	
An excerpt from the transcribed interview of Thomas J. Sobocinski, Special Agent in Charge, Federal Bureau of Investigation, Baltimore Field Office, Sept. 7, 2023	
A Bill H.R. 4272, Jun. 22, 2023, To provide public awareness and outreach regarding the dangers of fentanyl, to expand the grants authorized under the Comprehensive Opioid Abuse Grant Program, to expand treatment and recovery services for people with opioid addictions, and to increase and to provide enhanced penalties for certain offenses involving counterfeit pills.	

Materials submitted by the Honorable Sheila Jackson Lee, a Member of the Committee on the Judiciary from the State of Texas, for the record
—Continued

A Bill H.R. 30, Jan. 9, 2023, To amend Title 18, United States Code, to increase the punishment for certain offenses involving children, and for other purposes.

A letter from Christopher Dunham, Acting Assistant Director, Sept. 19, 2023, to the Honorable Jim Jordan, Chair of the Committee on the Judiciary from the State of Ohio, submitted by the Honorable Eric Swalwell, a Member of the Committee on the Judiciary from the State of California, for the record

An article entitled, “She secretly traveled 2,000 miles for her WA abortion. Why patients from the South are coming here,” Feb. 26, 2023, The Seattle Times, submitted by the Honorable Pramila Jayapal, a Member of the Committee on the Judiciary from the State of Washington, for the record

A fact sheet entitled, “FACT SHEET: Protecting the Right to Vote,” submitted by the Honorable Mary Gay Scanlon, a Member of the Committee on the Judiciary from the State of Pennsylvania, for the record

An article entitled, “Mastercard and Visa’s ‘duopoly’ the target of a new bipartisan bill that would reform the credit card sector,” Proactive Investors, submitted by the Honorable Lance Gooden, a Member of the Committee on the Judiciary from the State of Texas, for the record

An article entitled, “Texas National Guard orders hundreds of asylum-seekers on US territory back into Mexico,” Sept. 19, 2023, El Paso Times, submitted by the Honorable Veronica Escobar, a Member of the Committee on the Judiciary from the State of Texas, for the record

Materials submitted by the Honorable Glenn Ivey, a Member of the Committee on the Judiciary from the State of Maryland, for the record

A letter from Leslie B. Dubeck, General Counsel, District Attorney’s Office, New York, Mar. 31, 2023, to the Honorable Jim Jordan, Chair of the Committee on the Judiciary from the State of Ohio, the Honorable James Comer, Chair of the House Oversight Committee from the State of Kentucky, and the Honorable Bryan Steil, Chair of the House Administration Committee from the State of Wisconsin

A letter from Fani T. Willis, Fulton County District Attorney, Sept. 7, 2023, to the Honorable Jim Jordan, Chair of the Committee on the Judiciary from the State of Ohio

A letter from Abbe David Lowell, Counsel, Robert Hunter Biden, Sept. 14, 2023, to the Honorable Jim Jordan, Chair of the Committee on the Judiciary from the State of Ohio, the Honorable James Comer, Chair of the House Oversight Committee from the State of Kentucky, and the Honorable Jason Smith, Chair of the House Committee on Ways and Means from the State of Missouri

An excerpt from the transcribed interview of Thomas J. Sobocinski, Sept. 7, 2023

A letter from the Honorable Jim Jordan, Chair of the Committee on the Judiciary from the State of Ohio, the Honorable James Comer, Chair of the House Oversight Committee from the State of Kentucky, and the Honorable Bryan Steil, Chair of the Committee on House Administration from the State of Wisconsin, Mar. 20, 2023, to the Hon. Alvin Bragg, District Attorney, New York County

A letter from the Honorable Jim Jordan, Chair of the Committee on the Judiciary from the State of Ohio, the Honorable James Comer, Chair of the House Oversight Committee from the State of Kentucky, and the Honorable Bryan Steil, Chair of the Committee on House Administration from the State of Wisconsin, Mar. 25, 2023, to the Hon. Alvin Bragg, District Attorney, New York

A letter from the Honorable Jim Jordan, Chair of the Committee on the Judiciary from the State of Ohio, Aug. 24, 2023, to Ms. Fanny Willis, District Attorney of Fulton County

Materials submitted by the Honorable Glenn Ivey, a Member of the Committee on the Judiciary from the State of Maryland, for the record—Continued

An article entitled, “Top IRS official latest witness to dispute allegations from Whistleblower on Hunter Biden tax case,” Sept. 20, 2023, CNN

QUESTIONS AND RESPONSES FOR THE RECORD

Questions for Attorney General Garland, submitted by the Honorable Mike Johnson, a Member of the Committee on the Judiciary from the State of Louisiana, the Honorable Lance Gooden, a Member of the Committee on the Judiciary from the State of Texas, the Honorable Harriet Hageman, a Member of the Committee on the Judiciary from the State of Wyoming, the Honorable Mary Gay Scanlon, a Member of the Committee on the Judiciary from the State of Pennsylvania, for the record

No response at the time of publication

OVERSIGHT OF THE U.S. DEPARTMENT OF JUSTICE

Wednesday, September 20, 2023

HOUSE OF REPRESENTATIVES

COMMITTEE ON THE JUDICIARY

Washington, DC

The Committee met, pursuant to notice, at 10:03 a.m., in Room 2141, Rayburn House Office Building, the Hon. Jim Jordan [Chair of the Committee] presiding.

Members present: Representatives Jordan, Issa, Buck, Gaetz, Johnson of Louisiana, Biggs, McClintock, Tiffany, Massie, Roy, Bishop, Spartz, Fitzgerald, Bentz, Cline, Gooden, Van Drew, Nehls, Moore, Kiley, Hageman, Moran, Lee, Fry, Nadler, Lofgren, Jackson Lee, Cohen, Johnson of Georgia, Schiff, Cicilline, Swalwell, Lieu, Jayapal, Correa, Neguse, McBath, Dean, Escobar, Ross, Bush, Ivey, and Balint.

Chair JORDAN. The Committee will come to order. Without objection, the Chair is authorized to declare a recess at any time. We welcome everyone to today's hearing on Oversight of the Department of Justice.

The Chair now recognizes the gentleman from California to lead us all in the Pledge and please stand.

Mr. ISSA. If you will please face whichever flag is most appropriate for your direction.

ALL. I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

Chair JORDAN. The Chair now recognizes himself for an opening statement. The fix is in. Even with the face-saving indictment last week of Hunter Biden, everyone knows the fix is in. Four and a half years, 4½ years, the Department of Justice has been investigating Mr. Biden, an investigation run by David Weiss, an investigation that limited the number of witnesses agents that could be interview; an investigation that prohibited agents from referring to the President as the "big guy" in any of the interviews they did get to do; an investigation that curtailed attempts to interview Mr. Biden by giving the [inaudible] a heads up; an investigation that notified Mr. Biden's defense counsel about a pending search warrant; and an investigation run by Mr. Weiss, run by Mr. Weiss, where they told the Congress three different stories in 33 days.

They told this Committee on June 7th, David Weiss said, "I have ultimate authority to determine when, where, and whether to bring charges." Twenty-three days later, June 30th, he told this Committee actually I can only bring charges in my U.S. Attorney's District, the District of Delaware. Then, to further confuse matters, on July 10th, he told Senator Graham I have not sought Special Counsel status, rather I have had discussions with the Department of Justice. An investigation run by Mr. Weiss that negotiated a plea deal, that the Federal District Court declined to accept, a plea deal so ridiculous the judge asked this question, "Is there any precedence for agreeing not to prosecute crimes that have nothing to do with the charges being diverted?" The response from the DOJ lawyer, "I am not aware of any, Your Honor." A plea deal so ridiculous that the judge also asked "have you ever seen a diversion agreement where the agreement not to prosecute was so broad that it encompasses crimes in a different case?" The response from the DOJ lawyer, "No, Your Honor, we haven't."

An investigation run by Mr. Weiss that not only had a sweetheart deal rejected, but according to *The New York Times*, there was an even sweeter deal, an earlier deal, a deal where Mr. Biden would not have to plead guilty to anything. Four and a half years, and all that and now we get a Special Counsel. Now, we have a Special Counsel and who does the Attorney General pick? David Weiss, the guy who let all that happen. He could have selected anyone. He could have picked anyone inside government or outside government. He could have picked former Attorney Generals, former Special Counsels, but he picks the one guy, the one guy he knows will protect Joe Biden. He picks David Weiss.

Here is what the AG said in his August 11th announcement of David Weiss as the Special Counsel, "I am confident that Mr. Weiss will carry out his responsibility in an even-handed and urgent manner." Urgent manner? Every witness we have talked to, the two FBI Whistleblowers that came forward, Mr. Shapley, Mr. Zeigler; the two FBI agents on the case, Mr. Sobocinski, Ms. Holley, they have all said this thing was anything but urgent. The FBI said they were frustrated at the pace. Ms. Holley said she was frustrated at the pace. Of course, the IRS agents, they said, "the investigation was slow-walked."

Even-handed? They limited the number of witnesses that could be interviewed. They tipped off the defense counsel about a subpoena. The judge said the plea deal was a joke. All that is just half the story. There is one investigation protecting President Biden. There is another one attacking President Trump. The Justice Department has got both sides of the equation covered.

Look at the classified documents case. Spring and early summer of last year, the Department of Justice asked President Trump to turn over boxes of documents. He does just that. In the process, President Trump finds 38 additional documents. He tells the Department of Justice. The very next day the FBI comes to his home, and he turns them over. Then the Department of Justice asked the President to put any boxes he brought from the White House to his home in a storage room and secure it by locking it. He does that as well. Everything they asked him to do he did. Then what does the Justice Department do? August 8th, last year, they raid Presi-

dent Trump's home. According to the FBI agent, Stephen D'Antuono, the Assistant Director in Charge of the Washington Field Office, the search was a complete departure from standard protocol.

When we interviewed Mr. D'Antuono, he said first, "the Miami Field Office didn't do the search. They had to send folks from D.C." He said there was no U.S. Attorney assigned to the case. Instead, it was run by D.C. and, in particular, Jay Bratt, who is now on the Special Counsel team. He said, "the FBI didn't get President Trump's council's approval before they did the search." Then Mr. D'Antuono told us he had recommended that when the FBI got to Mr. Trump's home, President Trump's home, they contacted his counsel, waited for him to get there, and do the search together. Of course, the DOJ said no. Then who does the Attorney General name as Special Counsel, in that case, Jack Smith, the guy who a few years ago, looking for ways to prosecute Americans, targeted by lowest learner in the IRS, looking to prosecute the very victims of the weaponized government, the weaponized IRS.

Jack Smith, the guy who prosecuted Governor McDonald, only to have the Supreme Court overturn that prosecution in a unanimous decision, that is the guy—that is the guy that the Attorney General of the United States selects as Special Counsel. You wonder why four out of five Americans believe there are now two standards of justice in our great country.

Mr. Garland, I anticipate a number of questions on these two investigations. Later in the hearing, I expect from Republicans you will also get questions about the many other concerns the American people have with the Department, the school board's memorandum, treating of Catholics, a memo that said pro-life Catholics are extremists, the Fifth Circuit decision, great decision on the Department of Justice and other agencies, censoring Americans' speech, and of course, the FISA law that is up for reauthorization this year and how that process has been abused and infringes on the rights, privacy rights, of the American people.

Americans believe that today in our country there is unequal application of the law. They believe that because there is. Republicans are committed to making that change. With that, I would yield to the gentleman from New York, the Ranking Member for an opening statement.

Mr. NADLER. Thank you, Mr. Chair. Mr. Chair, at the outset, let me make two comments.

(1) Just about every assertion you made in your opening statement has been completely refuted by witnesses who have testified before this Committee.

(2) Far from being favored, many commentators have noted that people accused of simple gun possession while under the influence of a drug, and that gun was not used in the commission of a crime, are rarely, if ever, prosecuted the way Hunter Biden is being prosecuted.

Mr. Chair, one of this Committee's most important duties is conducting oversight of the Department of Justice. We are called on to ensure that the DOJ uses the enormous amount of power it is granted in a fair, just manner that respects the civil and human rights of all Americans. The Attorney General of the United States

oversees issues that affect the lives of each and every American. Violent crime, drug trafficking, attacks on our civil rights, threats to our national security, and environmental crimes all fall under his purview. That is why we regularly request that he or she appear before this Committee to speak about the work the Department is doing for the welfare of the country. This is how we ensure that the Department stays accountable to the American people.

If it were up to the Republicans, Americans would hear nothing about any of these substantive issues today. They would hear nothing about the rise in domestic terrorism and what the Justice Department is doing about it. They would hear nothing about what the Department is doing to stop hate crimes and prevent gun violence. They would hear nothing about how the Department is disrupting efforts by Russia, China, and others to interfere in our elections.

Extreme MAGA Republicans have poisoned our vital oversight work. They have ignored our legitimate oversight responsibilities and use their power to stage one political stunt after another. They have wasted countless taxpayer dollars on baseless investigations into President Biden and his family, desperate to find evidence for an absurd impeachment, and desperate to distract from the mounting legal peril facing Donald Trump. They have fought tirelessly to stop efforts to fight malign foreign actors trying to influence and manipulate Americans through social media. They have unConstitutionally interfered in criminal litigation and attempted to bully State and local law enforcement officers.

They have publicized the names of witnesses who did not further their political goals, leading to threats of death and physical violence against those witnesses and their families. They have caused any number of private institutions and companies millions of dollars in legal fees as they struggle to respond to ridiculous and overbroad requests for information and transcribed interviews. They have issued subpoenas for show, without making meaningful attempts to get the information they seek by consent. They have levied low, baseless personal attacks on any prosecutor to bring charges against Donald Trump or January 6th rioters. They have attempted to discredit investigators who are not hard enough on Donald Trump's political opponents.

They have supported those involved in the deadly attack on our Capital on January 6th in an attempt to overthrow a lawful election. They have justified conduct that we all know to be widely illegal, like the theft of classified materials and incitement to violence. Through it all, rather than try to unite the country or solve the problems that affect us all, they have sought to exploit our divisions for cynical, personal, and political gain. That is their goal, division. They want to divide this country and make our government appear like it is broken because that is when their broken political party thrives.

So, today, I implore the public to see through the sham. I have no doubt that you will hear a deluge of conspiracy theories and baseless accusations. They will quote freely from so-called Whistleblowers who have been broadly discredited or contradicted. They will viciously attack Federal law enforcement. They will tell you that all 91 criminal charges against Donald Trump are part of a

conspiracy, despite overwhelming evidence of each of Donald Trump's crimes. They will attack Special Counsel Weiss who was appointed, let us not forget, by Donald Trump for not being hard enough on Hunter Biden.

Republicans will continue doing what they have done for years, discrediting anyone who does not serve their political goals at any cost. The shame of it is that in this hearing room, like on the House floor where are barreling toward a government shutdown while my Republican colleagues call each other names, we could be working together to put people over politics and to solve any number of problems affecting the American people.

More than 30,000 Americans have died from gun violence so far this year alone. Guns have become the leading cause of death for children ages 1–17, surpassing car accidents. Domestic violence extremism and White nationalism are on the rise. We are seeing active clubs and other White supremacist groups pop up around the country. Antisemitism is at an all-time high. Malign foreign actors like Russia, China, Iran, and North Korea, are attempting to influence our elections.

Political rhetoric is causing threats against law enforcement officials to skyrocket. Our immigration court system is in desperate need of reform. Our election workers receive death threats from conspiracy theory driven extremists. Fentanyl is filling our streets and poisoning our children at historic rates. This list goes on and on and we, the people in this room are in a position to do something about it. In fact, it is our duty to do something about it, consistent with the oath we took when we were sworn in as Members of Congress.

We could work with the Department of Justice and Attorney General Garland to address any number of real substantive problems facing the American people. Instead, House Republicans will use their time today to talk about long discredited conspiracy theories and Hunter Biden's laptop. They will do it because they care more about Donald Trump than they do about their own constituents.

I hope my colleagues will see reason and at least attempt to work with the Attorney General in good faith. Sadly, on the other side of the aisle, reason and good faith seem to be in short supply.

In any event, Mr. Attorney General, I thank you for your testimony and thank you in advance for your patience. I yield back.

Chair JORDAN. The gentleman yields back. Without objection, all other opening statements will be included in the record.

We will now introduce today's witness.

The Honorable Merrick Garland is the Attorney General of the United States. He was sworn in on March 11, 2021. We welcome our witness and thank him for appearing today. We will begin by swearing you in. Will you please rise and raise your right hand.

Do you swear or affirm under penalty of perjury that the testimony you are about to give is true and correct to the best of your knowledge, information, and belief so help you God?

Let the record show that the witness has answered in the affirmative. Thank you. You can be seated, please. Know that your written testimony will be entered into the record in its entirety. Accordingly, we ask that you summarize your testimony—you know how

this is done, Mr. Garland, you have been here before. We want to again thank you for being here. You are welcome to give your opening statement.

**STATEMENT OF THE ATTORNEY GENERAL
MERRICK GARLAND**

Attorney General GARLAND. I am sorry, is this working?

Chair JORDAN. You got it.

Attorney General GARLAND. Thank you. Good morning, Chair Jordan, Ranking Member Nadler, distinguished Members of this Committee. Thank you for the opportunity to appear before you on behalf of the more than 115,000 employees of the Department of Justice.

Since the Justice Department was founded, it has been tasked with confronting some of the most challenging issues before the country. Today, we are handling matters of significant public interest that carry great consequences for our democracy. A lot has been said about the Justice Department, about who we are and what we are doing, about what our job is and what it is not and about why we do this work. I want to provide some clarity.

First, who we are. The Justice Department is made up of more than 115,000 men and women who work in every State and communities across the country and around the globe. They are FBI, DEA, ATF agents, and United States Marshals who risk their lives to serve their communities. They are prosecutors and staff who work tirelessly to enforce our laws. The overwhelming majority are career public servants, meaning that they were not appointed by the President of any party.

Second, I want to provide clarity about what the job of the Justice Department is and about what it is not. Our job is to help keep our country safe. That includes working closely with local police departments and communities across the country to combat violent crime. In fact, today, we are announcing the results of a recent U.S. Marshals operation conducted with State and local law enforcement. That operation targeted violent fugitives and resulted in 4,400 arrests across 20 cities in just three months.

Our work also includes combating the drug cartels that are poisoning Americans. Last Friday, we expedited Ovidio Guzman Lopez, a leader of the Sinaloa cartel from Mexico to the United States. He is the son of El Chapo and one of more than a dozen cartel members we have indicted and extradited to the United States.

Our job includes seeking justice for the survivors of child exploitation, human smuggling, and sex trafficking and it includes protecting democratic institutions like this one, by holding accountable all those criminally responsible for the January 6th attack on the Capital.

Our job is also to protect civil rights. That includes protecting our freedoms as Americans to worship and think as we please and to peacefully express our opinions, our beliefs, and our ideas. It includes protecting the right of every eligible citizen to vote and to have that vote counted. It includes combating discrimination, defending reproductive rights under law, and deterring and prosecuting acts such as hate crimes.

Our job is to uphold the rule of law. That means we apply the same laws to everyone. There is not one set of laws for the powerful and another for the powerless; one for the rich and another for the poor; or one for Democrats and another for Republicans; or different rules depending on one's race, ethnicity, or religion.

Our job is to pursue justice without fear or favor. Our job is not to do what is politically convenient. Our job is not to take orders from the President, from Congress, or from anyone else about who or what we criminally investigate. As the President himself has said and I reaffirm today, I am not the President's lawyer. I will add I am not Congress' prosecutor. The Justice Department works for the American people. Our job is to follow the facts and the law and that is what we do.

All of us recognize that with this work comes public scrutiny, criticism, and legitimate oversight. These are appropriate and important given the matters and the gravity of the matters that are before the Department. Singling out individual career public servants who are just doing their jobs is dangerous, particularly at a time of increased threats to the safety of public servants and their families. We will not be intimidated. We will do our jobs free from outside influence and we will not back down from defending our democracy.

Third, I want to explain why we approach our job in this way. The Justice Department was founded in the wake of the Civil War and in the midst of Reconstruction with the first principal task of bringing to justice White supremacists and others who terrorize Black Americans to prevent them from exercising their civil rights. The Justice Department's job then and now is to fulfill the promise that is at the foundation of our democracy. The law will treat each of us alike. That promise is also why I am here.

My family fled religious persecution in Eastern Europe at the start of the 20th century. My grandmother was one of five children, born in what is now Belarus, made it to the United States as did two of her siblings. The other two did not. Those two were killed in the Holocaust. There is little doubt that but for America, the same thing would have happened to my grandmother. This country took her in and under the protection of our laws, she was able to live without fear of persecution. That protection is what distinguishes this country from so many others.

The protection of law, the rule of law is the foundation of our system of government. We are paying this country for the debt my family owes for our very lives has been the focus of my entire professional career. That is why I served in the Justice Department under five different Attorneys General, under both Democratic and Republican Administrations. That is why I spent more than 25 years ensuring the rule of law as a judge. That is why I left a lifetime appointment as a judge and came back to the Justice Department 2½ years ago. That is why I am here today. I look forward to your questions.

[The prepared statement of Attorney General Garland follows:]



Department of Justice

STATEMENT OF

MERRICK B. GARLAND
ATTORNEY GENERAL

BEFORE THE
COMMITTEE ON THE JUDICIARY
UNITED STATES HOUSE OF REPRESENTATIVES

AT A HEARING ENTITLED

“OVERSIGHT OF THE UNITED STATES DEPARTMENT OF JUSTICE”

PRESENTED
SEPTEMBER 20, 2023

**STATEMENT OF
MERRICK B. GARLAND
ATTORNEY GENERAL**

**BEFORE THE
COMMITTEE ON THE JUDICIARY
UNITED STATES HOUSE OF REPRESENTATIVES**

**AT A HEARING ENTITLED
“OVERSIGHT OF THE UNITED STATES DEPARTMENT OF JUSTICE”**

**PRESENTED
SEPTEMBER 20, 2023**

Good morning, Chairman Jordan, Ranking Member Nadler, and distinguished members of the Committee. Thank you for the opportunity to appear before you today to discuss the priorities and work of the Justice Department.

Two hundred and thirty-four years ago this week, Congress passed the Judiciary Act of 1789, which, among other things, established the Office of the Attorney General. In a letter President George Washington sent to Edmund J. Randolph expressing his intent to nominate Randolph as the nation’s first Attorney General, he wrote: “[T]he due administration of justice is the firmest pillar of good government.” A little over eight decades later, in June of 1870, Congress passed the Act to Establish the Department of Justice. One hundred and fifty-three years after its creation by Congress, the Justice Department’s founding purpose continues to guide our mission to uphold the rule of law, keep our country safe, and protect civil rights. I am proud of the work that the 115,000 employees of the Justice Department have done to advance each of those priorities since I last appeared before you. What follows are updates on that work, as well as specific examples that reflect the approach we are taking to fulfill our responsibilities to the American people.

I. UPHOLDING THE RULE OF LAW**A. Adhering to and Strengthening the Department's Norms**

When I began my tenure as Attorney General, I said it would be my mission to reaffirm the norms that have guided the Justice Department's work for over 40 years. Since then, the Justice Department has reinforced and, where appropriate, updated and strengthened policies that are foundational for longstanding Departmental norms. Those policies are intended to protect the independence of the Department from partisan influence in law enforcement investigations; to strictly regulate communications with the White House; to establish guidelines for Federal Bureau of Investigation (FBI) investigations and for the use of compulsory process in investigations that could involve members of the press; to ensure respect for the professionalism of the Department's lawyers, agents, and staff; and to set out principles to guide the exercise of prosecutorial discretion.

For example, at the beginning of my tenure, we strengthened our policy governing communications between the Justice Department and the White House, and the White House did the same. That policy is designed to protect the Department's criminal and civil law enforcement decisions and its legal judgments from even the appearance of political or other inappropriate influences. We also issued a new policy to better protect the freedom and independence of the press. A free press is vital to the functioning of a democratic system under the rule of law. The policy we adopted restricts the use of compulsory process to obtain information from, or records of, members of the news media. The Justice Department strongly values a free press, and we are committed to protecting the First Amendment and the journalists who rely on it to keep the American people apprised of the workings of their government.

B. Protecting Our Country's Democratic Institutions

Upholding the rule of law includes protecting our country's democratic institutions. The Justice Department's investigation into the January 6, 2021, attack on the Capitol is one of the largest and most expansive investigations in our history. So far, that investigation has resulted in the arrest of more than 1,100 defendants for their alleged roles in the attack. We have secured convictions for a wide range of criminal conduct on January 6, as well as in the days and weeks leading up to the attack. Our work is not over. I have great confidence in the investigators and prosecutors who are undertaking these cases. They are doing exactly what they are expected to do: making careful determinations about the facts and the applicable law in each individual case. The Justice Department is committed to ensuring accountability for those criminally responsible for the January 6 assault on our democracy. And we remain committed to doing everything in our power to prevent this from ever happening again.

C. Protecting Those Who Serve the Public

We have all seen that Americans who serve and interact with the public at every level—many of whom make our democracy function—have been unlawfully targeted with threats of violence and actual violence. Judges, prosecutors, U.S. Senators and Representatives, school personnel, police officers, federal law enforcement agents, election officials and election workers, journalists, flight crew members, and local elected officials have all been threatened or attacked. That is dangerous for people’s safety. And it is deeply dangerous for our democracy. In 2022, the Department charged more defendants in criminal threat cases than in any year in at least the last five. Those have included investigations and prosecutions of individuals for making terrifying threats of violence to members of Congress.

In October 2022, the Department secured the guilty plea of an individual for threatening to kill a member of Congress. In December 2022, the Department charged and arrested an individual for allegedly repeatedly making calls to U.S. Senators and Representatives in which he left voicemails threatening bodily harm. Earlier this year, the Department secured the guilty plea of an individual for making interstate threats to a member of Congress. More recently, in April 2023, a defendant was sentenced in the District of Maryland after pleading guilty to threatening to murder a member of Congress. Also in April 2023, the Department charged an individual for threatening to kill a member of the U.S. House of Representatives. In July 2023, an individual was sentenced in the Northern District of New York after pleading guilty to mailing threat letters to a federal judge and two members of Congress. And in August 2023, the Department secured the guilty plea of an individual who had threatened to shoot or bomb several government officials and their families, including three governors and a U.S. Senator. The Justice Department will continue to investigate violence and illegal threats of violence, disrupt that violence before it occurs, and hold perpetrators accountable.

D. Defending the Rule of Law and Ensuring Accountability for War Crimes

The Justice Department’s work to ensure accountability for Russia’s unprovoked and unjust full-scale invasion of Ukraine in February of 2022 has focused on several lines of effort. In March 2022, the Department launched Task Force KleptoCapture (TFKC) to further leverage the Department’s tools and authorities to combat efforts to evade or undermine U.S. sanctions. TFKC has already taken several actions to freeze and seize the assets of sanctioned Russian oligarchs and indict individuals for violations of U.S. sanctions and for evasions of export controls. The enactment of the Additional Ukraine Supplemental Appropriations Act of 2023 authorized the Department to transfer certain forfeited property to the Department of State to remediate the harms of Russia’s invasion of Ukraine. In February 2023, I authorized the first-ever transfer under this new authority. The Department has initiated other forfeiture actions that, if ultimately successful, would make additional assets available to assist in rebuilding Ukraine. However, the transfer authority granted to the Department by Congress does not cover the full scope of the TFKC’s work. In particular, it does not cover assets forfeited in connection with the 2014 sanctions imposed in response to Russia’s earlier invasion of Ukraine, and it does not cover assets forfeited pursuant to violations of the Export Control Reform Act of 2018 or the Export Administration Regulations. The Department would welcome an opportunity to discuss with the

Committee the benefits of expanding the list of offenses and applicable executive orders that allow for transfer of forfeited assets for Ukraine's benefit.

Last year, the Department also launched the War Crimes Accountability Team to centralize and strengthen the Department's ongoing work to hold accountable those who have committed war crimes and other atrocities in Ukraine. The War Crimes Accountability Team leads investigations over which the United States has jurisdiction, partners with Ukraine on supporting their investigations, and works closely with other international partners on ensuring accountability wherever perpetrators are located. The Department and our partners stand with the people of Ukraine and will pursue every avenue of accountability to bring to justice those responsible. The enactment of the Justice for Victims of War Crimes Act gave the Department the authority to prosecute war criminals present in the United States regardless of where the offense occurs. We urge Congress to pass crimes against humanity criminal legislation, which would give U.S. prosecutors—like many of our international partners—jurisdiction to pursue perpetrators of those heinous crimes, including those committed by offenders who are subsequently present in the U.S. who could not otherwise be prosecuted under United States law.

The Department is deeply appreciative of the work of its attorneys and of Congress for their continued dedication to this cause. We will continue to use all the Department's authorities to hold Russia and its proxies accountable for the atrocities they have committed during their illegal invasion of Ukraine, and to pursue Russian oligarchs and others who seek to evade U.S. sanctions.

II. KEEPING OUR COUNTRY SAFE

A. Countering Foreign and Domestic Terrorism

The Justice Department has no higher priority than keeping our country safe from all threats, foreign and domestic. That includes countering new and emerging terrorism threats, and doing so in a manner that is consistent with our Constitution and the rule of law. Our whole-of-Department commitment to countering terrorism includes our 94 U.S. Attorneys' Offices; our law enforcement components, including the FBI; our grant-making offices; and our litigating divisions, including the National Security Division, the Civil Rights Division, and the Criminal Division. The Department also works with foreign partners to build their capacity to identify and address terrorism threats before they reach our shores.

We remain vigilant in the face of the threats posed by foreign terrorist organizations. This fall will mark six years since the terrorist attack in New York City that killed eight victims and injured many more on a bike path in lower Manhattan. Earlier this year, the defendant was convicted of all 28 counts in the indictment and received a life sentence. And in July 2022 and July 2023, the Department announced court-imposed sentences of life imprisonment for members of the Islamic State of Iraq and al-Sham (ISIS), a designated foreign terrorist organization, following convictions for conspiring to provide material support resulting in death.

Our FBI field offices and U.S. Attorneys' Offices also remain vigilant in countering the threat of domestic terrorism. The FBI has enhanced training provided to our state, local, Tribal, and territorial partners, while the Department's Civil Rights and National Security Divisions are

working together more closely than ever. In March 2023, the Department announced that a U.S. Army soldier was sentenced to 45 years in prison following his conviction for attempting to murder U.S. servicemembers, providing and attempting to provide material support to terrorists, and illegally transmitting national defense information. And in April 2023, the Department announced court-imposed sentences for two defendants who were convicted of conspiring to provide material support to terrorists for plotting an armed attack on power grids.

In all our efforts, the Justice Department is guided by our commitment to protecting civil liberties. The Department has been clear that expressing a political belief or ideology is protected by the First Amendment. But illegally threatening to harm or kill another person is not. We will use every appropriate tool at our disposal to deter and disrupt such illegal acts and to hold accountable perpetrators of those crimes.

B. Protecting National Security and Countering Cyber Threats and Crime

The Justice Department is committed to investigating, prosecuting, and otherwise disrupting threats to America's national and economic security. We will continue to work with our international partners and other federal law enforcement agencies to address these threats. With respect to nation-state threats, the governments of the People's Republic of China, Russia, Iran, and North Korea are becoming more aggressive and more capable in their malign activity than ever before.

Last year, the Department announced its broader strategy for countering nation-state threats. That strategy focuses on the areas where the Department's authorities can have the most impact in combating the greatest threats to our national security, including those in the context of transnational repression, foreign malign influence, cyber, espionage, and theft of technology and intellectual property.

As part of our efforts to counter nation-state threats, in July 2023, the Department announced that a Russian citizen with alleged ties to Russia's Federal Security Service (FSB) was arrested in Estonia and extradited to the United States to face charges for his involvement in a conspiracy to illegally obtain and provide sensitive, American-made electronics and ammunition in furtherance of Russia's war efforts and weapons development. In June 2023, the Department announced the conviction of three defendants on charges of stalking Chinese nationals in the United States and acting as illegal agents of the People's Republic of China as part of a global and extralegal repatriation effort known as "Operation Fox Hunt." Earlier this spring, the Department arrested two defendants in New York on charges of operating an illegal overseas police station in the United States on behalf of the Chinese government. And in August of last year, the Department announced charges in connection with an Iranian national's plot to murder a former U.S. National Security Advisor. The Department has also since indicted leaders of criminal plots operating from Iran who targeted a human rights activist in the United States who had publicized the Iranian government's human rights abuses.

In recent years, malicious cybercrime—from both nation-states and cybercriminals—has posed an increasing and constantly evolving threat. To continue to meet this threat, we have launched a new section in the National Security Division to expand our efforts beyond arrests

and prosecutions to include disruptive actions earlier in our investigations against the individual actors and key nodes in the cybercrime ecosystem that enable those individuals. In just one example of the approach the Department is taking to disrupt cyber threats, in January of 2023, we dismantled an international ransomware network responsible for extorting and attempting to extort hundreds of millions of dollars from victims in the United States and around the world. Known as the “Hive” ransomware group, this network targeted more than 1,500 victims since June of 2021 and targeted critical infrastructure and some of our nation’s most important industries. Before seizing two back-end computer servers used by the Hive network earlier this year, the FBI provided assistance to over 300 victims around the world, helping to prevent approximately \$130 million in ransom payments.

In addition, the Justice Department strongly supports reauthorizing Section 702 of the Foreign Intelligence Surveillance Act (FISA) to ensure that our efforts to keep our country safe from cyber, nation-state, terrorist, and other threats remain informed by the most valuable and timely intelligence. Section 702 is an indispensable tool for protecting American national security by permitting the U.S. government to collect foreign intelligence information about non-U.S. persons reasonably believed to be outside the United States.

C. Combating Violent Crime and Gun Violence, Supporting State and Local Law Enforcement, and Building Public Trust

(1) Combating Violent Crime and Gun Violence

In 2021, I issued a Department-wide strategy to leverage the resources of our federal prosecutors, agents, investigators, criminal justice experts, and grant programs to combat the violent crime spike that began in 2020. Since then, every one of our U.S. Attorneys’ Offices across the country has worked alongside our state and local partners to implement district-specific violent crime reduction strategies. Each of our law enforcement components—the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the Drug Enforcement Administration (DEA), the Federal Bureau of Investigation (FBI), and the U.S. Marshals Service (USMS)—has worked with its state, local, Tribal, and territorial law enforcement partners to seize illegal guns and deadly drugs and to prosecute those who commit acts of violence in our communities. In 2023 alone, we have already prosecuted more than 9,500 individuals for violent crimes.

We have also accelerated our efforts to fight gun violence on every front—from cracking down on criminal gun-trafficking pipelines, to updating regulations, to deepening our partnerships with state and local law enforcement. Today, ATF is working more closely than ever with our state and local partners to turn the evidence they collect at crime scenes into concrete leads. ATF has generated nearly 200,000 leads on violent criminals just since summer 2022. As we build on this work, we are putting important new tools to use thanks to the enactment of the Bipartisan Safer Communities Act (BSCA) last year. Those include expanded background check requirements for juvenile criminal history and relevant mental health records before a firearm is sold to anyone under 21. Thanks to those requirements, more than 300 firearms have been kept out of the hands of young people who should not have access to them. These tools also include BSCA’s new proscriptions against illegal firearms trafficking and straw

purchasing. Our prosecutors have already charged more than 170 defendants under the Act's gun trafficking provisions and seized hundreds of firearms in connection with those cases. That work will continue.

We also continue to support community-led efforts that are vital to preventing violence before it occurs. At the end of Fiscal Year 2022, the Department—through our Office of Justice Programs (OJP)—announced \$100 million in community violence intervention (CVI) grants to help communities across the United States. In February, the Department hosted the first-ever Community Violence Intervention and Prevention Initiative Grantee Convening, which saw more than 400 participants—representing the Department's CVI grantees, local law enforcement officials, and community partners—come together in St. Louis. Earlier this year, the Department also announced the investment of over \$238 million for the Department's Byrne State Crisis Intervention Program, which will allow communities to implement programs that work to keep guns out of the hands of those who pose a threat to themselves or others.

The Department's Office on Violence Against Women (OVW) also plays an important role in preventing and reducing violent crime. OVW administers more than 20 Violence Against Women Act (VAWA) programs and \$700 million in funding to support effective strategies for reducing domestic and dating violence, sexual assault, and stalking. OVW is now implementing the many important updates to VAWA made by Congress in last year's reauthorization. For example, just last week, on the 29th anniversary of the original enactment of VAWA, the Department announced \$192.8 million in grants designed to enhance services and justice solutions for victims of sexual assault, domestic violence, dating violence, and stalking. In February 2023, OVW released grant solicitations to help Tribes across the country, including in Alaska, implement special Tribal criminal jurisdiction.

(2) Supporting State and Local Law Enforcement

The Justice Department recognizes that our state, local, Tribal, and territorial law enforcement partners are on the front lines of keeping our communities safe. We are committed to doing everything in our power to provide our local law enforcement partners with the resources they need and deserve.

In October 2022, the Department announced more than \$370 million in grants—awarded by OJP—to fund state, local, and Tribal crime and violence reduction efforts and evidence-based strategies that support law enforcement operations; improve officer safety, health, and wellness; and build trust with communities. And, through our Violence Against Law Enforcement Officers and Ensuring Officer Resilience and Survivability (VALOR) officer safety and wellness initiative, we continue to provide trainings, research, and guidance on preventing violence against law enforcement and supporting officer wellness. The Justice Department, in consultation with the U.S. Department of Health and Human Services, is also drafting guidance on best practices for addressing officer wellness and suicide prevention, which includes support for officers experiencing substance use challenges and mental health conditions or trauma from their duties. We have met with over fifty stakeholder groups, and we have heard them underscore what we know to be true—that addressing and providing tools for officer wellness is critical to

agencies' ability to recruit and retain high-quality candidates who reflect the communities they serve.

We are also committed to addressing challenges in officer recruitment and retention. Both OJP and our Office of Community Oriented Policing Services (COPS) are continuing to work on a number of programs and initiatives focused on supporting, recruiting, and retaining officers. Last year, we awarded more than \$139 million in funding for the COPS Hiring Program to enable law enforcement agencies across the country to hire additional full-time law enforcement professionals. In the coming year, we will award even more, with over \$224 million dedicated to the COPS Hiring Program.

(3) Building Public Trust

Public trust is essential to public safety. The Justice Department is committed to fostering trust and legitimacy between law enforcement and the communities we serve. Toward that end, in May 2022, the Department updated its own use-of-force policy for the first time since 2004, instituting important changes, including an affirmative duty for officers to prevent or stop any officer from engaging in excessive force or any other use of force that violates the Constitution, federal laws, or Department policies on the reasonable use of force. And in June 2021, the Department's federal law enforcement components were instructed to develop plans specific to their unique missions to expand the use of body-worn cameras. In September 2021, the Department issued the first-ever Department-wide directive limiting the use of "chokeholds" and "no-knock" warrants. The Department has also launched other key initiatives designed to support best practices and advance constitutional policing in America. For example, in March 2022, the Department launched a new Collaborative Reform Initiative, which offers multiple levels of support for law enforcement agencies seeking assistance.

In addition, as required by Executive Order 14074, we are working to establish a National Law Enforcement Accountability Database, a centralized repository of information documenting instances of law enforcement officer misconduct and decertification, as well as commendations and awards. The Department created first-of-their-kind accreditation standards to help further encourage state, local, Tribal, and territorial law enforcement agencies to adopt policies consistent with those highlighted in the Executive Order. The Department also released a Strategic Plan for supporting the goals of the Federal Interagency Alternatives and Reentry Committee, which was established by Executive Order 14074; safely reducing criminal justice system interactions; supporting rehabilitation during incarceration; and facilitating reentry for individuals with criminal records.

Last year, I appointed Colette Peters to serve as Director of the Federal Bureau of Prisons (BOP). Under her leadership, the BOP is working to ensure the rehabilitation, health, and safety of incarcerated individuals; a safe and secure work environment for correctional professionals; and transparency and accountability across federal detention facilities. In addition, during her tenure, Director Peters has continued to implement the First Step Act, and participation in First Step Act programming has continued to expand. Director Peters is leading the BOP through agency-wide reform, with an emphasis on accountability, integrity, respect, compassion, and correctional excellence.

D. Disrupting Drug Trafficking Networks and Preventing Overdose Deaths

The Justice Department is working tirelessly to get deadly fentanyl out of our communities and to dismantle and hold accountable the violent cartels that put it there. In 2022, the DEA and its law enforcement partners seized more than 58 million fentanyl-laced, fake prescription pills. That is more than double the amount seized in 2021. The DEA has also seized more than 13,000 pounds of fentanyl powder. Together, these seizures represent nearly 400 million potentially deadly doses of fentanyl. We are also working closely with our international counterparts—particularly in Mexico and Canada—to prioritize areas for enhanced coordination on disrupting the global production, transfer, and supply of fentanyl, including through increased information sharing and strengthened law enforcement counterparts.

As just one example of the comprehensive approach we are taking to disrupt fentanyl trafficking, in April 2023, I announced several significant actions the Justice Department had taken against the Sinaloa Cartel. This included charges against the cartel's leaders, its chemical suppliers, manufacturers, gun and drug traffickers, and money launderers. On that same day, the Treasury Department announced sanctions against two Chinese companies and five related individuals for their roles in the sale of fentanyl precursor chemicals from China to the Sinaloa Cartel. Four of those individuals are defendants in the Department's case. And in June 2023, I announced charges against eight Chinese nationals and four China-based companies that allegedly trafficked precursor chemicals from China to manufacture fentanyl. As alleged in the indictment, just one of those companies shipped over 200 kilograms of precursor chemicals—enough to make 50 kilograms of fentanyl. That much fentanyl could kill 25 million Americans.

The Department supports efforts in Congress to permanently schedule certain fentanyl-related substances as Schedule I drugs under the Controlled Substances Act to ensure the effective law enforcement and prosecution of the sale and use of these substances.

We are also taking action to hold accountable corporate entities that exacerbated the opioid crisis by violating the law. We are pursuing litigation against three corporations that we allege distributed or dispensed prescription opioids without the oversight that the Controlled Substances Act and its implementing regulations require. The Department calls upon responsible companies—whether pharmacies, chemical companies, drug manufacturers and distributors, or online marketplaces—to join us in our fight to overcome this deadly public safety and public health crisis.

In addition to our enforcement efforts, we are committed to helping communities meet the public health challenges of substance use. Last year, OJP announced grant awards totaling more than \$340 million to address the overdose epidemic and the needs of individuals experiencing substance use challenges. Those awards will support treatment courts; residential treatment programs; prevention and harm reduction services; evidence-based treatment, including medication-assisted treatment and recovery support services; services for opioid-affected youth; and building connections between carceral settings and community-based settings and services that improve continuity of care and reduce recidivism.

E. Protecting Americans from Economic Harm

(1) Combating Fraud and Abuse

The Justice Department remains committed to using every available federal tool—including criminal, civil, and administrative actions—to safeguard the integrity of taxpayer-funded programs. In this area, the Department is prioritizing the investigation and prosecution of health care fraud, including schemes that involve patient harm; schemes that impact older adults and vulnerable populations; COVID-19 pandemic fraud cases; telemedicine and genetic testing fraud schemes; crimes committed by major health care providers that operate in multiple jurisdictions; newly emerging schemes targeting Medicare Parts C and D; opioid diversion and distribution schemes, which can result in overdoses or new patients becoming addicted to controlled substances; and fraud arising from addiction treatment facilities and sober homes.

I established an inter-agency task force to combat pandemic fraud in May 2021, and between that time and the end of 2022, the Justice Department seized over \$1.3 billion in relief funds that criminals stole and charged over 3,000 defendants with crimes that occurred in federal districts across the country since the start of the pandemic.

The COVID-19 pandemic also underscored the problems presented by exploitative practices that target older Americans. Between September 2021 and September 2022, the Department pursued approximately 300 criminal and civil cases involving more than 600 defendants to protect older adults from fraud and exploitation. And last October, I announced we were intensifying our efforts nationwide to protect older adults, including by more than tripling the number of U.S. Attorneys' Offices participating in our Transnational Elder Fraud Strike Force. Since the spring of 2022, the Consumer Protection Branch has also returned more than \$100 million to victims of elder fraud schemes as part of its cases against marketing companies that knowingly provided names of American seniors to those perpetrating elder fraud schemes.

(2) Combating Corporate Crime

The Department's top priority for corporate criminal enforcement is securing individual accountability by investigating and prosecuting those who profit from corporate malfeasance. The Department has fortified its corporate crime enforcement—first by convening an advisory group to understand how to deter crime, prevent recidivism, and protect victims, and then by issuing guidance aimed at accomplishing those goals. We have secured convictions of individuals as well as guilty pleas from corporations—both domestic and foreign—and have imposed independent corporate monitors where necessary to protect the American people and shareholders. The Justice Department will continue to pursue justice for the victims of these crimes, including workers, consumers, investors, and others, and we will hold accountable those who break the law.

(3) Vigorous Enforcement of the Antitrust and Consumer Protection Laws

The Justice Department is vigorously enforcing our antitrust laws. Our enforcement actions have resulted in the blocking or abandonment of numerous mergers that would have

further consolidated industries—from airlines to agriculture and from publishing to ocean shipping. They have led to significant restitution for workers harmed by wage-fixing. And we have reinvigorated criminal enforcement of the Sherman Act by bringing prosecutions for labor-market allocation, wage-fixing, and monopolization. We are also litigating against technology companies, airlines, and insurance companies whose conduct or proposed mergers suppress competition.

In July 2023, the Justice Department, together with the Federal Trade Commission, released a draft update of the Merger Guidelines, which explain the agencies' approach to reviewing mergers and acquisitions for anticompetitive effects and compliance with federal law. The guidelines support vigorous enforcement consistent with the laws as written by Congress and interpreted by the Supreme Court, and better reflect how the agencies use modern analytical tools and deploy agency best practices in the context of our modern economy.

Beyond traditional antitrust enforcement, the Justice Department is committed to using criminal, civil, and administrative actions to protect consumers. The Department will work to ensure the safety of food, medicines, and consumer products and will safeguard consumer information from unlawful acquisition and use. Using the full array of our civil and criminal enforcement tools, we will hold accountable those who make fraudulent or misleading representations in the marketing of goods, especially where such conduct risks consumer harm.

The Justice Department strongly supports efforts by Congress—including the American Innovation and Choice Online Act—to promote competition in digital markets by passing legislation to prohibit certain anticompetitive practices by dominant online platforms. The Department also supports broader legislative efforts to provide the Department with the most effective tools to promote competition on an economy-wide basis.

III. PROTECTING CIVIL RIGHTS

A. Protecting Voting Rights

The Justice Department remains committed to vigorously protecting voting rights with the enforcement powers we have. The Department has increased the number of enforcement attorneys in the Civil Rights Division to scrutinize new laws that may deny or abridge the right to vote on account of race, color, or language status. The Department has filed lawsuits across the country to protect the right to vote. We have also filed statements of interest and amicus briefs in federal appeals and district courts across the country, as well as in the Supreme Court, to weigh in on critical questions.

Through this work, the Department has sought to address discriminatory voting laws, to protect language access at the ballot box, and to ensure that voters with disabilities are able to exercise the right to vote. And the Department has worked to provide guidance and outreach to state and local election officials and the public about federal voting rights laws. The Justice Department stands ready to work with Congress to provide all necessary support to develop and advance federal legislation to protect voting rights—including legislation that would restore critical tools to help protect the fundamental right to vote.

B. Combating Hate Crimes

The Justice Department is working tirelessly to investigate and combat hate crimes and hate incidents, which have significantly increased in recent years. The Department's work to combat hate crimes has led to the convictions of the three men who targeted and killed Ahmaud Arbery because he was a Black man jogging on a public street. It led to the conviction of an individual who, motivated by racist and xenophobic beliefs about the COVID-19 pandemic, targeted and attacked an Asian family at a supermarket in Midland, Texas. It led to the conviction of a man for a series of arsons targeting Catholic, Methodist, and Baptist churches. And in July 2022, it led to the indictment of a defendant for federal hate crime and firearms offenses following the horrific attack on the Black community in Buffalo, New York that killed 10 people and injured three others. In February 2023, the Justice Department secured a guilty plea from the individual who killed 23 people in a deadly, racist rampage in El Paso, Texas in 2019. And in June 2023, the Department secured the conviction of the individual who killed 11 congregants at the Tree of Life Synagogue in Pittsburgh, Pennsylvania in a horrific antisemitic attack. The Department also is pursuing those who commit acts of hate based on sexual orientation or gender identity. This includes securing a 45-year sentence against a Louisiana man who was convicted of kidnapping and attempting to murder a gay man as part of a hate crime scheme targeting users of a dating app for gay men.

The Department is also working to improve hate crime reporting, which will in turn promote more effective prevention and prosecution of these crimes. Last September, the Justice Department officially launched the United Against Hate community outreach program in U.S. Attorneys' Offices across the country. The program brings together community groups, federal hate crimes prosecutors, law enforcement at every level, and others to build trust and strengthen coordination to combat hate crimes and hate incidents by helping individuals learn to identify, report, and prevent hate crimes.

This fiscal year, the Department will award nearly \$30 million in grants to support state and local agencies in investigating and prosecuting hate crimes, in addition to grants to improve hate crime reporting and support non-profit and civil rights organizations with implementing community-based approaches to prevent hate crimes. This includes grants allocated under the Jabara-Heyer NO HATE Act to support law enforcement agencies' transition to the National Incident-Based Reporting System (NIBRS), which is now the data collection mechanism for the FBI's annual Uniform Crime Reporting Program.

C. Advancing Constitutional Policing

The Justice Department is committed to holding accountable those who violate the Constitution, and to safeguarding the civil rights of everyone in our country. Last year, the Department obtained convictions of four former Minneapolis police officers for their roles in the death of George Floyd. The Justice Department will continue to seek accountability for law enforcement officers whose actions—or failure to act—violate their constitutional duty to protect civil rights.

Congress gave the Justice Department the authority to conduct civil pattern-or-practice investigations, which look beyond individual incidents to assess systemic failures. Pursuant to the statute, the Department has initiated pattern-or-practice investigations into police departments to determine whether the departments engage in systemic violations of the Constitution or federal law.

Earlier this year, the Department released the results of its investigations into the Louisville Metro and Minneapolis Police Departments, finding that both agencies engage in patterns or practices of unlawful conduct, such as use of excessive force and racially discriminatory policing. The Department is working with these police departments, local officials, and the communities to identify and implement remedies to address these violations—including consent decrees—and doing so in a manner that is fair, transparent, and effective.

As a law enforcement agency, the Justice Department recognizes we cannot do our jobs effectively without the trust of the public we serve. We also know that the work of law enforcement professionals is essential. The work that police officers do on a daily basis is extremely difficult and often very dangerous, and their responsibilities are enormous. They are asked to keep their communities safe, to uphold the rule of law, and to ensure equal justice under law. We are committed to working with our partners in communities and police departments across the country to advance the accountability, transparency, and public trust that are essential to public safety.

D. Protecting Reproductive Rights

Over fifty years ago, the Supreme Court decided *Roe v. Wade*, holding that the right to an abortion was protected by the Constitution. In the decades that followed, the Court repeatedly recognized and reaffirmed that right. For nearly half a century, that right was an essential component of women's liberty in this country. But last summer, the Court overturned *Roe* and renounced this fundamental right. In doing so, it also upended the doctrine of *stare decisis*, a key pillar of the rule of law.

The Justice Department is committed to protecting and advancing reproductive freedom under law. In July 2022, the Department established the Reproductive Rights Task Force, formalizing the Department's ongoing work to protect reproductive freedom under federal law. The Reproductive Rights Task Force is monitoring state laws and enforcement actions that threaten to infringe on federal protections of reproductive rights, and identifying appropriate responses to those actions, including affirmative and defensive litigation where appropriate. The Department is also advising federal agencies on legal issues related to reproductive health and enforcing federal laws to protect those seeking and providing lawful reproductive health care. We are also continuing to offer technical assistance to Congress on federal constitutional questions related to reproductive health care. The Department strongly supports efforts by Congress to codify Americans' reproductive rights, which it retains the authority to do.

E. Advancing Environmental Justice and Tackling the Climate Crisis

Last year, the Justice Department announced the launch of a Department-wide comprehensive environmental justice strategy and created the Department's first Office of Environmental Justice. The Department has made important strides in advancing that strategy and prioritizing the cases that have the greatest impact on the communities most overburdened by environmental harm.

For example, in February 2023, the Department brought suit to curb harmful air pollution from a petrochemical manufacturer, Denka Performance Elastomer, LLC, in Louisiana's infamous "Cancer Alley." In May 2023, the Department partnered with the Office for Civil Rights of the Department of Health and Human Services to secure a settlement agreement that puts the State of Alabama's Department of Public Health on a path to long overdue reform as the state now takes steps necessary to provide access to basic sanitation services, end exposure to raw sewage, and improve health outcomes for the predominantly Black communities of Lowndes County. This was the Department's first-ever environmental justice action under Title VI. And in June of this year, the Department secured a settlement that commits the City of Houston, Texas, to taking critical action to address illegal dumping that has long plagued and disproportionately burdened the predominantly Black and Latino residents of Houston's Trinity/Houston Gardens Super Neighborhood 48 and other similar communities in the city. Prior to this, in November 2022, the Department filed a complaint against the City of Jackson, Mississippi. Following an agreement between the Department, the City of Jackson, and the State of Mississippi, the court entered a stipulated order to stabilize the water system and build confidence in the system's ability to supply safe drinking water to the system's customers. The United States, the State, and the City recently brokered an agreement to bring the City's wastewater system under a similar order.

As part of a whole-of-government approach to combating the climate crisis, the Department continues to defend greenhouse gas regulation and agency actions in support of the shift to clean energy. And the Department's Environment and Natural Resources Division continues to bring affirmative cases centered on the reduction of greenhouse gases and protecting natural resources in the United States and around the globe, including combating illegal logging and protecting Tribal hunting, gathering, and water rights.

* * *

All the work I have just described is only possible because of the courage, dedication, and integrity of the professionals who make up the Justice Department's work force. Every day, they do difficult and demanding work on behalf of the American people. I am grateful to them. And I could not be prouder to work with them.

All of us at the Justice Department recognize the trust that the American people have placed in us to do this work. We are honored to do it, and we are eager to continue our efforts to uphold the rule of law, keep our country safe, and protect civil rights. Thank you for the opportunity to testify. I look forward to your questions.

Chair JORDAN. Thank you, Mr. Attorney General. You are right, America is the greatest country ever and we are, we on this side are very concerned about the equal application of the law that you talk about in your opening statement. With that, we will move to the five-minute questions, and we will start with the gentleman from Louisiana, Mr. Johnson.

Mr. JOHNSON of Louisiana. Thank you. Mr. Weiss, the rule of law does distinguish our country, but you have not upheld that. You have allowed the rule of law to erode and that is why 65 percent of the people in this country have no faith in the Department of Justice under your leadership. They don't trust it. They don't trust you. The reason is because they are witnessing every day a politicized Justice Department and a two-tiered system of justice.

For example, they see the DOJ, of course, aggressively prosecuting President Biden's chief political rival, Mr. Trump, while at the same time they see slow-walking and special treatment given to the President's son. That is just a fact that everybody can see with their own two eyes.

I want to focus on that investigation of the Biden family. We have many important questions for you today about that.

Let me just get right to the chase. Has anyone from the White House provided direction at any time to you, personally, or to any senior officials at the DOJ regarding how the Hunter Biden investigation was to be carried out?

Attorney General GARLAND. No.

Mr. JOHNSON of Louisiana. Have you had personal contact with anyone at FBI headquarters about the Hunter Biden investigation?

Attorney General GARLAND. I don't recollect the answer to that question, but the FBI works for the Justice Department.

Mr. JOHNSON of Louisiana. I am sorry, I am sorry. You don't recollect—you don't recollect whether you have talked with anybody at FBI headquarters about an investigation into the President's son?

Attorney General GARLAND. I don't believe that I did. I promised the Senate when I came before it for confirmation that I would leave Mr. Weiss in place and then I would not interfere with his investigation.

Mr. JOHNSON of Louisiana. OK, did you ever—

Attorney General GARLAND. I have kept that promise.

Mr. JOHNSON of Louisiana. All right. Have you had personal contact with anybody at the Baltimore Field Office on the Hunter Biden matter?

Attorney General GARLAND. No.

Mr. JOHNSON of Louisiana. On July 10, 2023, U.S. Attorney David Weiss told Senator Lindsay Graham,

I had discussions with departmental officials regarding potential appointment under 28 U.S.C. 515, which would have allowed me to file charges in a district outside my own without the partnership of the local U.S. Attorney.

With whom did Mr. Weiss have those discussions?

Attorney General GARLAND. I am not going to get into the internal deliberations of the Department.

Mr. JOHNSON of Louisiana. Oh, but you must, sir. This is important for us. We have oversight responsibility over your Department, and we need these answers.

Attorney General GARLAND. It is appropriate and necessary for Mr. Weiss to have conversations with the Department. I made clear that if he wanted to bring a case to any jurisdiction, he would be able to do that. The way you do that is to get an order signed by the Attorney General called a 515 Order. I promised he would be able to do that and he in his letters made clear he understood he would be able to do that.

Mr. JOHNSON of Louisiana. OK. Can you tell us about any briefings or discussions that you personally have had with Mr. Weiss regarding any Federal investigations of Hunter Biden?

Attorney General GARLAND. I am going to say again, I promised the Senate that I would not interfere with Mr. Weiss—

Mr. JOHNSON of Louisiana. So, you have not—under oath today, your testimony is you have not had any discussions with Mr. Weiss about this matter?

Attorney General GARLAND. Under oath, my testimony today is that I promised the Senate I would not intrude in his investigation. I do not intend to discuss internal Justice Department deliberations whether or not I had them.

Mr. JOHNSON of Louisiana. Oh, OK. So, your testimony today is that you are not going to tell us whether you have had discussions with Mr. Weiss?

Attorney General GARLAND. My testimony today is I told the Committee that I would not interfere. I made clear that Mr. Weiss would have the authority to bring cases that he thought were appropriate.

Mr. JOHNSON of Louisiana. OK.

Attorney General GARLAND. Mr. Weiss is—

Mr. JOHNSON of Louisiana. Let me stop you—for a second time, sir, are you aware that FBI officials have come before this Committee, and they have stated that there was a cumbersome bureaucratic process that Mr. Weiss had to go through to bring charges in another judicial district? Do you know that?

Attorney General GARLAND. I am not aware, but that is not true. There is nothing cumbersome about the process.

Mr. JOHNSON of Louisiana. So, those Whistleblowers are lying to us under oath? Those Whistleblowers are lying?

Attorney General GARLAND. I didn't say that. Their description of the process, cumbersome, is an opinion. It is not a fact question. All I have to do is—

Mr. JOHNSON of Louisiana. OK, all right. Let me get to the fact. Mr. Weiss has been the lead prosecutor on the Hunter Biden case since 2018, correct?

Attorney General GARLAND. I am sorry?

Mr. JOHNSON of Louisiana. Mr. Weiss has been the lead prosecutor on the Hunter Biden since 2018. Now, here is the question.

Attorney General GARLAND. He has been the lead prosecutor since he was appointed by President Trump.

Mr. JOHNSON of Louisiana. OK, let me ask you, why has the Justice Department dragged this investigation out for so long? Does it

really take years to determine if Hunter Biden lied on a Federal form related to purchasing a firearm?

Attorney General GARLAND. Mr. Weiss was a long-time career prosecutor. President Trump appointed him as—

Mr. JOHNSON of Louisiana. You are not answering the question. Is that standard procedure? Should it take that long to make such a simple determination?

Attorney General GARLAND. I am answering the question. Give me an opportunity to do so.

Mr. JOHNSON of Louisiana. OK.

Attorney General GARLAND. He was charged with that investigation under the previous administration. He has continued. He knows how to conduct investigations and I have not intruded or attempted to evaluate that because that was the promise I made to the Senate.

Mr. JOHNSON of Louisiana. The Whistleblowers gave us testimony about serious misconduct of the Justice Department in regard to the preferential treatment afforded Hunter Biden. Has your office requested an investigation into that?

Attorney General GARLAND. There are well-known processes for how Whistleblowers make their claims. I am a strong proponent of Whistleblowers and a strong defender. We have an Inspector General's Office. We have an Office of Professional Responsibility. That is the way in which complaints and Whistleblowers should be and are appropriately handled.

Mr. JOHNSON of Louisiana. I am out of time. I yield back.

Chair JORDAN. The gentleman yields back. The Chair recognizes the Ranking Member, Mr. Nadler.

Mr. NADLER. Thank you. Mr. Attorney General, thank you for being here today. It is no secret that some of my colleagues across the aisle have threatened to shut down the government unless and until the FBI and the Department of Justice are defunded. One Trump-like Presidential Candidate has said that we should abolish the FBI altogether.

Mr. Attorney General, what would be the impact on America of defunding the FBI?

Attorney General GARLAND. Defunding the FBI would leave the United States naked to the malign influence of the Chinese Communist Party; to the attacks by Iranians on American citizens and attempts assassinate former officials; to the Russian aggression; to North Korean cyberattacks; to violent crime in the United States, which the FBI helps to fight against; to all kinds of espionage; and to domestic violent extremists who have attacked our churches, our synagogues, our mosques, and who have killed individuals out of racial hatred.

I just cannot imagine the consequences of defunding the FBI, but they would be catastrophic.

Mr. NADLER. Thank you.

I want to turn to Mr. Weiss' investigation and the authority he has been granted to conduct that investigation without interference in whatever way he deems necessary. You testified to the Senate Judiciary Committee on March 1st of this year that David Mr. Weiss had, quote, "full authority over any investigation concerning Hunter Biden." Was that a true statement at the time?

Attorney General GARLAND. Yes. Mr. Weiss has full authority to conduct his investigation however he wishes, and Mr. Weiss has confirmed that in letters to this Committee.

Mr. NADLER. Thank you.

This authority included ensuring that Weiss would be able to bring charges in jurisdictions outside of Delaware, if necessary, is that correct?

Attorney General GARLAND. I assured Mr. Weiss publicly that he would have the authority to bring a case outside of Delaware if he thought that was appropriate.

Mr. NADLER. Does that remain true today?

Attorney General GARLAND. Yes, that is true today.

Mr. NADLER. Has it ever been the case over the course of this investigation that Mr. Weiss would not have been able to bring charges outside of Delaware, if warranted?

Attorney General GARLAND. As a matter of my authority, I promised he would be able to do that. I think this is apparent in the letters exchanged with the Committee and in my last previous testimony. For a United States Attorney or a Special Counsel, or anyone else, to bring a case outside of his jurisdiction, it requires me to sign—it requires me to sign a paper called Section 515, and that's the statute which permits bringing cases outside of the jurisdiction. I promised that I would do whatever was required to enable Mr. Weiss to bring a case outside of his jurisdiction, if that's what he thought was appropriate.

Mr. NADLER. I assume it is your understanding that Mr. Weiss is fully aware that he could bring charges outside of Delaware, if necessary, when you testified on March 1st?

Attorney General GARLAND. Mr. Weiss has said so in the letters he sent to this Committee.

Mr. NADLER. Thank you.

Did he ever say or do anything—did he ever say or do anything that might make him unsure of where he could bring charges?

Attorney General GARLAND. Mr. Weiss' own letters reflect that he had never asked me to be a Special Counsel and that he understood the process for asking for a signature on Section 515 form.

Mr. NADLER. There have been accusations that the handling of the Hunter Biden matter is an example of a two-tiered system of justice. What's your response to that allegation?

Attorney General GARLAND. The Justice Department treats everyone alike. Regardless of party, regardless of ethnicity, regardless of wealth, everyone is treated alike.

I understand that people may not understand why particular investigations are conducted in particular ways until all the facts come out. That's what we have the courts for. All the explanations will come out with respect to Mr. Weiss, for example, at the end of his period as Special Counsel. One of the requirements is that he file a public—a report which I have promised to make public to the extent that it's lawful and consistent with Department policy. It will explain his decisions to prosecute and not to prosecute.

Mr. NADLER. Thank you.

What are the impacts of Members of Congress making such accusations against the DOJ? Do baseless accusations from government

officials make it more difficult for investigators to do their job and effectively investigate the subject?

Attorney General GARLAND. Members of the Justice Department are strong and tough and able to understand that their job is to do the right thing, regardless of any pressures from any order. What is dangerous—and I'm not talking about the Committee—but what is dangerous is when anyone singles out a career prosecutor or a career FBI agent. We know as a matter of fact that this kind of singling out has led to threats. This is a concern across the board. It is not a concern for anyone in particular.

Mr. NADLER. I think you would have been justified in referring to the Committee.

My time is expired. I yield back.

Chair JORDAN. The gentleman yields back.

The Chair recognizes the gentleman from North Carolina.

Mr. BISHOP. Mr. Attorney General, you're the only person who could ensure that Mr. Weiss had all the necessary authority, aren't you?

Attorney General GARLAND. I'm the only person who can sign an agreement with respect to a Special Counsel. The authority to do Section 515 can be signed by other people in the Department.

Mr. BISHOP. You are aware, ultimately, though, the authority is yours.

Attorney General GARLAND. Yes.

Mr. BISHOP. You made the point that you don't take orders from the President about such things. You decide, ultimately, what the Justice Department will do?

Attorney General GARLAND. I announced at the beginning, I promised that he would be able to bring whatever cases he wants, and I have followed through on that promise. I'm permitted to make that kind of promise and I have made it.

Mr. BISHOP. Did you undertake to inform yourself, to interact with him sufficient to ensure that he knew he possessed that authority? Or that you would see to it that he had all the necessary authority?

Attorney General GARLAND. I don't think there's any doubt that he knew. He has written three letters to this Committee indicating that he understood he had that authority.

Mr. BISHOP. You're also aware, though, aren't you, sir, that a senior IRS investigator, a Whistleblower, came forward and has testified publicly that Mr. Weiss stated that he did not have such authority; he was not the decider? Are you aware of that?

Attorney General GARLAND. I'm aware of the testimony. I was not present at any point during that statement.

Mr. BISHOP. Have you—

Attorney General GARLAND. Mr. Weiss has indicated—Mr. Weiss, who was present, has indicated that he had the authority and he knew that he had it.

Mr. BISHOP. Subsequent to those developments, though, you decided to make Mr. Weiss Special Counsel, which you had not done before?

Attorney General GARLAND. Mr. Weiss made clear he had not asked me to be Special Counsel until last month, and last month I made him Special Counsel.

Mr. BISHOP. Did you have some lack of information that you should have had that would have caused you to act earlier to make him Special Counsel?

Attorney General GARLAND. Mr. Weiss did not ask to be Special Counsel before—

Mr. BISHOP. I understand he didn't ask. You've said that, sir. Did you take the necessary steps to inform yourself what authority he understood he had or what obstacles he was encountering?

Attorney General GARLAND. Mr. Weiss had, as I said from the beginning, at the very beginning, that he had authority over all matters that pertained to Hunter Biden.

Mr. BISHOP. Have you learned that he was, in fact, deterred by decisions of the United States Attorneys in the District of Columbia and the Northern District of California from proceeding as he thought best?

Attorney General GARLAND. With respect, Congressman, Mr. Weiss has said—he has not said that he was deterred. He said that he followed the normal processes of the Department and that he was never denied the ability to bring a case in another jurisdiction.

Mr. BISHOP. Well, what changed, then, Mr. Attorney General? What made you decide that it was sufficient to leave him in the situation he was until you decided to make him Special Counsel?

Attorney General GARLAND. Mr. Weiss asked for that authority, given the extraordinary circumstances of this matter, and given my promise that I would give him any resources he requested, I made him Special Counsel.

Mr. BISHOP. So, until that time, was it just a matter of his predilection or did you—did you undertake to investigate and discern what he was doing with his authority and whether he had faced any obstacles?

Attorney General GARLAND. I did not endeavor to investigate because I had promised that I would not interfere with this investigation. The way to not interfere is to not investigate an investigation.

Mr. BISHOP. Once he requested to be named Special Counsel, having not done so over months and months of your tenure, did you ask him what had changed—that made him now need to be a Special Counsel?

Attorney General GARLAND. Mr. Weiss asked to be made Special Counsel. I had promised that I would give him all the resources he needed, and I made him Special Counsel.

Mr. BISHOP. When did the Justice Department permit statutes of limitations to expire on some of the prospective charges against Hunter Biden for tax violations?

Attorney General GARLAND. I don't know anything about the statute of limitations here. The investigation was in the hands of Mr. Weiss to make the determinations that he thought were appropriate.

Mr. BISHOP. Are you unaware that the tax statute of limitations has been allowed to expire after their having been tolling agreements in place?

Attorney General GARLAND. I'm going to say again, the determination of where to bring cases and which kinds of cases to bring was left to Mr. Weiss.

Mr. BISHOP. Yes, sir, I understand that you've said that. That's part of the problem. The question is, are you aware the statutes of limitations have been allowed to expire while the matter was under investigation?

Attorney General GARLAND. The investigators were fully familiar with all the relevant law—

Mr. BISHOP. I'm not asking for the excuses.

Attorney General GARLAND. They—

Mr. BISHOP. I'm asking you whether you are aware of that fact, sir.

Attorney General GARLAND. I'm going to say again—I'm going to say again, and again, if necessary—I did not interfere with, did not investigate, did not make determinations—

Mr. BISHOP. See, those are statements in response to other questions.

Attorney General GARLAND. Well—

Mr. BISHOP. Everybody in the country now knows who's paying attention to this; that the Justice Department permitted statutes of limitations to expire. Every lawyer who's ever practiced understands the implications of allowing statutes of limitations to expire.

Attorney General GARLAND. Prosecutors—

Mr. BISHOP. Do you now even know, as you sit here, whether it occurred or not?

Attorney General GARLAND. Prosecutors make appropriate determinations on their own. In this case, I left it to Mr. Weiss whether to bring charges or not. That would include whether to let the statute of limitations expire or not; whether there was sufficient evidence to bring a case that was subject to the statute of limitations or not; whether there were better cases to bring or not.

Chair JORDAN. The time of the gentleman has expired.

The Chair now recognizes the gentlelady from California.

Ms. LOFGREN. Thank you, Mr. Chair.

Thank you, Attorney General, for being here with us this morning.

As much as we see dirt being thrown in the air, there's a lot of misinformation that I think is intended to confuse people. I would like to ask unanimous consent to put into the record three letters from Mr. Weiss that he sent to Congress on June 7th, June 30th, and July 10th.

Chair JORDAN. Without objection.

Ms. LOFGREN. He said over and over again that he has full authority over this case, including the ability to seek Special Counsel or Special Attorney status, if needed. Trying to imply otherwise is just simply false.

Mr. Weiss was appointed by then-President Trump. Your decision was to leave the Trump-appointed attorney completely in charge of this, hands off from you. He makes all the calls without interference from the Attorney General, is that correct?

Attorney General GARLAND. That is correct.

Ms. LOFGREN. So, the idea that you would interfere is completely wrong. I would also like to ask—you talked about your independence from the President, but also your independence from the Congress. Have you ever come across, historically, an instance where the Congress of the United States tried to or successfully interfered

with a prosecution initiated by the Department of Justice, based on the facts and the law?

Attorney General GARLAND. I want to be gentle about the word “interfere,” but it is, just as a historical example, in the case of Iran-Contra, the consequences of actions by the Congress were that the Special Counsel’s investigation of Iran, of Mr. North were dismissed.

Ms. LOFGREN. Correct. Before I go into another question I have, I just would like unanimous consent to put into the record the Annual Statistical Transparency Report, dated April 2023. It indicates that the de-duplicated counting method for FBI queries of U.S. persons under the Section 702 database numbered over 119,000.

Chair JORDAN. Without objection.

Ms. LOFGREN. I would just like to note—and we will work with you—this Committee, on a bipartisan basis is very concerned about querying of the 702 databases for U.S. persons without a warrant. We’re not suggesting that the law does not permit that, but we are going to visit this issue because it is my view that querying the 702 database that has been collected without due process, because it relates to foreign individuals, is completely wrong in terms of the privacy rights of Americans. I am just hoping that we can work successfully with you, as we craft requirements for a warrant to do that querying.

I’d like to ask, as we know—and it has been mentioned by the Ranking Member—the proposal is, basically, to defund the police by the Republicans, to defund the FBI. I am concerned that, if we defund the police, as the majority has suggested, that really doesn’t have an impact on the statute of limitations.

So, if we were to defund the Department of Justice, defund the FBI and the police, as has been suggested, what would happen with the statute of limitations for cases that you are pursuing, if you were not able to actually do that? Would they be suspended in any way, or would the criminals get off scot-free?

Attorney General GARLAND. Well, I know in my experience as a judge, if I was asked a legal question and I don’t know the answer, I would go back to the office and study it, and I’ll have to do that in this case. I don’t have the answer.

Ms. LOFGREN. Well, I think I do, because there’s nothing in the statute that allows for the statute of limitations to be suspended because the government has been shut down or because the police have been defunded through the budget process. I just think we ought to take the implications of a shutdown very seriously in terms of allowing criminals to get off.

I see that my time is expired, Mr. Chair, and I yield back.

Chair JORDAN. The gentlelady yields back.

The Chair has now recognized himself. Quote, “Mr. Weiss has full authority to bring cases in other jurisdictions if he feels it’s necessary.”

That was your response, Attorney General, to Senator Grassley’s question on March 1, 2023. You just referenced it when Mr. Bishop was questioning you.

The only problem is, he had already been turned down by the U.S. Attorney in the District of Columbia, Mr. Graves. So, he didn’t have full authority, did he?

Attorney General GARLAND. I had an extended conversation with Senator Grassley at the time. We briefly touched on the Section 515 question and how that process went.

I've never been suggesting—

Chair JORDAN. My point is really simple. My point's really simple, Mr. Garland. You said he had complete authority, but he'd already been turned down.

Attorney General GARLAND. He can't be—

Chair JORDAN. He wanted to bring an action in the District of Columbia, and the U.S. Attorney there said, "No, you can't." Then, you go tell the U.S. Senate, under oath, that he has complete authority.

Attorney General GARLAND. I'm going to say again that no one had the authority to turn him down. They could refuse to partner with him. They could not—

Chair JORDAN. You can use whatever language. "Refuse to partner" is turning down.

Attorney General GARLAND. Well, it's not the same under a well-known Justice Department practice.

Chair JORDAN. Here's why the statute of limitations question is important, and Mr. Bishop was getting at it just a few minutes ago. Here's why it's important: You let the statute of limitations lapse for 2014–2015. Those were the years with the felony tax charges where Hunter Biden was getting income from Burisma.

Here are four facts that I think are so important:

Fact 1: Hunter Biden was put on the board of Burisma, made a lot of money. Got paid a lot of money over those years, a couple of million bucks. He wasn't qualified.

Fact 2: He wasn't qualified to be on the board of Burisma—not my words; his words. He said he got on the board because of his last name, "the brand," as Devon Archer said when he was under oath and we deposed him.

Fact 3: Burisma executives told Hunter Biden, "We're under pressure. We need help."

Fact 4: Joe Biden goes to Ukraine, leverages our tax money, the American people's tax money, to get the prosecutor fired who was applying the pressure.

Interestingly enough, that fact is entirely consistent with what the confidential human source told the FBI, and they recorded in the 1023 form, the same form Mr. Wray didn't want to let this Committee and the Congress see.

That all happened. That all happened. What I'm wondering is why you guys let the statute of limitations lapse for those tax years that dealt with Burisma income.

Attorney General GARLAND. There's one more fact that's important, and that this investigation was being conducted by Mr. Weiss, an appointee of President Trump. You will, at the appropriate time, have the opportunity to ask Mr. Weiss that question, and he will, no doubt, address it in the public report that will be transmitted to Congress.

I don't know the answer to those questions—

Chair JORDAN. Did they forget? Did the lawyers just like let it—they're just like, "Oh, darn, we let it"—were they careless?

Attorney General GARLAND. I expect that won't be what he says, but because I promised—

Chair JORDAN. That's not the case. Because, as Mr. Bishop pointed out, they had a tolling agreement. They talked to Hunter Biden's defense counsel and say, "Let's extend the statute of limitations." Then, at some point, they made an intentional decision to say, "We're going to let the statute of limitations lapse." I want to know who decided that and why they did it.

Attorney General GARLAND. Mr. Weiss was the supervisor of the investigation at that time and at all times. He made the necessary—appropriate decisions, and you'll be able to ask him that question, and he will—

Chair JORDAN. Do you know why they did it? Everyone knows why they did it. They may not say it, but everyone knows why they did it. They didn't—Burisma—those tax years, that statute—that dealt with the—that involved the President. It's one thing to have a gun charge in Delaware. That doesn't involve the President of the United States, but Burisma, oh, my, that goes right to the White House.

We can't have that. We can slow-walk this thing along. We can even extend the statute of limitations, and then, we can intentionally let it lapse.

We know this investigation was slow. Here's what everyone said: Shapley said, "DOJ slow-walked the investigation."

Ziegler, "Slow-walking in the approvals of everything. This happened at the Delaware's Attorney's Office and DOJ tax level." Mr. Sobocinski, the FBI agent, said, "I would have liked to see things move faster."

Ms. Holley said the same.

Every witness we've talked to say this thing was slow-walked, and we know why. They slow-walked it long enough to let the statute of limitations run, so they wouldn't have to get into Burisma.

Tell me where I'm wrong.

Mr. IVEY. Will the gentleman yield?

Chair JORDAN. No. I'm asking Mr. Garland the question.

Attorney General GARLAND. I think I've tried to make clear that I don't know the specifics of the investigation. Much of what you are describing occurred during the Trump Administration, during a Justice Department appointed by President Trump.

Chair JORDAN. No, it didn't. This is 4½ years, this investigation. We're talking the last few years. Your statement was just this year, March 1st, to Senator Grassley.

Attorney General GARLAND. No. I'm sorry, I was trying to respond to your descriptions of what the IRS agent said about certain things—

Chair JORDAN. The statute of limitations is six years. That lapsed, that lapsed here in the Biden Administration.

Attorney General GARLAND. On the statute of limitations, I will say again that the explanation for why the statute of limitations was lapsed, if it was, has to come from Mr. Weiss.

Chair JORDAN. My time is—but let me ask one last question really quick here.

Who decided that David Weiss would stay on as U.S. Attorney?

Attorney General GARLAND. This had occurred at—before I came, Mr. Weiss had been kept on. I promised the—

Chair JORDAN. No, I didn't say—you can walk all through that. I said, "who decided?" The White House decided?

Attorney General GARLAND. Mr. Weiss—

Chair JORDAN. They serve at the pleasure of the President, right?

Attorney General GARLAND. Mr. Weiss was held—

Chair JORDAN. Joe Biden decided to keep David Weiss as U.S. Attorney. You weren't sworn in until March. He was left—maybe he was told he was going to stay on in February.

Mr. JOHNSON of Georgia. Mr. Chair, your time has expired.

Chair JORDAN. A pretty fundamental question. Who decided David Weiss was going to stay as U.S. Attorney in Delaware?

Attorney General GARLAND. Mr. Weiss was—

Mr. JOHNSON of Georgia. Mr. Chair, your time has expired.

Mr. NADLER. Mr. Chair, your time has expired.

Chair JORDAN. I'm waiting for an answer, and then, I'll yield.

Mr. IVEY. Well, you asked the question after your time had expired already. Point of order.

Chair JORDAN. The gentleman can respond. Then, I'll go to Ms. Jackson Lee.

Attorney General GARLAND. Mr. Weiss was the Special—U.S. Attorney from the District of Delaware when I came on. He had been appointed by President Trump. I promised that he would be permitted to stay on for this investigation, and that is what happened.

Chair JORDAN. The gentlelady—

Mr. NADLER. Mr. Chair? Mr. Chair?

Chair JORDAN. The gentleman from New York is recognized.

Mr. NADLER. Mr. Chair, I believe you misquoted from the transcript of the Senate, of the Senate hearing. I'd, therefore, ask unanimous consent to enter into the record the entire transcript of the Senate hearing.

Chair JORDAN. Without objection. I didn't misquote what Mr. Garland said.

Mr. NADLER. Thank you.

Chair JORDAN. Ms. Jackson Lee from Texas is recognized for five minutes.

Ms. JACKSON LEE. Thank you, Mr. Chair.

None of the Republicans' goals today include solving Americans' problems, of which they are concerned of.

There are many reasons, Mr. Attorney General, that prosecutors decline to bring charges. One of those reasons is that they don't have any evidence for a conviction. That is the justice way. That is just in America.

So, let me raise these questions and concerns with you today.

As we all know, Republicans have repeatedly alleged that the DOJ and FBI are conspiring to shield the Biden family from public criticism and giving Hunter Biden special treatment in its investigations. They have demonized law enforcement officials working with this case at every turn, which has directly led to increased threats against FBI officials, law enforcement—which they pretend to support.

I want to place into the record two excerpts from recent transcribed interviews, and I would ask that copies be made available to you.

The first is from a June interview with Jennifer Moore, FBI's former Executive Assistant Director for Human Resources. She told this Committee that the FBI had received so many threats that it had to stand up an entire 10-person unit just to deal with them. She said it is unprecedented. It is: "It's a number we have never had before." Moore testimony on pp. 202–203.

The second excerpt is from an interview earlier this month with Thomas Sobocinski, the Special Agent in Charge of FBI's Baltimore Field Office.

Here's what he said:

I joined the FBI 25 years ago. I joined for a reason—to protect the American people, uphold the Constitution. I've been to war. My family's been in bad places. My kids have been evacuated from war zones or quasi-war zones. I've been in some bad things. I have accepted that.

I am solely focused on two things, and they are not mutually exclusive. The first is, like every investigation, I want to get to a resolution in a fair, apolitical way. The second thing—it's becoming more important and more relevant—is keeping my folks safe. That part, I have never expected—to have to be able to be concerned about keeping family safe. So that, for me, this is becoming more and more of a job that I have to do and take away from what I was assigned or signed up to do, which was to investigate and do these things.

So, when you talk about potential frustrations with communication, I am personally frustrated with anything that places my employees and their families in enhanced danger. Our children, their children, did not sign up for this.

Mr. Attorney General, do you agree that politically charged rhetoric claiming that law enforcement agents—and I have many questions, if you can be brief—are corrupt and contribute to this onslaught of threats against public servants?

Attorney General GARLAND. OK. As I said in my opening statement, we have had an astounding number of threats against public servants over the last several years. I think that when career public servants in the Justice Department and election workers, and airline crews, when they are singled out, this can lead to threats of violence and actual violence.

Ms. JACKSON LEE. Thank you.

Attorney General GARLAND. We have the actual example of an attack on an FBI office by somebody who was incensed by political rhetoric. This does happen. We must not allow that to happen in this country.

Ms. JACKSON LEE. Does the rhetoric regarding the Biden case have any basis in reality?

Attorney General GARLAND. I'm sorry, I didn't hear the first part.

Ms. JACKSON LEE. Does the rhetoric regarding the Biden case have any, any basis in reality?

Attorney General GARLAND. No, it does not.

Ms. JACKSON LEE. How does this impact FBI and DOJ employees' ability to do their work? I think you mentioned, specifically, FBI and DOJ employees.

Attorney General GARLAND. As I've already said, the agents of the FBI and the prosecutors understand that criticism comes with their job, and they will continue to do their jobs without fear or

favor. The idea of threatening their safety or that of their families is just abhorrent.

Ms. JACKSON LEE. Thank you.

I assume that provisions have had to be in place to protect these agents and their families.

Attorney General GARLAND. I'm sorry, I didn't hear the first part.

Ms. JACKSON LEE. I assume that provisions or protections have had to be in place to protect these agents and their families.

Attorney General GARLAND. Yes, that's correct.

Ms. JACKSON LEE. Let me move on. Thank you very much, General.

Let me move on to the fentanyl crisis. I want to introduce H.R. 4272. Let me just put on the record, so that you can probably summarize—and I ask for the indulgence of my Chair. In any event, that the FBI, the DOJ, are focused, needlepoint-focused, if you will, on the crisis of fentanyl. I want to just raise that for you, and then, I'm just going to followup with one or two other questions, if you would be able to comment on these collectively.

I am dealing with the crisis of human trafficking and the prioritizing of America's children. They are under siege. The level of child sexual abuse materials generating into human trafficking—and I want to put H.R. 30 on the record—indicates from ICAC that there are 99,000 IP cases where they're enticing children, and maybe only one percent of them being investigated. I'd like your comment on that.

Finally, in the approach of high—of Yom Kippur, to emphasize the work that is, hopefully, still being done with antisemitism, attacks on immigrants, African Americans, and Latinos.

If you would answer those questions: Fentanyl, the human trafficking, and then, domestic terrorism.

Attorney General GARLAND. Yes, these are all horrendous problems propagated by people who are truly evil.

We are fighting the fentanyl scourge in every possible way, starting with the precursors in China to the labs in Mexico, to the cartels that are bringing the drugs into the United States, to their networks in the United States, to the streets of America. We will continue to do that with every resource that Congress gives us.

Human smuggling and sex trafficking are, obviously, abhorrent. The Justice Department has task forces on both of these subjects and has brought many, many cases on these subjects.

The idea of putting sexually explicit material about children on the web is another area that we are continuing to investigate and to prosecute, and to ask the social media to take down from their sites.

Chair JORDAN. The gentlelady's time has expired.

The gentleman from Florida is recognized for five minutes.

Mr. GAETZ. I guess I'm just wondering, Mr. Attorney General, has anyone at the Department told President Biden to knock it off—with Hunter? You guys are charging Hunter Biden on some crimes, investigating him on others. You've got the President bringing Hunter Biden around to State dinners. Has anyone told him to knock it off?

Attorney General GARLAND. Our job in the Justice Department is to pursue our cases without reference to what is happening in the outside world.

Mr. GAETZ. Just yes or no. Have you done that?

Attorney General GARLAND. That is what we—

Mr. GAETZ. So, it is a no?

Attorney General GARLAND. No one that I know of has spoken to the White House about the Hunter Biden case.

Mr. GAETZ. I am wondering—

Attorney General GARLAND. Of course not.

Mr. GAETZ. OK. I got it. I got it.

So, Hunter Biden is selling art to pay for his \$15,000 a month rent in Malibu. How can you guarantee that the people buying that art aren't doing so to gain favor with the President?

Attorney General GARLAND. The job of the Justice Department is to investigate criminal allegations. If you have information—

Mr. GAETZ. Are you investigating this? Someone who bought Hunter Biden's art ended up with a prestigious appointment to a Federal position. Doesn't it look weird that he is making, he has become this immediate success in the art world because his dad is President of the United States? Isn't that odd?

Attorney General GARLAND. I am not going to comment about any—

Mr. GAETZ. Not going to comment, not going to investigate.

Attorney General GARLAND. That is right.

Mr. GAETZ. Hunter Biden's associate, Devon Archer, told us that Hunter sold the appearance of access to then-Vice President Biden. Are you confident he has stopped doing that?

Attorney General GARLAND. I am sorry. I didn't understand the question.

Mr. GAETZ. Hunter Biden associate, Devon Archer, told us that Hunter sold the appearance of access to then-Vice President Biden. Are you confident he has stopped?

Attorney General GARLAND. I am going to say again that all these matters are within the purview of Mr. Weiss. I have not interfered with them. I do not—

Mr. GAETZ. Yes, but if you were confident that he had stopped, you could probably tell us.

Attorney General GARLAND. I do not intend to interfere with it.

Mr. GAETZ. Yes, I want to—so it was a lot of Chinese money that was working its way through these shell companies into the accounts of the Biden family. So, the China Initiative was set up during the Trump Administration at the Department of Justice to go after the malign influence of the Chinese Communist Party. The Biden Justice Department dissolved the China Initiative.

So, I guess I am wondering, does the Department have any documents that would detail the basis for why you got rid of the China Initiative that President Trump had set up?

Attorney General GARLAND. The Assistant Attorney General for the National Security Division gave a long speech which explained that. He has testified before Congress several times. We would be happy to provide you with—

Mr. GAETZ. What is the basis? Just tell us all now. Why was the China Initiative dissolved?

Attorney General GARLAND. What the Assistant Attorney General said was that we face attacks from four Nation-States, North Korea, China, Russia, and Iran, and that we need to focus our attention on the broad range of these attacks. Sometimes we don't know—

Mr. GAETZ. Wait a second. Are you saying that North Korea has the same malign influence risk to the United States as the Chinese Communist Party? Are you trying to represent there is some parity there, because here is what it looks like?

It looks like the Chinese gave all this money to the Bidens, and then you guys came in and got rid of the China Initiative. It was successful. Like I saw one rationale that you guys got rid of the China Initiative because it was racial profiling. One of the people you convicted was a guy named Charles Lieber, who was a Harvard professor taking \$50,000 a month to do China's bidding and give them whatever research was being done.

Are you aware of the millions of dollars that move through Rob Walker's shell companies from Chinese Communist Party entities into Biden family bank accounts? Are you aware of that?

Attorney General GARLAND. There were a lot of questions that you just asked. Let me start with the first one about North Korea. North Korea is a dangerous actor, both kinetically and with respect to cyber—

Mr. GAETZ. Not on par with China. I am on the Armed Services Committee, Mr. Attorney General—

Attorney General GARLAND. I am not in the business right now of—

Mr. GAETZ. OK. It makes you look unserious to suggest—

Attorney General GARLAND. May I answer your question or not?

Mr. GAETZ. Answer the question about whether or not you know about all the millions of dollars that move through Rob Walker's—

Attorney General GARLAND. So, you don't want me to answer about North Korea.

Mr. GAETZ. I already know the answer and so does everyone. They are not the same risk as China. So, let's get on to serious questions and serious answers. Do you know about the money that moved through Rob Walker's shell companies? Yes or no.

Attorney General GARLAND. As I have said repeatedly, I have left these matters to Mr. Weiss. I have not intruded.

Mr. GAETZ. Blissfully ignorant.

Attorney General GARLAND. I have not interfered.

Mr. GAETZ. Blissfully ignorant to these—

Attorney General GARLAND. I have not tried to find out what he knows.

Mr. GAETZ. It is like you are looking the other way on purpose, because everybody knows this stuff is happening. You know what? People don't pay bribes to not get something in return, right. The China Initiative resulted in the convictions of a Harvard professor, of someone at Monsanto. So, we were working against the Chinese. They paid the Bidens. Now, you are sitting here telling me that North Korea is the big threat.

Attorney General GARLAND. I am—

Mr. GAETZ. I got to get to this one thing on January 6th. So, did the—

Attorney General GARLAND. Do you want me to answer your question or not?

Mr. GAETZ. Did the FBI lose count of the number of paid informants on January 6th?

Attorney General GARLAND. Let me answer your question about China.

Mr. GAETZ. No, I want you to answer this question.

Attorney General GARLAND. China is the most—

Mr. GAETZ. I only get five minutes. You have already sort of, I think, screwed the pooch on China.

Attorney General GARLAND. You ask me a question. You haven't permitted—

Mr. GAETZ. So, January 6th, did you lose count of the number of Federal assets? Did you lose count and order an audit?

Mr. NADLER. The gentleman's time has expired.

Mr. GAETZ. I get an answer to the question of did they lose count—

Mr. NADLER. Then let him answer the question.

Chair JORDAN. The time has expired. The Attorney General can respond.

Attorney General GARLAND. China is the most aggressive, most dangerous adversary—

Chair JORDAN. Mr. Attorney General, I think the—

Attorney General GARLAND. —that the United States faces, and we are doing everything within our power to rebut that, to stop that, to prevent their invasions, both kinetic, both, and through cyber space. We will continue to do that.

Mr. GAETZ. If someone gave that answer in your courtroom when you were a judge, you would tell them they were being nonresponsive—

Mr. NADLER. Mr. Chair—

Mr. GAETZ. —and you would direct them to answer the question. [Crosstalk.]

Chair JORDAN. The time has—

Ms. JACKSON LEE. Badgering the witness.

Mr. NADLER. The point of order has expired.

Chair JORDAN. I got it. I just, I was—

Mr. IVEY. Do you like Your Honor? Do you want to stick with that?

Chair JORDAN. Yes, I was getting laughed at. You called me Your Honor.

Mr. IVEY. Point of order either way.

Chair JORDAN. OK. I understand that, too.

Mr. IVEY. All right.

Chair JORDAN. The gentleman asked his question before his time expired. The Attorney General did not respond to the gentleman's question. I was hoping he would respond to the question about the confidential human sources on January 6th. He didn't respond to that. I am sure we are going to get—

Mr. IVEY. Of course, Mr. Chair, there were eight questions—

Chair JORDAN. I now recognize the gentleman—

Mr. IVEY. —before that he was not given a chance to answer.

Chair JORDAN. I understand. But—

Mr. IVEY. So, the witness might have—

Mr. BIGGS. The witness doesn't—Mr. Chair, point order. The witness does not control the time.

Chair JORDAN. Hang on. Exactly right. Members control the time. If they want to switch their question and focus on one more question that they would like an answer to, I want to give the witness a chance to respond to that final question that Mr. Gaetz asked. He didn't respond to it. Someone else is going to ask it, I am sure.

We now recognize the gentleman from Tennessee for five minutes.

Mr. COHEN. Thank you, sir. I will just followup a few of the questions that were asked here. Did Devon Archer not say Joe Biden did nothing wrong?

Attorney General GARLAND. I want to be clear. I only know about Mr. Archer from newspaper reports. I want to be clear that I kept my promise not to involve myself in this investigation.

Mr. COHEN. OK. Now, stated. He said that Joe Biden did nothing wrong.

Second, did you say that President Trump, President Trump appointed Weiss, who then you appointed?

Attorney General GARLAND. Yes. President Trump appointed Mr. Weiss as United States Attorney.

Mr. COHEN. So, that should take care of that issue.

They say the Department has been weaponized. Wasn't there an investigation of Mr. Gaetz, and you didn't prosecute him?

Attorney General GARLAND. The Justice Department does not make comments about its investigations.

Mr. COHEN. Well, it just shows you we are not weaponized. If we were weaponized, we would have done it. That was a beautiful exchange there. It shows we didn't do that.

You are the Nation's chief law enforcement officer. I appreciate that. Law enforcement is one of our government's fundamental functions. Crime is growing too much in this country and in my city of Memphis as well. We need law enforcement to be effective, swift, and fair. I would like to focus my questions on what actually affects the American people, crime.

How do we get smarter law enforcement, requiring smart resource allocations, not about funding or less funding but the right funding for the right programs, and see that this happens?

Memphis, as hiring has become more difficult, we have lowered our standards to get more officers. That is not the way to do it. The COPS program is helping us review the policy and procedures, and I thank you, the COPS program, for doing that. What can the Department of Justice do to help see that law enforcement is more efficient and more effective?

Attorney General GARLAND. So, the key to this is our partnership, the FBI, DEA, Marshals, ATFs, partnership at every local level with local and State law enforcement, and task forces in discussions to target the most dangerous criminals in those communities, but at the same time, to engage the communities to help engender community trust in law enforcement.

Everyone who has prosecuted violent crime cases, and that includes me, knows that you need the trust of the community to get

witnesses. We, in the Justice Department, are helping our State and local colleagues do just that.

The funding you described from the COPS Office and in the Office of Justice Programs allows us to give money to State and local police organizations that are having trouble with recruitment and retention and promotion of law officers and helps them make their departments respectful of Constitutional rights and at the same time effective in the investigation and prosecution of criminal law violations.

Mr. COHEN. Thank you for those activities, those programs through COPS.

You have also reinstated patterns and practices investigations of certain police departments. Memphis is one of them. I thank you for doing that. Can you share with us how important those pilot programs are and how they can improve policing?

Attorney General GARLAND. Yes. Congress has authorized the Justice Department to conduct pattern and practice investigations when they have a reasonable belief in the, that there has been un-Constitutional, a pattern of unConstitutional behavior in a police department. We are careful to select those cases where we think there is such a pattern. We make those investigations. We then work with the law enforcement agencies and the cities.

Our hope is to come to a consent decree that will lead to a better, more efficient, and more Constitutional police department. We have been successful in all our cases to date in reaching consent agreements.

Mr. COHEN. Thank you, sir. You were part of announced bringing of charges, Federal charges against the five officers who killed Tyre Nichols in Memphis. I thank you for that. We need that Federal charge. We need our department looked at.

If there is a shutdown of the Federal Government, how will that affect the Department of Justice and affect policing in local communities?

Attorney General GARLAND. I haven't done a complete calculation on the effects of a shutdown and the difference between which employees are indispensable under the statute and which ones not. It will certainly disrupt all our normal programs, including our grant programs to State and local law enforcement, and to our ability to conduct our normal efforts with respect to the entire scope of our activities, including helping State and locals fight violent crime.

Mr. COHEN. Thank you, sir. Happy New Year.

I yield back the balance of my time.

Chair JORDAN. The gentleman yields back.

The gentleman, Mr. McClintock, from California, is recognized.

Mr. MCCLINTOCK. Thank you, Mr. Chair.

Mr. Attorney General, looking again at the appointment of Jack Smith and David Weiss, this double standard of Justice couldn't be more glaring. Jack Smith was deeply involved in the IRS scandal that targeted conservative political groups who were harassed. His malicious prosecution of former Governor McDonnell was unanimously overturned by the U.S. Supreme Court. Chief Justice Roberts rebuked Smith directly for attempting to criminalize political activity. You appointed him to prosecute Joe Biden's chief rival for the presidency.

Then we have the appointment of David Weiss. Weiss deliberately allowed the statute of limitations to run out on any charges that could have implicated Joe Biden in influence peddling. He originally offered Hunter Biden a sweetheart deal that was ultimately upended by the court. He is the one you appointed to pursue the charges that could implicate Joe Biden.

That leads me to only two explanations, either corruption or incompetence. So, which is it?

Attorney General GARLAND. Those are the kind of questions that judges would rule out of order.

Mr. MCCLINTOCK. I am sure you would. Which is it?

Attorney General GARLAND. Look, I said before and I will say again, Mr. Weiss was the Republican appointed United States Attorney, appointed by President Trump.

Mr. MCCLINTOCK. Do you at least see the obvious double standard applied in these two appointments?

Attorney General GARLAND. Mr. Weiss was a Republican appointee. Mr. Smith is not registered at either party. His entire career was as a career prosecutor.

Mr. MCCLINTOCK. I don't care what their party registrations are.

Attorney General GARLAND. That does not seem like a double standard.

Mr. MCCLINTOCK. I am not asking what their party registrations are. I am asking about their records and how those records would commend them to the appointments that you made. This is a question of judgment, and it is a question of motive. What was motivating you to do this?

Attorney General GARLAND. Mr. Smith had a nationwide reputation for integrity and for—

Mr. MCCLINTOCK. Oh, please, not a—

Attorney General GARLAND. —appropriate prosecution. His work can be measured by what he actually has filed. Everyone in the country can see the indictments—

Mr. MCCLINTOCK. How can you say that after he was so heavily implicated in the IRS scandal or the rebuke that the Supreme Court gave him and many other examples? Let me go on.

We have had two IRS Whistleblowers inform Congress of attempts by senior Justice Department officials to obstruct the criminal investigation into millions of dollars of ill-gotten and undeclared income to Hunter Biden.

They noted several deviations by the Department officials from normal process that provided preferential treatment in this case to Hunter Biden, a direct quote, including allowing the statute of limitations to lapse, requesting IRS and FBI management level investigative communications prohibiting investigators from referring to the big guy or dad in witness interviews, excluding the investigative team from meetings with defense counsel, and notifying defense counsel of pending search warrants. The U.S. Attorney's Office even tipped off the Bidens of an impending search of a storage unit where their records were being kept.

Now, that sounds an awful lot like obstruction of justice to me. Was that coming from you or from somebody else?

Attorney General GARLAND. I am sorry. I don't—was that coming from you? I don't understand the question.

Mr. MCCLINTOCK. All the actions that your employees took to obstruct the investigation of Hunter Biden and the earnings that he made and the taxes he failed to declare, their source and ultimately who they were paid to.

Attorney General GARLAND. I am going to say again with respect to the Hunter Biden investigation, that it has been and still is in the hands of Mr. Weiss, an appointee of President Trump. I don't know about all these allegations. Some of them appear to have been from the period when the Attorney General appointed by President Trump was still the Attorney General.

Mr. MCCLINTOCK. Do these charges trouble you at all?

Attorney General GARLAND. Mr. Weiss will have an opportunity to explain the decisions—

Mr. MCCLINTOCK. Well, you are the guy in charge. Does this trouble you?

Attorney General GARLAND. I have intentionally not involved myself in the facts of the case, not because I am trying to get out of responsibility but because I am trying to pursue my responsibility.

Mr. MCCLINTOCK. Your FBI Director testified before this Committee of an uptick in “known or suspected terrorists coming across the Southern border.” He told us that the Southern border represents a massive security threat. Those were his words, a massive security threat. Do you agree?

Attorney General GARLAND. I am perfectly happy to align myself with the Director of the FBI.

Mr. MCCLINTOCK. Well, why is it then that we, senior administration rescinds the Trump era orders that had secured that border? We have seen an exponential increase in suspected terrorists.

Chair JORDAN. The time of the gentleman has expired. The witness can respond if he chooses.

Attorney General GARLAND. The answer to this question about immigration law is an extremely long answer. I would defer to the Department of Homeland Security, which is responsible for the physical security and that first contact at the border. With respect—

Chair JORDAN. Well, we have tried to get answers from him, and he doesn't give them to us. So, we were hoping you would.

I understand, Mr. Attorney General, you have requested a short break. So, we will take a short break and resume in five minutes.

Attorney General GARLAND. OK. Sorry.

[Recess.]

Chair JORDAN. The Committee will come to order.

The Chair now recognizes the gentleman from Georgia, Mr. Johnson, for five minutes.

Mr. JOHNSON of Georgia. Thank you, Mr. Chair.

Attorney General Garland, great to see you. Thank you for your service to the Nation.

The Nation watches as the Republicans have no answer for why they want to focus and obsess on Hunter Biden receiving \$2 million from Burisma after serving on a board that he said he was not qualified to serve on. Yet, the Saudi Arabians gave \$2 billion to Jared Kushner, who conducted Middle East strategy for his dear old dad, Donald Trump. He got \$2 billion for something that he is not equipped to do, which is investment banking. So, Republicans

looking at Hunter Biden instead of Jared Kushner, Americans don't understand how that could be.

They also are increasingly alarmed about the fact that the Republicans in control of the House only seem to have three objectives.

- (1) To impeach Joe Biden.
- (2) To shut down, is to impeach or get rid of Kevin McCarthy actually.
- (3) To shut down the government.

A subset of that is to defund the DOJ and the FBI for trying to hold Donald Trump accountable. So, the American people are watching that.

They also appreciate the fact that you have had a distinguished career as a prosecutor and a DOJ official, as well as 24 years on the bench. You served on the second highest court of the land as a judge for 24 years, the D.C. Circuit Court of Appeals. We appreciate your service. You were for seven years the lead, you managed that entire office. We thank you for that. You also served on the Judicial Council for a number of years. So, you are steeped in the rule of law. You are a judge extraordinaire.

As a judge, you never had the occasion to receive a private jet travel to an exotic location by a corporate billionaire, did you? You can cut your mic on.

Attorney General GARLAND. No.

Mr. JOHNSON of Georgia. You never received an offer to get a ride on a private jet?

Attorney General GARLAND. No.

Mr. JOHNSON of Georgia. Did you take any vacations at exclusive resorts paid for by a billionaire?

Attorney General GARLAND. I know these are not hypothetical questions. I think—

Mr. JOHNSON of Georgia. I mean—

Attorney General GARLAND. —this is really not within my realm of questions.

Mr. JOHNSON of Georgia. You were a judge extraordinaire. You know the rules of ethics for judges because your bench had to, was covered by a Code of Conduct. Is that not correct?

Attorney General GARLAND. Yes. All the judges, Federal, appellate, and District Judges are covered by the Code of Conduct.

Mr. JOHNSON of Georgia. You would never have had somebody to pay for your godson's tuition to a private school, would you?

Attorney General GARLAND. Again, I don't want to answer these kinds of—at least to me they are hypothetical questions. What I would say is that always as a judge, and I have said this before and quite publicly and long ago, I always held myself to the highest standards of ethical responsibility imposed by the Code. That is really all I can answer here.

Mr. JOHNSON of Georgia. It is required that judges and justices avoid even appearances of impropriety. Isn't that correct?

Attorney General GARLAND. Again, I know you are asking this both hypothetically and not hypothetically. All I can say is I follow the Code of Judicial Conduct. It includes avoiding appearances. That is right.

Mr. JOHNSON of Georgia. Well, let me ask you this question. Senator Whitehouse and I sent a letter to you alerting you to the fact that we were asking the Judicial Council to refer the matter of Clarence Thomas being in violation of the Ethics in Government Act to the Justice Department. After that, Representative Alexandria Ocasio Cortez, along with myself and others, requested that you take that matter up directly.

Have you responded to either one of those letters? If not, why not? What action have you taken pursuant to those letters?

Chair JORDAN. The gentleman may respond.

Attorney General GARLAND. I assume that if you sent the letter, we have it. I will speak to the Office of Legislative Affairs about where it is at this point.

Mr. JOHNSON of Georgia. Is the Department investigating—

Chair JORDAN. The time of the gentleman has expired.

The Chair now recognizes the gentleman from California, Mr. Issa.

Mr. ISSA. Thank you.

Good day, Mr. Attorney General. This may be the reason that it is good for you to leave the Chief Justice and that group before each of us speak, as you would have already heard all that.

I want to thank you personally for your office and your engagement to Camp Lejeune and on obviously a vast amount of litigation. That is one of the many, many jobs that it falls at your feet.

One of the jobs that falls at our feet here is that we are watchdogs of the Executive Branch. You have previously said that you are not Congress' attorney. You have said you are not the President's attorney. I am assuming that you are neither our prosecutor nor our defense attorney, and you are neither the President's prosecutor nor defense attorney.

That is why that today's investigation really does deal with the fact that if you are not by definition the President's prosecutor, but we have an obligation to see whether or not the President or a member of his family or in concert with the President's activities, in fact, need to be overseen, admonished, or even prosecuted.

So, I have a couple of questions for you. One of them is that you have not said this very much today, but you often say I cannot comment on that because it is an ongoing investigation. When we ask for information, you very commonly say that it is the policy, not the law, but the policy of the Department of Justice not to provide information related to an ongoing investigation. So far, I am on track. Is that correct?

Attorney General GARLAND. I think I have said more than it is just a policy. I think the letters we have sent trace it to the Constitutional separation of powers, Rule 6(e) of the Federal Rules of Criminal Procedures, et cetera. In general, I am in accord with what you are saying.

Mr. ISSA. So, one of the challenges we face is that just a matter of weeks ago a Federal Judge found the actions of a now special prosecutor to be so outside what he could agree to that he pushed back on a plea settlement and nullified it and sent the U.S. Attorney going back.

In light of that, don't you think it is appropriate for that portion to be considered a pre-ongoing investigation and for Congress to

legitimately look at the activities leading up that failed plea bargain, rather than wait until weeks, months, or years from now a case is fully settled?

Attorney General GARLAND. Yes, so if you will give me a chance, first I don't agree with the characterization of what happened in the plea. The District Judge performed her obligations under Rule 11 to determine whether the parties were in agreement as to what each had agreed to and determined that they were not. The plea fell apart, as you know. There has been another prosecution. So, that leads to the second thing. We are in, Mr. Weiss is in the midst of an ongoing prosecution on the very matter that you are talking about.

Mr. ISSA. OK. Mr. Attorney General, if we believe, and we do at least on this side of the dais, that a pattern of behavior is occurring relative to the investigation of Hunter Biden, particularly and including while he lived in the Vice President's home, while he operated, commingled with the Vice President, and even today as he travels with the President.

So, in light of that, can you agree that, in fact, it would be reasonable for us to look at a number of items, including and one that I want your answer on, and I know we have limited time. Mr. Weiss supposedly had this ability to bring a prosecution anywhere. He now explicitly has that ability.

However, are you concerned, and should we have the right to look into the fact that political appointees in California and in the District of Columbia refuse to, in fact, cooperate with him in those, in the investigation that he was charged with doing in Delaware, but which flowed over into their jurisdictions? Isn't that, in fact, an example where those political appointees of the now-President, that their decision not to cooperate with him creates at least an appearance of political interference with the investigation of the President's son and possibly activities related to the President?

Attorney General GARLAND. Look, I am happy to answer this question in a hypothetical, but not in the specifics because I have stayed out of this matter.

In the hypothetical, it is the normal process of the Department that if a U.S. Attorney in one district wants to bring a case in another they go to that other district and consult. It is perfectly appropriate. They do that to determine what the policies are in that district, what the practices have been in that district, what the judges are like in that district.

A U.S. Attorney in another district does not have the authority to deny another U.S. Attorney the ability to go forward. I have assured Mr. Weiss that he would have the authority one way or the other. I think Mr. Weiss' letters completely reflect that.

Mr. ISSA. Thank you. To be continued.

Chair JORDAN. The time of the gentleman has expired.

The Chair recognizes the gentleman from California for five minutes.

Mr. SCHIFF. Welcome, Mr. Attorney General. Thank you for leading the Department with such integrity.

We met today at a momentous time in our history. The country is about to go through a great trial. By this I do not mean any of the several trials of the former President, but rather a trial of the

proposition that we are a Nation of laws committed to the rule of law and that no one is above the law. It is a proposition well known around the world because it is the one essential ingredient in all democracies. We have all professed our belief in this principle, but it has never been truly tested, not like it is today.

In this Committee, we are engaged in a portion of that trial. The Chair would abuse the power of this Committee by trying to interfere in the prosecutions of Donald Trump, by trying to use the Committee's power of subpoena to compel criminal discovery, in effect making the Committee a kind of criminal defense firm for the former President.

In doing so, the Chair of this Committee would establish a very different proposition. Through Mr. Jordan's actions, he would establish the principle that the rule of law should apply to almost everyone, just not the leader of his party. According to this alternate proposition, if you were the President of the United States and you lose your reelection you can violate the law and Constitution to try to stay in power. If you are successful, well then maybe you get to be President for life. If you fail, there are no repercussions. This proposition is also well known to the world, and it is called dictatorship.

Mr. Jordan hopes to camouflage his assault on the rule of law by falsely claiming that Donald Trump is the victim of unequal justice and Hunter Biden its beneficiary. It is a claim as transparently political as it is devoid of any factual basis. It is cynical, based on the belief that the American people cannot discern fact from fiction.

I am betting on America. History has shown that those who bet against her are rarely successful, and more often they end up covered with shame. I believe in the rule of law. I thank you, Mr. Attorney General, for defending it.

Let me now turn to some of the false claims asserted by the former President and some on this Committee. On Sunday, the former President appeared on a national news Sunday program and was asked about four indictments and 91 counts facing him. His response was Biden indictments, excuse me, Biden political indictments. He said the Attorney General indict him.

Mr. Attorney General, I want to give you a chance to respond. Was the President telling the truth or was he lying when he said that President Biden told you to indict him?

Attorney General GARLAND. No one has told me to indict, and in this case the decision to indict was made by the Special Counsel.

Mr. SCHIFF. So, that statement the President made on Sunday was false?

Attorney General GARLAND. I'm just going to say again that no one has told me who should be indicted in any matter like this and the decision about indictment was made by Mr. Smith.

Mr. SCHIFF. Let me ask you this question about the prosecution of Hunter Biden: The prosecutor in that case, Mr. Weiss, was appointed not by Joe Biden, but he was appointed in the first instance by Donald Trump, is that correct?

Attorney General GARLAND. Trump campaign.

Mr. SCHIFF. He continued in that position, was he not?

Attorney General GARLAND. He was continued in that position, yes.

Mr. SCHIFF. Mr. Attorney General, can you imagine, can you imagine the hue and cry you would hear from my colleagues on the other side of the aisle if you had removed him from that position? Can you imagine the claims that you had removed a prosecutor who was diligently investigating Hunter Biden? Can you imagine the outrage they would have expressed?

Attorney General GARLAND. I can say that during my confirmation hearing I discussed with many Senators on that side of the aisle their desire and actual insistence that Mr. Weiss be continued to have responsibility for that matter. I promised and I said at my confirmation hearing that he would be permitted to stay and that I would not interfere.

Mr. SCHIFF. Mr. Attorney General, that was exactly the right decision. That was the right decision to give the American people the confidence that even a prosecutor chosen by the former President would continue in the investigation into the son of the current President. That was exactly the right decision. Exactly the right decision. My colleagues on the other side of the aisle would have been screaming if it were otherwise. Their attack on you is completely devoid of fact, of principle, but I appreciate you doing the right thing for the Department of Justice, and more importantly the right thing for the American people. I yield back.

Chair JORDAN. The gentleman yields back.

The Chair now recognizes the gentleman from Kentucky.

Mr. MASSIE. Attorney General Garland, Elon Musk was a Democrat who admittedly supported Biden, but then he became a critic of the administration and exposed the censorship regime. Now, per public reports the DOJ has opened not one, but two investigations of Elon Musk.

Mark Zuckerberg on the other hand spent \$400 million in 2020, tilting the elections secretly for Democrats. No investigations whatsoever.

To the American public these look like Mafia tactics. You pay your money; we look the other way. You get in our way, we punish you. The American public sees what these tactics are.

Now, I want to direct your attention to a video here that we are going to play.

[Video played.]

Mr. MASSIE. Peter Navarro was indicted for contempt of Congress. Aren't you in fact in contempt of Congress when you give us this answer? This is an answer that is appropriate at a press conference. It is not an answer that is appropriate when we are asking questions. We are the Committee that is responsible for your creation, for your existence of your department. You cannot continue to give us these answers. Are you in fact in contempt of Congress when you refuse to answer?

Attorney General GARLAND. Congressman, I have the greatest respect for Congress. I also have the greatest respect for the Constitution and laws of the United States. The protection of pending investigations and ongoing investigations, as I briefly discussed in another dialog a few moments ago, goes back to the separation of powers which gives to the Executive Branch the sole authority to conduct prosecutions. It's a requirement of due process and respect

for those who are under investigation, protection of their civil rights. This has nothing to do with respect to Congress.

Mr. MASSIE. Well, with all due respect to that, Iran Contra was an ongoing investigation and that didn't stop Congress from getting the answers. You are getting the way of our Constitutional duty. You are citing the Constitution. I am going to cite it. It is our Constitutional duty to do oversight.

Now, in that video that was your answer to a question to me two years ago when I said how many agents or assets of the government were present on January 5th–January 6th and agitating in the crowd to go into the Capital and how many went into the Capital? Can you answer that now?

Attorney General GARLAND. I don't know the answer to that question.

Mr. MASSIE. Oh, last time—you don't know how many there were or there were none?

Attorney General GARLAND. I don't know the answer to either of those questions. If there were any, I don't know how many. I don't know whether there are any.

Mr. MASSIE. I think may have just perjured yourself that you don't know that there were any. You want to say that again, that you don't know that there were any?

Attorney General GARLAND. I have no personal knowledge of this matter. I think what I said the last time and—

Mr. MASSIE. You have had two years to find out and today—and by the way, that was in reference to Ray Epps, and yesterday you indicted him. Isn't that a wonderful coincidence? On a misdemeanor. Meanwhile you are sending grandmas to prison. You are putting people away for 20 years for merely filming. Some people weren't even there, yet you got the guy on video. He is saying go into the Capital. He is directing people to the Capital before the speeches. He is at the site of the first breach. You have got all the goods on him. Ten videos. It is an indictment for a misdemeanor? The American public isn't buying it.

I yield the balance of my time to Chair Jordan.

Attorney General GARLAND. May I answer the question?

Chair JORDAN. I am going to ask one now. We will let the—

Attorney General GARLAND. Yes.

Mr. MASSIE. Go ahead, but—

Attorney General GARLAND. In discovery in the cases that were filed with respect to January 6th the Justice Department prosecutors provided whatever information they had about the question that you're asking. With respect to Mr. Epps, the FBI has said that he was not an employee or informant of the FBI. Mr. Epps has been charged and there's a proceeding I believe going on today on that subject.

Mr. MASSIE. The charge is a joke.

I yield to the Chair.

Chair JORDAN. The time of the gentleman has expired. The Chair recognizes the gentleman from California.

Mr. SWALWELL. Mr. Attorney General, my colleague just said that you should be held in contempt of Congress. That is quite rich because the guy who is leaving the hearing room right now, Mr. Jordan, is about 500 days into evading his subpoena. About 500

days. So, if we are going to talk about contempt of Congress, let's get real.

I mean, are you serious that Jim Jordan, a witness to one of the greatest crimes ever committed in America, a crime where more prosecutions have occurred than any crime committed in America, refuses to help his country? We are going to get lectured about subpoena compliance and Contempt of Congress? Jim Jordan won't even honor a lawful subpoena? Are you kidding me? Are you kidding me? There is no credibility on that side.

Mr. Attorney General, you are serious; they are not. You are decent; they are not. You are fair; they are not. So, I welcome you to the law firm of Insurrection, LLP, where they work every single day on behalf of one client, Donald Trump. They do that at the expense of millions of Americans who need the government to stay open, who want their kids safe in their schools, and would like to see Ukraine stay in the fight so that we don't help Russia. That is the expense that this nonsense, this clown show—I would call it a clown show except they actually have real responsibilities that affect real Americans. It is the difference between one side that believes in governing and one side that believes in ruling.

You have tried to comply with this Committee. In fact, last week one of your special agents came here for an interview, brought his lawyer, and was told that he couldn't have his lawyer present. Mr. Jordan, who tells all of us he knows so much about the Constitution, wouldn't afford one of your employees with the basic Constitutional rights to have a lawyer present. In fact, they threatened to call the Capital Police and arrest a lawyer that was brought. Are you familiar with that standoff that occurred last week, Mr. Attorney General?

Attorney General GARLAND. Generally, yes.

Mr. SWALWELL. Well, your office also sent a letter detailing it, that you were willing to comply, but you would like him to have a lawyer.

I would like to submit that to the record with unanimous consent.

Chair JORDAN. Without objection.

Mr. SWALWELL. Who appointed Mr. Weiss?

Attorney General GARLAND. Mr. Trump was the last person who appointed Mr. Weiss to the position of U.S. Attorney. I appointed him to the position of the Special Counsel last month.

Mr. SWALWELL. Who initially appointed John Durham?

Attorney General GARLAND. Mr. Durham was I believe also appointed by President Trump, and Mr. Barr appointed him as Special Counsel.

Mr. SWALWELL. Again, these guys are so upset that Donald Trump's appointed prosecutors aren't doing enough of the corruption that Donald Trump wants them to do. So, either they are just following the law, or they are not as corrupt, and they are not willing to go as far as they think that Donald Trump deserves. That is what they are asking to happen here.

Also, doesn't it seem that they want it both ways when it comes to the Special Counsel? A lot of questions suggested that the Special Counsel should be independent, but when they didn't like the direction of the Special Counsel you were asked why you didn't

interfere more, or involve yourself more, or investigate more. Do you get that sense that they are kind of stuck here?

Attorney General GARLAND. When I make an appointment somebody to be a Special Counsel or a prosecutor, the appointment is without respect to what the outcomes of the case will be.

Mr. SWALWELL. Your office has made a number of reforms to 702 targeting foreign nationals, but those reforms have not been put into law. Section 702 is also one of the best weapons we have to go after fentanyl. Can you tell us if you would support putting some of those reforms into law, so we don't have to live administration to administration to see if they are going to be followed?

Attorney General GARLAND. I would. Section 702 provides us with the greatest—at least Justice Department every morning—the greatest amount of intelligence that we receive about dangerous threats to the United States.

Mr. SWALWELL. From foreign nationals?

Attorney General GARLAND. From foreign nationals. I am quite aware and sensitive to civil liberties concerns with respect to the queries, and for that reason I put into place and I extended some of those that Mr. Barr had begun at the end of his term, and I put further ones in place. Those have led to a dramatic reduction in the number of queries and a dramatic reduction in the number of non-compliant queries. I believe those are appropriate reforms and I would be in favor of codifying them, yes.

Mr. SWALWELL. Thank you, Mr. Attorney General, and thank you for coming and doing something that the Chair is unwilling to do, testify to Congress. Yield back.

Chair JORDAN. The gentleman yields back.

The Chair now recognizes the gentleman from Wisconsin, Mr. Fitzgerald.

Mr. FITZGERALD. Attorney General, on August 11, 2023, you appointed Mr. David Weiss U.S. Attorney for the District of Delaware as Special Counsel overseeing the investigation of Hunter Biden. I don't think the question has been asked yet: Why did you choose to appoint him as Special Counsel?

Attorney General GARLAND. The explanation was given and as far—and to the extent I can give an—I'm permitted to give an explanation is the one I gave and sent to the Congress, which is that Weiss requested it and I promised to give him all the resources that he need. He had reached the stage of the investigation where he thought it would be appropriate and under those extraordinary circumstances, I thought the public interest would be served by making him Special Counsel.

Mr. FITZGERALD. How did Mr. Weiss' name emerge? Who recommended him? How was it brought to you or presented to you that this would be the best person to be the Special Counsel?

Attorney General GARLAND. I'm not going to get into internal discussions. Mr. Weiss asked that he be appointed as Special Counsel. I granted that request and made him Special Counsel, but I'm not going to get into internal deliberations in the Justice Department.

Mr. FITZGERALD. I think you said earlier you have had no discussion with the White House and certainly the President in regard to that. Is that accurate?

Attorney General GARLAND. Of course.

Mr. FITZGERALD. There were no suggestions that came from any other level of government on Mr. Weiss?

Attorney General GARLAND. No, nothing came from the White House. That's right.

Mr. FITZGERALD. So, on August 20, 2023, the *Washington Post* article claimed that Mr. Weiss worked with Hunter Biden and Hunter Biden's late brother Beau Biden. Were you aware that there was a relationship there with the Biden family?

Attorney General GARLAND. I'm not familiar with this. I don't know when he did what—

Mr. FITZGERALD. They worked together on legal cases in prior years. You were unaware of that?

Attorney General GARLAND. I'm not familiar with that.

Mr. FITZGERALD. The article claims it would have been inevitable for Mr. Weiss and the President to cross paths in a State like Delaware. They knew each other. There was a relationship there. You were unaware of any of this before you appointed him?

Attorney General GARLAND. I was unaware of this, but attorneys who are in practice certainly get to know people, so it's very difficult anywhere in the country for attorneys not to get to know attorneys on other sides of matters.

Mr. FITZGERALD. You said previously that Mr. Weiss had the ultimate authority over the investigation of the President's son including prior to his appointment as Special Counsel. You stand by that statement, I am sure?

Attorney General GARLAND. I'm sorry. I didn't—

Mr. FITZGERALD. Just that, in fact, that the ultimate authority was still there with Mr. Weiss to make determinations on that case.

Attorney General GARLAND. You mean still as Special Counsel? Yes.

Mr. FITZGERALD. Yes.

Attorney General GARLAND. Yes.

Ms. FITZGERALD. As Special Counsel. So, the buck stopped there and that has been determined.

According to the Whistleblower testimony Mr. Weiss' Deputy AUSA Lesley Wolf objected to search warrants of President Biden's guest house, denied investigation access to a storage unit containing all the documents from the vacated office of the law firm.

Is Lesley Wolf still employed by the Department of Justice?

Attorney General GARLAND. I'm not going to talk about any individuals in the Justice Department. As I said before singling out individuals has led to serious threats to their safety. I will say that the supervisor of this investigation was Mr. Weiss. He's responsible for all the decisions that were made. Many of the things that you're saying occurred during the previous administration.

Mr. FITZGERALD. OK. Well, there was absolutely a discussion by Lesley Wolf that if they told investigators or got involved with this that there would ultimately be issues. You still believe that at this point that the entire investigation has moved in the correct discretion—was handled by the correct discretion of the individuals involved?

Attorney General GARLAND. Mr. Weiss was a long-standing career prosecutor who was appointed by President Trump. He has an

outstanding reputation and I have confidence that he will proceed as appropriate. At the end of his investigation he will submit a public report just like Mr. Durham, just like Mr. Mueller. He will be available for you to ask him questions about why he did various things that were done.

Mr. FITZGERALD. I yield the balance of my time to the Chair.

Chair JORDAN. Mr. Garland, what changed? On July 10, 2023, David Weiss wrote to Senator Graham and said, "I have not requested Special Counsel designation." On August 11th, you announced that he is now the Special Counsel. What happened in that 31 days?

Attorney General GARLAND. As I said publicly several days before my announcement, I think three days, Mr. Weiss had asked to become Special Counsel. He explained that there were—had reached the stage of his investigation where he thought that appropriate. I had promised—

Chair JORDAN. What stage is that?

Attorney General GARLAND. I had promised to give him the resources he needed.

Chair JORDAN. What stage is that? He had reached the stage. After five years what stage are we in? Are we in the beginning stage, the middle stage, the end stage, the keep-hiding-the-ball stage? What stage are we in?

Attorney General GARLAND. I think this is when I would go back to the videotape where I said I'm not permitted to discuss ongoing investigations.

Chair JORDAN. Well, isn't that convenient? Something changed in 31–32 days from July 10th–August 11th. I think it is two brave Whistleblowers came forward and a judge called BS on the plea deal you guys tried to get passed. That is what I think happened.

The Chair now recognizes the gentleman from California.

Mr. LIEU. Thank you, Mr. Chair.

The House Judiciary Committee has the responsibility of helping to ensure the rule of law. Unfortunately, this Committee's Chair ignored a bipartisan Congressional Subpoena. The horrible precedent set by this Chair has damaged the credibility of all Congressional Committees in seeking information from witnesses and damaged the rule of law.

Attorney General Garland, thank you for your public service and thank you for being here today. I would like to start by showing a video of January 6th and then ask you some questions about that day.

[Video played.]

Mr. LIEU. Attorney General Garland, the Department of Justice charged over 1,100 defendants in connection with the attack on our Capital, correct?

Attorney General GARLAND. Yes, that's correct.

Mr. LIEU. I am going to state two facts:

- (1) The people who showed up on January 6th to attack the Nation's Capital were supporters of Donald Trump.
- (2) They attacked the Capital, stopped Congress from certifying the fact that Donald Trump lost the election.

Those two facts were so horrible that some in the right-wing media and some Republican Members of Congress could not handle that, so they made up conspiracy theories. In fact, Donald Trump called January 6th a beautiful day. He said the people who showed up had love in their hearts. A Republican Member of Congress said January 6th was like a normal tourist visit. Some Republicans have said there were not weapons used on January 6th.

Attorney General Garland, were there weapons used in the attack on January 6th?

Attorney General GARLAND. Yes, in the video you already saw the—some of the weapons that were used, and there are obviously many more in many, many hours of video.

Mr. LIEU. Another conspiracy theory is that somehow the FBI actually orchestrated this attack, so I am going to go through some cases that have gone through completion and resulted in sentencing.

Joe Biggs was sentenced to 17 years in prison for seditious conspiracy and other counts related to the attack on our Nation's Capital. Have you seen any shred of evidence that Joe Biggs was an FBI agent?

Attorney General GARLAND. No.

Mr. LIEU. In fact, Joe Biggs was a Member of the Proud Boys. This is what Assistant U.S. Attorney Conor Mulroe stated about Joe Biggs and the Proud Boys in court. He stated, quote,

They saw themselves as Donald Trump's army fighting to keep their preferred leader in power no matter what the law or the courts had to say about it.

On September 4th, Joe Biggs stated that he is confident Trump will pardon him. He said, quote, "Oh, I know he'll pardon us. We're his supporters. We went there like he asked."

I would like to now ask you about the case of Stewart Rhodes who was sentenced to 18 years in prison for the attack on our Nation's Capital. Have you seen any shred of evidence that Stewart Rhodes was an FBI agent?

Attorney General GARLAND. No.

Mr. LIEU. In fact, he was the founder of the Oath Keepers, a far-right paramilitary organization. Rhodes asked Donald Trump to call them up as militia.

Then, I would like to ask you about Enrique Tarrío who was sentenced to 22 years in the attack on our Nation's Capital. Have you seen any evidence that Enrique Tarrío was an FBI agent?

Attorney General GARLAND. He was not an FBI agent.

Mr. LIEU. In fact, he was the leader of the Proud Boys. What happened on January 6th is that Donald Trump's supporters showed up because he told them to. They marched to the Capital because he told them to. They attacked the Capital because he told them to stop the steal. That is the truth and that is how history is going to record it. Thank you for prosecuting those who attacked our Nation's Capital. I yield back.

Chair JORDAN. The gentleman yields back.

The Chair now recognizes the gentleman from South Carolina.

Mr. FRY. Thank you, Mr. Chair. I have a slide up here. I will start. In October—or March 2022, Mr. Weiss was denied the ability to bring charges against Hunter Biden in the District of Columbia.

In April of that same year, you testified before the Senate Appropriations Committee that Mr. Weiss was free to run the investigation without interference from the DOJ.

According to the IRS Whistleblower there was a meeting in October 2022, where Mr. Weiss said that he was not the deciding official on whether charges were filed. We know that because we have handwritten notes from the IRS Whistleblowers that was confirmed in an email to people in the meeting.

Later in January, Mr. Weiss was denied the ability to bring charges again against Hunter Biden in the Central District of California. You testified before the Senate Judiciary Committee in March of this year that he had full authority. Weiss confirmed that to us in a letter in June that he had been granted, quote, “full authority over this matter.” Then, he kind of backed up. On June 3rd, he said well, just kidding. My charging authority is geographically limited to my home district in Delaware. Of course, you appoint him as Special Counsel.

So, why the heck has his story changed so many times over the course of these investigations?

Attorney General GARLAND. Congressman, I have seen all of the three letters. I read them quite carefully. They are all consistent with each other and I urge everyone watching this on television or anyone who’s interested to look at those three letters. They are not inconsistent with each other and there’s no change in the story.

Mr. FRY. So, but you agree that he had—and you have said this publicly that he had ultimate authority prior to the appointment of Special Counsel?

Attorney General GARLAND. I’ve explained this repeatedly here. I’ve explained this in another proceeding. I said that Mr. Weiss would have the authority to bring a case in any jurisdiction in which he wanted to, and Mr. Weiss has confirmed that he would have that authority. I explained that if he had to bring a case in another jurisdiction, as a matter of mechanics it would require me or a delegate of mine to sign a 515 Order. That is very common.

Mr. FRY. Mr. Attorney General, forgive me for—

Attorney General GARLAND. There was nothing stopping that from happening.

Mr. FRY. Forgive me for a second though. That is—when you say you have ultimate—when he wrote a letter on your behalf in June, I have ultimate authority—this was prior to the designation of Special Counsel—ultimate to mean that you can go wherever you want to.

Attorney General GARLAND. Ultimate means when—

Mr. FRY. So, at that particular point, sir, could he file charges in the district of South Carolina? He would not have that ability, correct? He would have to go through that U.S. Attorney. So, that is not full authority.

Attorney General GARLAND. All he would have to do is ask me for 515 authority and I would sign it right away. Just like when he asked me to be Special Counsel within three days, I signed that.

Mr. FRY. So, he didn’t have ultimate authority?

Attorney General GARLAND. He had the authority because I promised that he would have the authority.

Mr. FRY. He did not have that authority. See, here is where I am going: If he was denied the ability to bring charges in March 2022, in the District of Columbia, if he was denied the ability to bring charges in January 2023, in the Central District of California, that is not full authority. These U.S. Attorneys operate as gatekeepers, so that is not full authority to do much of anything.

What is remarkable to me, we sit here and we look at this and his story has changed so many times. You know whose story hasn't changed? Mr. Shapley, Mr. Zeigler, the emails that confirm that he said I don't have—I am not the deciding person on whether charges are filed. You know what the response back was from his colleague at work? Yes, you covered it all, Gary. That is consistent.

What Mr. Weiss has done is this shell game in saying that he has authority, he doesn't have authority, but these gatekeepers at the U.S. Attorney's Office in the District of Columbia and in the Central District of California, they would have the gatekeeping authority on whether charges are brought in their jurisdictions—

Attorney General GARLAND. I'm sorry—

Mr. FRY. —absent that designation, correct?

Attorney General GARLAND. Those words have no meaning: Gatekeepers, et cetera. Mr. Weiss said he was never denied authority. I'm the one with the authority to decide who can prosecute in a different jurisdiction and I promised that he would have that authority. I do not see any inconsistency here. I was not at the meeting that Mr. Shapley was referring to. I know what I guaranteed, and I know what Mr. Weiss has said I guaranteed.

Mr. FRY. Mr. Chair, I yield the balance of my time.

Chair JORDAN. It is a simple question: If he already had it, why does he need it? That is the question. You said in your statement on August 11th—you said he will continue, continue to have the authority to bring charges where, when, and wherever he decides. So, how can he continue to have the power that you just gave him? That is the fundamental question the gentleman from South Carolina was asking.

If he already had it, why does he need it?

Attorney General GARLAND. I tried to answer that he had the authority and he continued to have the authority.

Chair JORDAN. When did he specifically ask you? Did you tell him ahead of time that he could get 515 status anytime? When did you tell him that he could get that if he requested it?

Attorney General GARLAND. I made absolutely clear in—

Chair JORDAN. No. When? Did you tell him at the start of the investigation?

Attorney General GARLAND. I made clear from the beginning in my statements to the Senate that he would have the authority to make any decisions that he wanted to and bring prosecutions he thought were appropriate.

Chair JORDAN. The time of the gentleman from South Carolina is expired. The gentlelady from Washington is recognized for five minutes.

Ms. JAYAPAL. Thank you, Mr. Chair.

Attorney General Garland, thank you for tremendous service to this country. As somebody who was trapped in the gallery on January 6th; I have to admit it is still hard for me to look at that video

and imagine that happened at our U.S. Capital. I am deeply grateful that you have led this Nation toward accountability of all those who were involved, including the former President.

You have done so with full and complete attention to the facts with a team around you that focuses on thorough investigation and with a very clear mission that you have stated over and over and over again despite the asked and answered on the other side that the Justice Department works for the American people.

This is a night and day transformation from a Justice Department that was constantly used by Donald Trump for his own political gain. It is my firm belief that we have to hold those accountable who tried to destroy our country, including the former President, or we risk losing our country altogether. So, I thank you for your steadfast leadership.

It is just sad that this Committee has also been transformed into a soapbox for political conspiracy theorists instead of focusing on the really important issues that the American people care about. So, that is what I am going to try to do. I am going to focus on the critical crisis of reproductive freedom and the efforts to try and strip reproductive freedom from people across this country.

As you know a decades-long project of the extreme right wing materialized last year when five Republican-appointed justices overturned 50 years of precedent that established the Constitutional right to abortion.

As one of the one in four women across this country who has had an abortion and who felt compelled to share my story after decades because I saw the attacks on the right to abortion and what it would do particularly for poor women, for Black and Brown and indigenous people across this country I spoke out and shared that story.

In the 22 States where Republicans control the State legislature and Governorship today all have moved to restrict reproductive rights. More than 25 million women of childbearing age now live in States where abortion access has been curtailed. In Washington State, my home State, the *Seattle Times* reported that we are seeing increasing numbers of abortion patients not only from neighboring Idaho, which we knew we would see, but also from other Southern States where these restrictions are enforced.

Mr. Chair, I seek unanimous consent to enter this *Seattle Times* record—article into the record. “She traveled 2,000 miles secretly for her WA abortion. Why patients from the South are coming here.”

Chair JORDAN. Without objection.

Ms. JAYAPAL. As our fundamental freedoms are threatened by extreme MAGA Republicans in Congress and across the country, we trust that the DOJ will initiate investigations and file lawsuits to protect reproductive rights.

With respect to mifepristone, what has the Department done to protect access to this very safe abortion drug that women can take at home safely and—to end a pregnancy?

Attorney General GARLAND. So, the FDA authorized the use of mifepristone as safe and effective, and it did it back in 2000. That has been challenged, first in a District Court, and we defended the FDA in that matter. There was an appeal in the—to the Circuit

Court, which narrowed the District Court's opinion in some ways but allowed it to go forward in other. We have filed cert petition, which has been granted in the Supreme Court of the United States.

Ms. JAYAPAL. Very, very important work. Thank you. My home State of Washington has one of the highest rates of religiously affiliated hospitals in the country, with our State's insurance commissioner's office reporting that in 2021, there were several counties lacking even one secular hospital.

This is an issue under the Emergency Medical Treatment and Labor Act when patients in need of abortion care as life-saving treatments are denied services under the hospital's policies. What is the Department doing to enforce this law mandating that every hospital that receives Medicare funds provide, quote, "necessary stabilizing treatment" to patients, including abortion care?

Attorney General GARLAND. You are right. This is a Federal law. It expressly preempts any inconsistent State law. For that reason, we filed a lawsuit in Idaho and one in the District Court with respect to an Idaho law that impinged on the rights granted under EMTALA. We have filed a number of statements of interest in other places, and we are continuing to look at where it would be appropriate to intervene.

Ms. JAYAPAL. Thank you. You are on record stating that women who reside in States that have banned access to comprehensive reproductive care must remain free to seek that care in States where it is legal. I thank you for that. Can you briefly discuss the progress made by the task force and DOJ to ensure that pregnant people retain their right to travel?

Attorney General GARLAND. Yes. Look. My view about this right to travel is the same as Justice Kavanaugh's in his separate opinion. He said this is not a particularly difficult question. The right to travel is a Constitutional right, and it allows women in a State that bars abortion to travel and obtain an abortion in a State in which it is permitted.

Ms. JAYAPAL. Thank you, Attorney General, for your commitment to this issue and to upholding the rule of law in our country. Appreciate your service.

Chair JORDAN. The time of the lady has expired.

The gentleman from Oregon is recognized for five minutes.

Mr. BENTZ. Thank you, Mr. Chair.

Thank you, Mr. Attorney General, for being here today. I would like to go back briefly to your remarks regarding the—before the Senate when you were confirmed in your promise regarding Mr. Weiss. Can you explain to us in a little more detail who you promised you would keep Mr. Weiss on this case? To whom was that promise made?

Attorney General GARLAND. Yes. So, a number of Senators, in my meetings with them, asked me to make that promise. I think that was discussed in my interchange with a Senator from Tennessee, I believe.

Mr. BENTZ. Did that promise that you made lead you to believe that even if Mr. Weiss displayed a level of incompetence, that you would be precluded from asking him to step down or precluded from replacing him?

Attorney General GARLAND. Look. When someone asked me to make this appointment, they didn't ask me to depend on what the outcome was. Mr. Weiss has made his appointment, Mr. —decisions, and Mr. Weiss is an experienced Federal prosecutor with extensive experience and with sufficient credibility to be appointed by President Trump. I just have no grounds for interfering here.

Mr. BENTZ. All right. So, you haven't answered the question. The question was, really, what level of incompetence displayed by a prosecutor under your control would it take for you to make a change? Let's move on. The level of incompetence I am referring to—and I will just read this to you.

This is the same Weiss who headed an investigation that was trashed by Whistleblowers who alleged that his investigation had been fixed from the outset. It's the same Weiss who ran an investigation in which agents were allegedly prevented from asking about Joe Biden, obstructed in their efforts to pursue questions, compromised by tip-offs to the Biden team on planned searches.

It was the same Weiss who reportedly allowed the statute of limitations to run out on Hunter's major tax offenses even though he had the option to extend it. He was the same Weiss who did not indict on major tax felonies and cut a plea deal that brushed aside a felony gun charge. It was the same Weiss who inked a widely panned sweetheart deal that caused Federal Judge—a Federal Judge to balk at and trash a sweeping immunity grant language that even the prosecutor admitted had never been seen in a previous plea deal.

So, here is a list of what I would suggest under many people's definition would be incompetence. Are you saying that this is inadequate for you to have questioned what he was doing?

Attorney General GARLAND. I am saying that all these are allegations. I don't know what the facts of them are. I have, as I've explained, stayed out of this investigation. I was not present at any of the meetings discussed. Some of the meetings occurred under the previous administration, where Mr. Weiss was assigned to the matter by the previous Justice Department. I am not in a position to comment on them.

Mr. BENTZ. That is too bad. There is a scope of investigation memo generally issued when they start these things out. Who issued that scope of investigation memo to Mr. Weiss? Was it done back on—when he was originally appointed to take on the Biden case? Is that when the memo was—telling him what he was supposed to do was issued? Is there a scope of investigation memo is my question.

Attorney General GARLAND. There is a scope of investigation with respect to Special Counsel, and that has been publicly transmitted to the Chair of this Judiciary Committee and the Senate Judiciary Committee.

Mr. BENTZ. Who wrote it?

Attorney General GARLAND. Who wrote that scope?

Mr. BENTZ. Yes. Who decided what should be within the scope of that investigation?

Attorney General GARLAND. I am sorry?

Mr. BENTZ. Who wrote the memo? Who decided what the scope of that—

Attorney General GARLAND. I decided what should be in the scope. If you will compare that to the scope of many other Special Counsels, it basically is modeled on the format that we have used in the past, not only in this administration but the previous one.

Mr. BENTZ. In your remarks delivered on August 11th, of this year concerning the appointment of David Weiss as Special Counsel, you say on considering his request as well as, quote, “the extraordinary circumstances relating to this matter.” Can you tell us what those extraordinary circumstances were?

Attorney General GARLAND. I am sorry.

[Crosstalk.]

Mr. BENTZ. OK. So, these are your remarks back on August 11th.

Attorney General GARLAND. Yes. Yes.

Mr. BENTZ. It says, “On Tuesday this week, Mr. Weiss advised me that”—I am just quoting from your memo.

Attorney General GARLAND. Yes. Yes.

Mr. BENTZ. This is what you said,

In his judgment, his investigation has reached a stage at which he should continue his work as Special Counsel, and he asked to be so appointed. Upon considering his request,

as well as, quote,

... the extraordinary circumstances related to this matter, have concluded it is in the best public interest to appoint him Special Counsel.

What were those extraordinary circumstances you are talking about?

Attorney General GARLAND. Yes. Look. All the Special Counsels, including the appointment by Mr. Barr with respect to Mr. Durham, uses those phrases. The reason it uses those phrases is because that is in the Special Counsel regulation. I have said as much as I can say with respect to that without discussing matters relating to a pending investigation. I can't discuss matters with respect to a pending investigation for the reasons I have said.

Mr. BENTZ. Thank you.

I yield back.

Chair JORDAN. The gentleman yields back.

The gentleman from California is recognized.

Mr. CORREA. Thank you, Mr. Chair.

Mr. Garland, I want to welcome you today to this hearing. I want to turn our attention to something very interesting. More important, the most important thing on Main Street today in my district is drug addiction, narcotics, trafficking, and fentanyl.

I am going to quote you. June 23rd of this year, you said,

The U.S. Government continues to do everything in our power to disrupt fentanyl trafficking and to prevent more of our communities from being devastated by the fentanyl epidemic.

You went on to say,

We are targeting every step of the movement, manufacturing and the sale of fentanyl, from start to finish.

Mr. Garland, I believe that the only thing that cartel leaders fear is a United States prison. I want to thank you for the good job; you recently extradited Ovidio Guzman Lopez, El Chapo's son. Thank you very much for that good job.

My question is, do you have plans to extradite additional cartel leaders from other parts of the world to the United States to face U.S. justice and a U.S. prison sentence?

Attorney General GARLAND. Yes, I don't want to get into discussions, diplomatic discussions over the matter. Obviously, we have indicted the other Chapitos, Chapito being the nickname given to the sons of El Chapo.

Mr. CORREA. How many of those?

Attorney General GARLAND. Huh?

Mr. CORREA. How many are there of those?

Attorney General GARLAND. I am trying to remember. I think there may be four more, maybe five. I am not sure exactly. They have all been publicly indicted, and of course, we will seek the extradition of and the apprehension of everyone we have indicted.

Mr. CORREA. The apprehension, the indictment of these individuals, requires that you have cooperation from foreign countries, especially Mexico, since that is where a lot of these cartels are operating. Would you say right now, Mexico is cooperating with us in terms of working with your office to bring these cartel leaders to justice?

Attorney General GARLAND. They have obviously worked with us with respect to Ovidio. His apprehension by the Mexicans led to the deaths of a significant number of Mexican Marines—videos, people fighting back with 50 caliber machine guns and the Marines having to use Black Hawk attack helicopters to arrest him.

Mr. CORREA. Are these U.S. Marines or Mexican Marines?

Attorney General GARLAND. I am sorry?

Mr. CORREA. United States Marines or—

Attorney General GARLAND. No, no. I am sorry. Mexican Marines. It is the Mexican Marines who—playing an important role in the apprehension of the cartel leaders.

Mr. CORREA. So, Mr. Garland, would you characterize cooperation right now with Mexicans as being good, not good?

Attorney General GARLAND. I would say cooperation can always be better. We have an enormous problem with respect to fentanyl coming from Mexico, from its manufacture there, based on the precursors coming from China, based on the cartel leaders.

Mr. CORREA. How can we, as Members of Congress, help you make sure that other countries have a stronger cooperating relationship with us? How can we make sure that they cooperate to their fullest abilities with you?

Attorney General GARLAND. I appreciate that request. I will have to think about it some more. I will say that I have personally traveled to Mexico twice to try to get cooperation with respect to these matters.

Mr. CORREA. How important is FISA and 702 to your job when it comes to fighting narco/fentanyl?

Attorney General GARLAND. It is very important. Fentanyl poses a national security problem for the United States.

Mr. CORREA. So, can you work with us to ensure that we put guardrails under—around—put guardrail safety measures on 702 to ensure that those investigative weapons are not turned against U.S. citizens?

Attorney General GARLAND. Absolutely. Section 702 is a crucial, essential tool, but like all tools, it has to be properly controlled. We would be happy to work with Congress to make sure that civil liberties are protected.

Mr. CORREA. My last minute, I wanted to turn to the antitrust area, the European Union and the Digital Marketing Act, which is—Digital Markets Act, which is designed to protect consumers in Europe. Yet, it looks like most of their focus is on American firms.

No European companies or other foreign operators in the European Union are being targeted. It looks like it is only American firms operating in Europe, and it looks like the DOJ is working to support the efforts of the Europeans in implementing the Digital Marketing Act.

I have 18 seconds. I am going to submit a written question to your office. My focus, my interest, is making sure American jobs, American companies, are successful around the globe and that they are not in any way hampered from working overseas.

Thank you very much, Mr. Chair. I ran out of time.

Chair JORDAN. The gentleman yields back.

The gentleman from New Jersey is recognized for five minutes.

Mr. VAN DREW. Thank you, Mr. Chair.

Welcome, Attorney General. Following your confirmation, Americans were promised they were getting a focused nonpartisan to lead their Federal law enforcement. I had my doubts back then, and the last two years have more than confirmed, in my mind, those fears.

Never in my life would I have thought that I would see such a politicized DOJ. Never in my life would I have thought I would see such a Department of Justice that didn't obey their own rules. Never in my life did I think I would see the egregious investigations conducted under your watch or the blatant disregard of the First Amendment by FBI field offices under your watch. Never in my life did I think I would see our great DOJ turn into a politicized weapon to be wielded by an investigation to attack political rivals.

I still hold the thousands of hardworking staff with high regard. Unfortunately, there are some within the Department, in my mind, who have betrayed their oaths. For that you must be held accountable.

I hold you accountable for the labeling of parents as domestic terrorists standing up for the proper education of their own children. I hold you accountable for the anti-Catholic memo. Imagine sending agents undercover into Roman Catholic churches because they were supposedly domestic terrorists. I hold you accountable for unleashing a Special Counsel with a history of botched investigations on our current President's political rival.

The Department under your leadership, I am sorry to say—and I am sorry to say—has become an enforcement arm of the Democratic National Committee. If there is a perceived threat to the Democratic Party—the Democratic Party—this DOJ attacks every single time. When there are actionable threats against conservatives, this DOJ stays put.

Protesters outside—violent protesters outside—the Supreme Court Justice's home—unpunished. Attacks on pro-life centers—unpunished. The two-tiered system of justice is clear, and it is clear

to the American public. The buck stops with the man in charge. That man is you. The actions of the DOJ are on you. The decline of Americans' trust in our Federal law enforcement is on you. The political weaponization of the DOJ is on you.

Attorney General, I need a simple yes or a no to the following, just yes or no, because we don't have much time. Do you agree that traditional Catholics are violent extremists? Yes or no?

Attorney General GARLAND. Let me answer you have said in that long list of—

Mr. VAN DREW. I am not—

Attorney General GARLAND. I will be happy to answer all of those.

Mr. VAN DREW. Attorney General, I control the time. I am going to ask you to answer the questions I asked.

Attorney General GARLAND. Oh, you control time by asking me a substantial number of things and then—

Mr. VAN DREW. I didn't ask you those things. I made a statement.

Attorney General GARLAND. I will answer the—I will—

Mr. VAN DREW. Attorney General, through the Chair, I ask you, do you agree that traditional Catholics are violent extremists? Answer the question.

Attorney General GARLAND. I have no idea what you are—what traditional means here.

Mr. VAN DREW. Catholics. Catholics that go to church.

Attorney General GARLAND. May I answer your—just the idea that someone with my family background would discriminate against any religion is so outrageous, is so absurd—

Mr. VAN DREW. Mr. Attorney General, it was your FBI that did this. It was your FBI that was sending—and we have the memos; we have the emails—was sending undercover agents into Catholic churches.

Attorney General GARLAND. Both I and the Director of the FBI—

Mr. VAN DREW. This is—

[Crosstalk.]

Attorney General GARLAND. —have said that we were appalled by that memo.

Mr. VAN DREW. So, then, you agree that they are not extremists.

Attorney General GARLAND. We were appalled by that memo.

Mr. VAN DREW. Are they extremists or not, Attorney General?

Attorney General GARLAND. I think that—

Mr. VAN DREW. Are they extremists or not, Attorney General?

Attorney General GARLAND. —everything in that memo is appalling.

Mr. VAN DREW. Are they extremists or not? I am asking a simple question. Say no if you think that was wrong.

Attorney General GARLAND. Catholics are not extremists. No.

Mr. VAN DREW. Was anyone fired for drafting and circulating the anti-Catholic memo?

Attorney General GARLAND. You have in front of you the inspection of divisions, investigations—

Mr. VAN DREW. Just tell me yes or no, please. We have no time.

Attorney General GARLAND. I don't know the answer to that. There is a disciplinary process—

Mr. VAN DREW. OK. Do you agree that parents attending school board meetings should be categorized—

Attorney General GARLAND. —the Attorney General is not permitted to intervene in.

Mr. VAN DREW. OK. Should parents that go to school board meetings and are very vocal about their kids' education should be—should they be classified as domestic terrorists?

Attorney General GARLAND. Of course not, and my memo made clear that vigorous objections to policies in schools are protected by the First Amendment.

Mr. VAN DREW. So, it is no. The President this week accused you—not the President himself, his staff, and it was in the *The Wall Street Journal* and it was leaked out—of mismanaging the Hunter Biden probe. Do you agree? Yes or no? It was in a *The Wall Street Journal* article. I am not saying that.

[Crosstalk.]

Attorney General GARLAND. I am sorry. Do I agree with the *The Wall Street Journal*?

Mr. VAN DREW. Yes, and that—the information they released that said you botched this probe.

Attorney General GARLAND. I think I have dealt with the Hunter Biden investigation in the way—

Mr. VAN DREW. Mr. Chair, I yield my remaining time to you.

Chair JORDAN. I appreciate the gentleman yields back.

The gentlelady from Pennsylvania is recognized.

Ms. SCANLON. Thank you, Mr. Chair.

Thank you, Attorney General Garland, for your decades of service to the Department of Justice, to our country, and to our Constitution. It has been truly honorable service, and I think the American public as a whole recognizes that.

I was struck by and appreciate your opening statement in which you made crystal clear your fidelity to the U.S. Constitution and the rule of law and your reaffirmation that the Attorney General is not the President's lawyer. This is a welcome change from the rhetoric and actions of some of your predecessors in the last administration when they appeared before us.

As we all should know, the Justice Department works for the American people to prosecute crimes, uphold the rule of law and Americans' individual rights, and keep our country safe. Congress, of course, has a legitimate duty of oversight. The blatantly political and misleading rhetoric which we have been subjected to today undermines the seriousness of this Committee's work and ultimately the legitimacy and core values of our American institutions.

It is painfully obvious to anyone who cares about our Constitution that our colleagues have called this hearing not to conduct legitimate oversight but to once again defend the indefensible actions of the disgraced, twice impeached, and now repeatedly indicted in multiple jurisdictions former President and to distract from their inability to perform the most basic function of Congress, to fund the Federal Government.

So, they are baselessly accusing the U.S. Department of Justice of bias against the former President and his allies. It is important to note that those who are noisily and shamelessly trying to subvert our justice system are the same ones who seem to have both

the most to fear from those ongoing investigations and the most to gain politically and personally from impeding them.

As others have noted, these attempts now include trying to defund the Office of Special Counsel, Jack Smith's office, altogether. I, like so many Americans, find this behavior contemptible and far beneath what we should expect from our country's leaders.

Mr. Attorney General, why is it so important for both upholding the rule of law and maintaining public trust that our justice system be able to conduct investigations into wrongdoing free from political interference?

Attorney General GARLAND. The criminal law can impose incredible sanctions on people. It can take away their liberty. That means due process has to be followed during investigations and that partisan considerations do not play a role. Civil liberties and civil rights are protected, and the only way that can happen is if prosecutors are permitted to go about their work without any external impermissible interventions or considerations.

Ms. SCANLON. Thank you. I did want to take the opportunity, since this is an oversight hearing, to conduct some actual oversight. There was an important topic in your testimony, safeguarding the right to vote. During the previous administration, I asked department officials in this Committee room what actions they were taking on this critical issue, and they couldn't answer me.

So, could you describe the efforts that your Department of Justice is taking to protect the right to vote, a fundamental pillar of our democracy?

Attorney General GARLAND. Yes. The Congress, in the form of the Voting Rights Act and the Civil Rights Act, authorized the Department to bring cases and to enforce the Constitution of the United States with respect to the right to vote. As I am sure you know, in the *Shelby County* case, the Supreme Court eliminated one of our tools, Section 5 of the Voting Rights Act. We retained Section 2, which the Supreme Court again endorsed in its last term.

So, we have brought cases in a number of jurisdictions where we felt the State laws unConstitutionally impinged on the right to vote. We have supported private parties when they brought those cases, particularly in redistricting cases that violated the antidilution requirement in Section 2.

We have a task force with respect to threats against election workers because threatening election workers and stopping them from going about their work is a significant way in which the right to vote can be impinged. That is just a sampling.

Ms. SCANLON. We certainly saw evidence of that in Pennsylvania during the last Presidential election. So, we really appreciate all those efforts. I find this hearing very disturbing in that we have elected officials misleading the public, attacking the foundations of our democracy, trying to sow distrust on one of the most critical pillars of that democracy, the U.S. Department of Justice. It is unacceptable, and it is un-American.

Mr. Chair, I seek unanimous consent to enter into the record a fact sheet on the Department of Justice's work under Attorney General Garland's leadership to safeguard Americans' right to vote and to protect our election officials and workers.

Chair JORDAN. Without objection.

Ms. SCANLON. Thank you. I yield back.

Chair JORDAN. Committee will be in order. Committee will be in order. I am going to ask the lady to please—

[Off-microphone comments.]

Chair JORDAN. The gentleman from Virginia is recognized for five minutes.

Mr. CLINE. Thank you, Mr. Chair.

Attorney General, on August 11, 2023, you appointed Mr. Weiss Special Counsel. You wrote a letter to the House and Senate Judiciary Committees where you cited extraordinary circumstances requiring the appointment. You avoided answering the question when Mr. Bentz asked you. I'll give you another chance to answer it. What were those extraordinary circumstances?

Attorney General GARLAND. I am afraid I will have to give you the same answer I gave before. I have given as much as I can give, which is that he thought that the—it had reached the stage where it would be appropriate, and I promised him that I would give him any resource that he needed and that he asked for. To go further—

Mr. CLINE. Well—

Attorney General GARLAND. —would go into the pending investigation.

Mr. CLINE. OK. Let's talk about that authority. Back on March 1st, you told the Senate Judiciary Committee that Mr. Weiss had the full authority to bring cases in other jurisdictions if he felt it was necessary. On June 7th, Mr. Weiss wrote to the Judiciary Committee, stating you have been—he had been granted ultimate authority over the matter, including responsibility for deciding where, when, and whether to file charges.

By June 30th, he had changed his tune and said that his charging authority was geographically limited and it would be up to the U.S. Attorney's Office, and then you, to determine whether he can partner on the case. If not, he can request Special Attorney status from the AG, pursuant to 28 U.S.C. 515. He had been assured that if necessary, he would be granted 515 authority in D.C., Central District of California, or any other district where charges could be brought.

Let me ask you, is there some distinct legal authority known as Special Attorney status?

Attorney General GARLAND. I am sorry.

Mr. CLINE. Is there some distinct legal authority known as Special Attorney status?

Attorney General GARLAND. Section 515 permits the Attorney General to sign an order to authorize a prosecutor to work in another district.

Mr. CLINE. If you had already decided that he had full authority, why did you feel it was necessary to sign that document?

Attorney General GARLAND. I am sorry.

Mr. CLINE. Why did you feel that—why did Mr. Weiss feel that he would need that extra authority if you had conveyed to him that he would have all that authority?

Attorney General GARLAND. You will have to speak with Mr. Weiss about that. I think his three letters are quite clear that he

understood he would have the necessary authority and that no U.S. Attorney could block him.

Mr. CLINE. OK. We asked you earlier about his request for this authority, and we need to know who he spoke to about this authority and when. Before he asked you in August, he had discussions about this with others at the Department. Who did he discuss Special Counsel authority with, and when did he do that?

Attorney General GARLAND. I am not going to discuss internal deliberations of the Department. I guaranteed the—

Mr. CLINE. Those aren't—well—

Attorney General GARLAND. —Mr. Weiss would have the authority that he needed, and the moment he asked for the authority, I gave it to him.

Mr. CLINE. Did he discuss it with the Deputy Attorney General?

Attorney General GARLAND. Again, I am not going to get into discussions of deliberations within the Justice Department.

Mr. CLINE. That is not a valid Constitutional objection.

Attorney General GARLAND. Well, that is a valid Constitutional deliberation, and it has to—Constitutional objection, and it has to do with the ability of the Justice Department to do its communications, just as your deliberations with your staff and other Members are protected by the Constitution.

Mr. CLINE. Detailing who had conversations and when does not implicate the internal deliberations at the Department. The substance of those deliberations—simply detailing who and when does not implicate those.

Attorney General GARLAND. I am not going to get into the internal discussions of the Department or who talked to who about what. Mr. Weiss has told this Committee that he well understood his ability to bring a case wherever he wanted, and I have said that he had that ability.

Mr. CLINE. Do you think that the extraordinary circumstances that you cited in the appointment have anything to do with the June 22nd and July 19th testimony of the Whistleblowers Special Agent Shapley and Ziegler?

Attorney General GARLAND. I don't think it has anything to do with Mr. Shapley. No.

Mr. CLINE. I yield to the Chair.

Chair JORDAN. I appreciate the gentleman yields.

Mr. Garland, have you or are you investigating who leaked the information that appeared in the *Washington Post* on October 6, 2022, about this investigation, about the Hunter Biden investigation?

Attorney General GARLAND. You are saying there was an October 2022—

Chair JORDAN. On October 6, 2022, *Washington Post* writes a story about the Hunter Biden investigation. I am wondering, have you investigated who leaked the information to the *Washington Post*?

Attorney General GARLAND. I don't know the answer to that question.

Chair JORDAN. Has it been referred to the Inspector General? Do you know that?

Attorney General GARLAND. I don't want my answer to suggest that there is or isn't such an investigation. I know that the Inspector General sent a letter to Congress explaining that there was—that he had an ongoing assessment with respect to the Whistleblowers' charges. I don't know if that's what you're referring to.

Chair JORDAN. The time of the gentleman has expired.

The Chair now recognizes the gentleman from Colorado.

Mr. NEGUSE. I thank the Chair and the Ranking Member for holding this hearing.

Thank you, Attorney General, for your testimony, for appearing before us, and for your service to our country. I have a great respect for my colleague from Virginia on the other side of the aisle.

I am a bit confused as to why they have zeroed in or focused in on this particular letter in such a myopic way. Your testimony—and I wrote down words here—that “the moment he,” meaning the Trump-appointed U.S. Attorney, Mr. Weiss, “asked for the authority, I give it to him” seems pretty straightforward.

As you said, the letters that Mr. Weiss has written to this Committee are publicly available. I would encourage anybody who is watching these hearings to certainly review those. As you said, clearly, they are consistent with each other in terms of reading those letters collectively.

I think it is important, Mr. Attorney General, to perhaps talk a bit about your record and your background in light of the various attacks, unfortunately, by my colleagues on the other side of the aisle. My understanding is that you served as a Special Assistant to the Attorney General of the United States early on in your career. Is that right?

Attorney General GARLAND. As my first job being a law clerk, yes.

Mr. NEGUSE. Your first job out of law school. You later on—

Attorney General GARLAND. After law clerk.

Mr. NEGUSE. After law clerk, of course. You later were in private practice.

Attorney General GARLAND. Yes.

Mr. NEGUSE. You left private practice to become a line attorney at the Department of Justice.

Attorney General GARLAND. That is right, to be an Assistant U.S. Attorney.

Mr. NEGUSE. An Assistant U.S. Attorney, a Federal prosecutor taking on organized crime cases, drug trafficking cases, and violent crimes?

Attorney General GARLAND. Yes. I don't know about the organized crime. Organized drug trafficking, yes.

Mr. NEGUSE. Following that service, you served the Department of Justice as the principal associate—

Attorney General GARLAND. Attorney General.

Mr. NEGUSE. Attorney General.

Attorney General GARLAND. Deputy Attorney General. Yes.

Mr. NEGUSE. Deputy Attorney General. This is in the mid-90s.

Attorney General GARLAND. That is right.

Mr. NEGUSE. In that capacity, you supervised a range of high-profile cases. Is that right?

Attorney General GARLAND. Yes. They were high-profile cases.

Mr. NEGUSE. The Unabomber case?

Attorney General GARLAND. The what?

Mr. NEGUSE. The Unabomber case.

Attorney General GARLAND. Unabomber case. Yes.

Mr. NEGUSE. The Atlanta Olympic bombings?

Attorney General GARLAND. The Olympic bombing. Yes.

Mr. NEGUSE. The Oklahoma City bombing case?

Attorney General GARLAND. Yes. That is right.

Mr. NEGUSE. You received praise with respect to the—that latter investigation from the then Republican Governor of the State of Oklahoma. Is that right?

Attorney General GARLAND. Yes, who was a very good partner in the investigation with respect to Oklahoma.

Mr. NEGUSE. You then were nominated and appointed to the Federal bench, the U.S. District Court of Appeals here in Washington, DC, correct?

Attorney General GARLAND. For the U.S. Court of Appeals. Yes.

Mr. NEGUSE. You were confirmed by a bipartisan majority. Over 20 Republican Senators voted for your confirmation.

Attorney General GARLAND. I will take your word for it. I think that is correct.

Mr. NEGUSE. You served on the bench for a significant period of time, ultimately becoming the Chief Judge.

Attorney General GARLAND. Yes. That is right.

Mr. NEGUSE. You left that position to return to the Department of Justice, where you had started your career.

Attorney General GARLAND. Yes.

Mr. NEGUSE. You were confirmed in the disposition in which you now hold on a bipartisan basis in the Senate.

Attorney General GARLAND. Yes.

Mr. NEGUSE. I think it is unfortunate, Mr. Attorney General, that my colleagues on the other side of the aisle have conflated questions about various cases that the Department has brought with impugning your integrity. I can assure you that the vast majority of the American people don't share their opinion and that my constituents, the folks back in Colorado, are grateful for your lifetime of service that you have given to this country.

I recognize that this is, I suspect, a frustrating exercise in terms of this particular hearing because I suspect that you would like to be talking about the prevalence of fentanyl in our communities and of the work the Department of Justice is doing to interdict it, the gun violence epidemic in our country and the work that the FBI and other law enforcement agencies are doing to stop it. My hope is that the next oversight hearing, perhaps those could be the focus, the bulk of the hearing.

I would be remiss if I didn't say one note about a rule that the Department of Justice recently promulgated. As you may recall, in March 2021, I sent a letter to the Department of Justice requesting that the Department of Justice issue a rule regulating stabilizing braces. One of these braces was used, as you might recall, in a mass shooting in my community, in Boulder, Colorado, where 10 Coloradans tragically lost their lives, including one police officer.

The Department of Justice issued a final rule earlier this year on this precise topic. Unfortunately, my colleagues on the other

side of the aisle have made it their mission to overturn this rule. I wonder if you might be able to just elaborate a bit on how the rule was drafted and deliberated within the Department.

Attorney General GARLAND. Yes. Well, that horrific event in Boulder is one of several examples of the use of attachment of a semiautomatic pistol to a stabilizing brace intended to permit its firing from the shoulder. That violates the rule, the Congressional statute, against short-barreled rifles being possessed without registration, anything under 16 inches.

The reason for Congress' statute, which I think probably goes back to the Al Capone era, was the power of such a weapon and the ability to aim such a weapon when it is shouldered. All that was done in this rule was to make clear that if you convert a pistol into a rifle designed to be fired from the shoulder, you are subject to the registration requirement.

Mr. NEGUSE. Thank you, Mr. Attorney General.

I yield back.

Chair JORDAN. The attorney general has requested a short break, so the Committee will stand in recess for a few minutes, and then we'll be back for the remainder of our Members' questions.

[Recess.]

Chair JORDAN. The Committee will come to order. The Chair now recognizes the gentleman from Arizona for five minutes.

Mr. BIGGS. Thank you, Mr. Chair.

Sir, is it the policy of your office for U.S. Attorneys to use prosecutorial quotas?

Attorney General GARLAND. I am sorry. I am having a little difficulty hearing.

Mr. BIGGS. OK. I will get right on top of this thing. Is it the policy of your office for U.S. Attorneys to use prosecutorial quotas?

Attorney General GARLAND. To prosecute?

Mr. BIGGS. Yes. Do you have any prosecutorial quota system in place?

Attorney General GARLAND. No. No.

Mr. BIGGS. None whatsoever? That would be an anathema to your office, then, right? I mean, it is not policy. So, would you be—

Attorney General GARLAND. Correct. We do not have quotas.

Mr. BIGGS. Right. So, would it be consistent with that when you have a prosecutor who said that they are going to—he wants to prosecute at least 2,000 people who are alleged to have committed a certain type of crime?

Attorney General GARLAND. So, look. I think you are referring to the January 6th question.

Mr. BIGGS. I am just asking you, would that be consistent with your office's policy if somebody said, "We are going to get—we are going to get up to 2,000 people on a particular crime?" Is that consistent with your policy?

Attorney General GARLAND. I think what that U.S. Attorney was referring to, was a prediction for how many more cases would still be brought because the court had asked how many more people—

Mr. BIGGS. Had filed a letter with the court saying, "We are looking at upwards of 2,000. We got 1,200 more that we think we are going to get." So, you don't do that for anything else, right?

[Crosstalk.]

Mr. BIGGS. Like tax fraud, you are not saying, “OK, we are going to have so many people that we want to get for tax fraud, so many people we want to get”—

Attorney General GARLAND. We don’t have quotas. If a court asks us what the likely workload will be based on prosecution’s investigations that are pending, a U.S. Attorney is obligated to respond.

Mr. BIGGS. Did you guys provide any reference of the number of people you thought you would prosecute who were involved in the 2020 summer riots of the burning of the Portland courthouse while there were still people inside those courthouses? You didn’t file with the court anything, say, “Oh, we think we are going to have another 300, 400,” whatever it may be, because you didn’t file those charges, did you?

Attorney General GARLAND. I am sorry. I am not following. I believe that the—

Mr. BIGGS. I am sure you are not.

Attorney General GARLAND. The number that you are asking about was—

Mr. BIGGS. Let me ask you this question.

Attorney General GARLAND. —a projection that the court had asked the U.S. Attorney to make.

Mr. BIGGS. Let’s switch topics. Maybe this one will be easier to follow, I suppose. Is it the policy of the DOJ to provide advance notice to subjects before conducting a search for evidence?

Attorney General GARLAND. It totally depends on the circumstance.

Mr. BIGGS. If the circumstance where that you had a guesthouse where the U.S. Attorney—Deputy U.S. Attorney saying, well, we know that there is—we suspect there is a lot of evidence there, but we are not going to really follow that up. We are going to—and calls the attorney from the other side saying we are going to do a search warrant, would that be consistent with your policy?

Attorney General GARLAND. Again, I know this is no hypothetical. I don’t know the facts of this case, and I don’t know what happened. I believe the offense you are talking about, as reported in the press, occurred under the previous administration.

Mr. BIGGS. No, no, no. No. That event didn’t happen under the previous administration. Let’s talk about that. I mean, you keep saying this happened under the previous administration. Let’s talk about this for just a moment. You keep saying, I don’t know what happened there, but I am going to opine when it happened.

Do you see the fallacy of that, the inconsistencies?

I don’t know when it happened. I don’t know what happened because I am not involved. But it happened under the previous administration.

That is so logically fallacious.

Attorney General GARLAND. I am sorry. I am not following what is—

[Crosstalk.]

Mr. BIGGS. Yes. I know you are not following. So, the question is you got one of your Deputy U.S. Attorneys calling the attorney on the other side saying, look, we are going to go to these two places, probably go in the next couple days. Of course, then, ultimately, the search warrant is called off.

I just want to know, is it consistent to call up people and—where you know that they have got boxes of information, or you suspect they have boxes of information—that is why you got the warrant. That is why you are going to go look. You give them a heads-up so they can move those boxes of information. Would that be consistent with DOJ policy?

Attorney General GARLAND. I am just going to say, again, you are asking me actually to comment about allegations in a particular case about which I do not know the—

Mr. BIGGS. No, I am not. No, I am not. I am asking you, is that consistent with your overall policy? Forget Delaware and what they did and that they actually did that. Let's just talk about generic policy.

Attorney General GARLAND. I am sorry. I thought you were asking about Mar-a-Lago. I may not have understood that. I am sorry.

Mr. BIGGS. Oh yes. La-de-da. So, we were talking about this. When we are talking about your general policy, is it your policy, is that acceptable, when you suspect that there are movable items, to call up and say, "We are going to be there to look"?

Attorney General GARLAND. There is no policy on this question. The strategy and tactics to be used to preserve evidence are left up to the investigators and offices on the ground. Sometimes it would be a serious mistake to call up. Sometimes it would not.

Mr. BIGGS. Here, once again, you don't know what happened in the Hunter Biden case because that is—somebody else is doing it. You can be sure of the timing of when all this took place. That is one of the biggest oddities of your testimony today.

I yield back to the gentleman from Colorado.

Chair JORDAN. The gentleman's time is expired.

The Chair now recognizes the gentlelady from Pennsylvania.

Ms. DEAN. Thank you, Mr. Attorney General. Thank you for your decades of faithful service to our country, to our Constitution, and to the rule of law. Thank you for putting up with this day.

The American people are watching. They know what is going on here. This is a gross misuse of your time, your team's time, and our time. It is a shameful circus. It has a goal. The goal is to spew lies and disinformation, ultimately to tear away at the confidence of our independent institutions, in your case today, our very important Department of Justice.

That is the exact MO of a former President: Tear away at the confidence of our independent institutions, whether it is our electoral system, Department of Justice, the Judiciary, and independent news media. The American people are watching this sham.

It is not just a circus. It is dangerous, and you know that, and you have mentioned that. I believe that these fictions and fantasies are dangerous, dangerous for you and the 115,000 public servants with whom you work, dangerous for national security, dangerous for communities' security, dangerous for the rule of law and our Constitution, all at the same time of a looming shutdown.

The other side of the aisle cannot govern, and so they have this hearing, which was supposed to be oversight, and use it as a big distraction because they are failing to govern. Imagine if we go into the shutdown. What does that say to the members of your Department? What does it say to our service members, U.S. troops who

would be training, fighting without pay and without confidence in this country's governing ability? It is a great distraction.

So, let me pivot to something I care about and I know you and your Department cares about. It is recovery month. For families like mine with a member in recovery, every month is recovery month. So, I thank you for what you are doing on the fentanyl crisis, the overdose crisis, that has claimed 110,000 lives in a single 12-month period, 300 souls a day every day, souls who have died while we were in this hearing every day.

What is the Department doing to combat the trafficking, to combat the amount of fentanyl on the ground? As DEA has said, there is enough fentanyl on the ground right now to kill this entire population multiple times over. Tell us about your important work in fentanyl.

Attorney General GARLAND. Well, Congresswoman, let me begin by saying I share your personal concern and grief over this. I have met with the families of children, teenagers, elderly people who have become addicted to fentanyl and who have died from fentanyl. Everything you are saying is correct, and it is a catastrophe for the country.

So, as a consequence, the Justice Department has poured its resources, particularly from DEA with FBI assistance as well, and the fugitive arrests by the Marshals Service and with gun tracing by the ATF, into the entire process by which fentanyl reaches the United States.

So, we have sanctioned the precursor companies in China. We have indicted some of them for their violations. We have arrested some as far off as in Fiji and brought them back to the United States. We have traced this—the precursors to Mexico, where they are made into the fentanyl pills. Fentanyl costs about 10 cents to make. It can be sold on the street in the United States between 10 and 30 dollars. You can see what the enormous profit motive is here.

So, we must stop the cartels themselves. I have, as I said, traveled to Mexico twice to work with our counterparts in the military and law enforcement there.

Ms. DEAN. I thank you for all of that. I want to just pivot once. I want to do anything I can to partner with you—

Attorney General GARLAND. Appreciate it.

Ms. DEAN. —on this issue so that we stop losing people. I traveled recently with the Foreign Affairs Committee to The Hague, met with the extraordinary folks, the top prosecutor, and his able team. They were very complimentary of the Department of Justice and your work. Can you tell us about your important role or America's important role in war crimes, especially in light of your powerful history?

Attorney General GARLAND. Yes. I am happy to. So, I have traveled to Ukraine twice and—to meet with the Prosecutor General there, and I am going to meet with him again this week here. He has met with me several times here. The Justice Department is pursuing the war crimes from Russia's unlawful and unjust invasion of Ukraine to help investigate war crimes over which we have jurisdiction, to help the Prosecutor General in Ukraine investigate those prosecutions.

I was, I believe, the first cabinet member ever to visit The Hague, the International Criminal Court of Justice, and to meet with Karim Khan, who is the chief prosecutor, to talk about our cooperation in respect to the investigations that they are doing. I have assigned a Justice Department prosecutor to the investigatory body that's been set up in The Hague for the crime of aggression, and she is there now working with the ICC and with Europol and Eurojust. I have assigned a prosecutor to the—our embassy in Kiev to work with our investor there and work with the prosecutor General's Office there.

Ms. DEAN. I thank you, Mr. Chair, for allowing that answer to go on because it is critically important.

America is indispensable, and your work is indispensable. Thank you, sir.

Chair JORDAN. The time of the Gentlelady is expired.

The gentleman from Wisconsin is recognized.

Mr. TIFFANY. Mr. Attorney General, do you support the consent decree that I believe was put in place in the city of Minneapolis?

Attorney General GARLAND. I am sorry. Do I support the—

Mr. TIFFANY. Do you support the consent decree that was put in place with the Police Department of Minneapolis?

Attorney General GARLAND. The one that was put in place by the Federal Government?

Mr. TIFFANY. Yes.

Attorney General GARLAND. Yes. Yes.

Mr. TIFFANY. Do you support fewer cops on the street?

Attorney General GARLAND. Do I support—

Mr. TIFFANY. Fewer cops on the street.

Attorney General GARLAND. No, I don't support fewer cops on the streets.

Mr. TIFFANY. That is what is happening as a result of—

Attorney General GARLAND. It is not—I don't think that is a consequence of the consent decree.

Mr. TIFFANY. Do you support—

Attorney General GARLAND. Minneapolis has been losing police officers for many years.

Mr. TIFFANY. Do you support more crime?

Attorney General GARLAND. Do I support more crime?

Mr. TIFFANY. Yes.

Attorney General GARLAND. No, I don't.

Mr. TIFFANY. So, there was just a hearing in Minnetonka, Minnesota, a tony suburb of Minneapolis, just this last week where they were just—they are beside themselves with the amount of crime that continues in Minneapolis since the riots of 2020.

I would point out to you that I had an officer in my district—I live right across the border in Wisconsin, or that is where my district begins. A police officer was shot to death as a result of a weak-on-crime prosecutor in St. Paul and Minneapolis, Minnesota. The guy served only four years for a violent crime. Do you think that is a problem?

Attorney General GARLAND. An officer was shot to death. That is not—that is certainly not an appropriate sentence. That is outrageous. Let me be clear. We are doing everything we can to assist

Minneapolis. We have a very aggressive U.S. Attorney who has brought a number of RICO and VICAR cases—

Mr. TIFFANY. Let me continue. We got a—

Attorney General GARLAND. —and extraordinarily successful in—

Mr. TIFFANY. I got a real short period of time here.

Attorney General GARLAND. Sorry.

Mr. TIFFANY. In regard to disrupting drug networks, why do you think there is so much fentanyl coming into the country?

Attorney General GARLAND. Because it costs 10 cents to make, and it can be sold for 40 dollars.

Mr. TIFFANY. So, Sheriff Mark Dannels from Cochise County, Arizona, sat right where you are at a few months ago, and under oath, he said the reason there is such a drastic increase in fentanyl coming into the country is because on January 20, 2021, open borders policies were announced by President Biden. Have you expressed concern about those open borders policies that have led to this rapid increase in the amount of fentanyl coming into our country?

Attorney General GARLAND. I can't associate myself with a conclusion reached by the sheriff, although I certainly commiserate with the concern—

Mr. TIFFANY. So, the sheriff is incorrect?

Attorney General GARLAND. Look. The cartels in Mexico are bringing this—are causing this drug to be transmitted into the United States, and we are doing everything—

Mr. TIFFANY. Terrific.

Attorney General GARLAND. —we can eliminate that incentive.

Mr. TIFFANY. Yes. You are not going to do it doing that.

Mr. Chair, just so we are real clear here, this is the same answer we received from Secretary Mayorkas a couple months ago when he was in denial about a sheriff who lives—one of the most reputable sheriffs you will find in the United States of America sitting down there on that Southern border. He sees it every day. He saw it working in 2020 because he told me when I was down there. Now, he says it is not working, and it started January 20, 2021.

You can pretend that you are dealing with fentanyl. You are not, because the borders are wide open. Do you believe—I am going to shift to combating gun violence. Do you believe that a prohibited person that acquires a gun illegally and disposes it in a dumpster where a criminal or an innocent child could gain access to it should be prosecuted to the full extent of the law?

Attorney General GARLAND. This is no longer a hypothetical question. You are referring to a specific case, which is now in judicial determination before a court of law. It is not appropriate for me to comment on that case.

Mr. TIFFANY. So, for the record, Mr. Chair, let's understand that the same prosecuting attorney who is now the Special Counsel gave a sweetheart deal to that person.

Yes, you are correct. We are referring to the President's son. He got a sweetheart deal, and the judge was smart enough to smell a rat when she saw it. She said, "You guys go back to the drawing board." That same Special Counsel is in charge of this investigation.

Isn't that correct, Mr. Chair? Absolutely.

I will close really quickly with this. There was a World Naked Bike Ride in Madison, Wisconsin, just a couple months ago. I sent you a letter two months ago asking if you had a problem with that because it exposed a 10-year-old girl by the race organizer, the bike organizers, to pedaling around Madison, Wisconsin, naked.

Do you think that's a problem? Why did you not answer our letter from two months ago?

Attorney General GARLAND. I am sorry. I will have to get—ask the Office of Legislative Affairs to get back to you about this.

Mr. TIFFANY. Does it typically take two months to be able to answer questions like this?

Attorney General GARLAND. It sounds like you're asking about a question about State and local law enforcement. We get hundreds and hundreds and hundreds of letters. I will ask the Office of Legislative Affairs where that letter is.

Mr. TIFFANY. State law, local law enforcement, would not act. We were hoping you would. It is obvious you are not.

I yield.

Chair JORDAN. The gentleman yields back.

The gentlelady from North Carolina is recognized.

Ms. ROSS. Thank you, Mr. Chair.

Thank you, again, Mr. Attorney General, for joining us and for your patience with this questioning. I am honored to represent a diverse community in North Carolina. Wake County has worked to welcome people of all backgrounds, ethnicities, and religions.

The growth and success of my district and the Research Triangle Park depends on our commitment to celebrating the many cultures that contribute to our community. Unfortunately, over the past few years, these very communities that have contributed so much to my State and my district have found themselves under attack.

Jewish leaders in my district have received threats to themselves and their synagogues as recently as last month. HBCUs across our State have locked down in response to bomb threats. Asian Americans in North Carolina and throughout the country have found themselves facing slurs and threats spurred in large part by the racialized language about the COVID-19 pandemic.

The Southern Poverty Law Center reported in late 2020 the number of White nationalist groups grew 55 percent between 2017-2019, noting that the rise in hate-based attacks coincides with the growth of the White nationalist movement. The Anti-Defamation League relatedly found that White supremacist propaganda incidents occurred over 14 times per day on average in 2020, with a total of 5,125 reported cases, nearly twice the number of cases reported in 2019, and the highest number the ADL has ever recorded.

This dangerous trend has continued in the last few years and has recently included—as active clubs have been increasing in their number and prominence. These active clubs started popping up in late 2020 and are a network of White nationalist groups that see themselves as fighters in training for an ongoing war against a system they claim is deliberately plotting against the White race.

As Attorney General, I am deeply interested and concerned about the rise of these clubs, threats of violence, and actual violence and

wanted to know if you are familiar with these activities and what your Department is doing to counteract them.

Attorney General GARLAND. Well, I'm not familiar with the specifics of those clubs, and I will certainly look into what the Department has been doing in that respect.

Very soon after I came into the Department, I saw the spike in hate crime threats that were being made and in actual acts of violence. I directed the Department to develop a strategy for responding to that. Thirty days later, that was pretty much coincident with Congress' passage of the COVID NO HATE Act.

We have now fulfilled, I think, all of the obligations under that Act. We have task forces set up to investigate and prosecute hate crimes, both as hate crimes, and where they satisfy the requirements, as domestic violence extremism or as domestic terrorism.

We have brought dozens of cases against people who have made these threats, as well as, in particular, those who have attempted to carry them out. As you know, we have a prosecution pending in Buffalo with respect to the horrendous killing of Black Americans in the Tops grocery store by and about White supremacists.

Ms. ROSS. Thank you very much. Thank you for your efforts in this regard.

On a different subject, with my last 45 seconds, North Carolina also saw the impact of cybercrimes with the Colonial Pipeline.

Attorney General GARLAND. Yes.

Ms. ROSS. I'd like to know how your office is counteracting any cyberattacks and dealing with people who perpetrate them.

Attorney General GARLAND. Yes. So, we are vigilant to the risk of these kind of cyberattacks. In that case, these were criminal gangs affiliated in Russia, resident in Russia. Fortunately, we had available intelligence from Section 702, which we were discussing a little bit earlier today.

I have to say that's one of the principal sources of our ability to fight these kind of cyberattacks, whether they are criminal or whether they are launched by Nation-States; whether they are attempting to get ransomware and create a ransom; whether they're simply trying—or, also, to—simply trying to exfiltrate our information, or whether they're trying to prevent our computers from working at all.

The Justice Department has established a cyber task force for this purpose, a ransomware task force, and we are recently working on cryptocurrency in exactly the same way.

Chair JORDAN. The time of the gentlelady has expired.

We're going to try to move quickly with—

Ms. ROSS. Thank you. I yield back.

Chair JORDAN. —the Attorney General, because we've got votes, and then, we've got a—

Attorney General GARLAND. Yes, of course.

Chair JORDAN. —majority conference.

The gentleman from Colorado is recognized.

Mr. BUCK. I thank the Chair.

Mr. Attorney General, welcome.

My friend and colleague from Colorado outlined your biography I thought very well, but he left out two points that I'd like to mention.

One is not only did you lead the prosecution of the Oklahoma City bombing case, but in that case the death penalty was asked for and actually received. Timothy McVeigh was executed—not exactly a Democrat priority to seek the death penalty in cases, but you did so because of the rule of law. You did so because the facts and the law demanded that you did so, and you followed the facts and the law in that situation.

The other issue I wanted or example in your bio that I wanted to point out, it's my understanding that in your conference room you have a portrait of Elliot Richardson. The reason you have a portrait of Elliot Richardson is because he demanded that the Department of Justice stay independent from the Nixon Administration. He had the backbone to stand up to the President of the United States and make sure that the Department of Justice would not become the government's lawyer.

You put that portrait there soon after you became Attorney General because it was a signal. It was a signal to the world that you wanted to be known in the same way that others that had come before you were known.

Frankly, one of the reasons I respect Attorney General Barr so much is because, after January 6th, he made the very difficult decision to walk into the President's office and tell the President the election was not stolen; "We have looked at this." For that reason, he resigned before January 20th, when power was turned over.

Mr. Attorney General, you're not able to answer some questions here, but I'll answer them for you.

Do you know what people would have said if you had asked for U.S. Attorney Weiss' resignation when you became Attorney General? I'm sorry, U.S. Attorney. Yes, U.S. Attorney Weiss' resignation. They would have said that you were obstructing the Hunter Biden investigation; that you were firing a Republican appointee, so that you could appoint a Democrat to slow-walk this investigation and lose the leadership of that investigation.

If you had made the same decision a year later because you were frustrated that the prosecution wasn't moving fast enough, they would have, again, said that you were interfering with the prosecution.

If you, when U.S. Attorney Weiss asked to become Special Counsel, if you had made the decision then to appoint someone else to Special Counsel, people would have criticized you because you would have been taking someone out of the investigation that knew the facts, that could lead the investigation, and put someone in who would have had to come up-to-speed on the investigation and wouldn't have allowed major decisions to be made until they came up-to-speed.

So, in three different opportunities where you could have acted, you would have been criticized either way, whether you acted or did not act in that situation.

Far from slow-walking, really, once the Trump Administration decided that this was the person leading the investigation, your hands were tied. You didn't have the opportunity to make a decision on the leadership of that investigation.

Speaking of slow-walking, I appreciate your reference in your opening remarks, your written opening remarks, to

The Department of Justice strongly supports efforts by Congress . . . to promote competition in digital markets by passing legislation to prohibit certain anticompetitive practices by dominant online platforms.

You can't say who they are, but I can. Apple, Amazon, Facebook, and Google are monopolies and they have been harming this country and harming competition in that particular market for years.

Congress for five years has been investigating and offering bills on that subject. They spent \$250 million, according to reports, in the last Congress to defeat those bills. Now, we do nothing in this Congress to try to deal with that very serious issue.

In fact, there are efforts, I'm told, over in the Senate—and I use the word “effort” and “Senate” very carefully in the same sentence—but there are efforts in the Senate, S. 2321, to take \$50 million in funding for the Department of Justice Antitrust Division, and it would be an 18 percent cut, and to move that money to the general Department of Justice operations fund to try to further cripple the efforts that are going on in court.

The State Attorney Generals and the Antitrust Division and Federal Trade Commission are doing a great job jointly in trying to combat the scourge of these monopolies.

My question to you is, will you make sure that the Antitrust Division is properly funded, so it can continue this very serious effort at stopping these monopolies from harming our children, from harming competition, and from further strengthening China's position in this area?

Attorney General GARLAND. Yes, I absolutely will. One of the first things I did in the first budget opportunity we had was to ask for more money for the Antitrust Division than had ever been, had been given in quite a long time, and to ask for the fees that are paid for purposes of merger analysis be given to the Antitrust Division directly, rather than to go into a general fund.

Mr. BUCK. Thank you. I yield back.

Chair JORDAN. I would just point out for the record that Attorney General Barr left the Trump Administration on December 23, 2020, not between January 6th and January 20, 2021.

Mr. GOODEN. Mr. Chair?

Chair JORDAN. With that, I recognize the gentlelady—

Mr. GOODEN. Mr. Chair? Could I'm sorry. Since he mentioned monopoly, could I also enter into the record this article about the Mastercard/Visa duopoly by *Proactive* and their target of a bipartisan bill to reform this monopoly? Could I enter that into the record, please?

Chair JORDAN. Yes, without objection, the unanimous consent is accepted.

The gentlelady from Missouri is recognized.

Ms. BUSH. Thank you, Mr. Chair.

Thank you for being here, Attorney General Garland.

St. Louis and I are here to make clear what it means to promote equal justice for every person in this country. Attorney General Garland, you often speak about your commitment to supporting civil rights and the rule of law, but I have concerns about whether the Department, under your leadership, is doing the absolute most it possibly can advance these goals.

In the limited time I have, I want to share my concerns about specific issues with you directly and to make clear the steps that I believe that the Department needs to take.

First, as this hearing has shown, a small number of the Department's cases get an outsized level of attention and politics, but the reality is you preside over most of the Federal system of mass incarceration. Every day in courtrooms around the country, including St. Louis, prosecutors who ultimately report to you are continuing to disproportionately prosecute, disproportionately, Black and Brown people for disproportionately low-level immigration and narcotics and firearm offenses. Under your watch, the Federal incarceration rate has increased for the first time in nearly a decade. Meanwhile, corporate crime enforcement is lower than it was during the Trump Administration.

The Department needs to rethink its entire approach to prosecution, but let me also say I thank you for what you're doing with the insurrectionists. I urge you to take specific steps toward ending mandatory minimums and prosecutory misconduct waivers and actively supporting alternatives to incarceration; funding Federal public defenders; use of clemency power, and reporting on disparities in Federal prosecutions.

I'm also deeply concerned about the Bureau of Prisons. Director Peters is not doing enough to address the rampant issues of abuse and mismanagement at the Bureau, which affects both correctional staff and people in custody. It is shameful that solitary confinement has increased in the Bureau of Prisons during the Biden Administration, despite the President claiming he supports ending it.

We need to see more from the Department across the board on Bureau of Prisons oversight, and you should implement the President's commitment to end the tortuous practice of solitary confinement once and for all.

I'm also incredibly disheartened that the Department has continued to pursue the death penalty, despite the President's pledge to end it. I urge the Department to reverse course, including by dismantling the Federal death chamber in Indiana and advocating for the commutation of the sentences of everyone on Federal death row.

I'm also still waiting to see any meaningful progress on the commitments that Associate Attorney General Gupta announced in June 2022 around the enforcement of Title VI and the Safe Streets Act.

I'd also like—and I'm going on and on, but I'm taking my time—I'd also like an update on when the Department will respond to the Oversight Committee Democrats' letter from June 2021 about the memo issued by the Trump Administration's Office of Legal Counsel concerning the Equal Rights Amendment. That deeply flawed memo is preventing the Archivist of the United States from publishing the Equal Rights Amendment as the 28th Amendment.

I know that OLC issued a short clarification after you took office, but the wording was not a clear repudiation of the Trump era memo. I urge you to fully withdraw the Trump OLC memo, which is baselessly obstructing Constitutional gender equality for all.

Finally, I cannot overstate how shocked I am by the targeting of protestors who oppose the construction of the Atlanta Public

Safety Training Center, or Cop City, and I urge the Department to investigate these obvious violations of civil rights.

These may all seem like unrelated issues, but, to me, to my constituents, the countless advocates, and to people who are most directly impacted, they are interconnected, and they all speak to whether the Department, under your leadership, will advance justice or simply pay lip service to it.

Given the limited time that we have, I don't expect you to comment on all these issues. I have a question. Will you commit to working with me and my office on these issues, including having your staff promptly, by writing your position and sending that to us, reaching out to us about all the issues that we just spoke about?

Attorney General GARLAND. I'd be happy to have the Office of Legislative Affairs to work with your staff.

I want to say I could not be prouder of the civil rights record of this Department. It is the fundamental basis for why the Justice Department was founded. We have a history of also being, obviously, involved in the 1960s. When I came to the Justice Department—

Ms. BUSH. I'm going to stop you. I'm not, I'm not disagreeing with any of that. I just want you to understand where I'm coming from, the things that I would like to see. I don't mean to cut you off, but I need to reclaim my time.

Finally, I want to remind everyone, yet again, that this is what good-faith oversight looks like, not the Republican playbook of running interference for a twice-impeached, four-times-indicted, White supremacist demagogue who would rather overthrow our democracy than admit he lost an election.

Thank you, and I yield back.

Chair JORDAN. The gentlelady yields back.

The gentleman from Texas is recognized.

Mr. ROY. I thank the Chair.

I thank the Attorney General for being here before us today.

On October 21, 2021, before this Committee, I asked you about Mr. Scott Smith, a father in Loudoun County, Virginia, who was arrested at his school board meeting, where he questioned the rape of his daughter in a bathroom in a public school there. You said at the time you were unfamiliar with the case. Are you now? Yes or no?

Attorney General GARLAND. I'm only familiar to the extent I read about it in the press.

Mr. ROY. You sent a memo on October 4, 2021, directing the FBI and U.S. Attorney Offices to address, quote, "harassment" of school boards. Yes or no?

Attorney General GARLAND. Sent a memo to address violence and threats of violence in connection with school personnel—

Mr. ROY. Directed at school boards.

Attorney General GARLAND. Not directed at school boards. Directed at school personnel, school administrators, board members—

Mr. ROY. Throughout the country, as a priority for the Federal Government, for the United States Attorney's Office.

That followed a letter on September 29, 2021, from the National School Boards Association to President Biden and emails from the

National School Boards Association Director, Chip Slaven, to the White House, in which the White House asked for specific threats. One of the examples was Scott Smith.

Subsequent to our hearing two years ago, 26 States left the National School Boards Association and Slaven resigned on November 23, 2021.

Last week, Mr. Smith was pardoned by Governor Youngkin. Do you think the Governor was correct? Yes or no?

Attorney General GARLAND. Pardon authority belongs to the Governor.

Mr. ROY. You don't have an opinion on whether the Governor was correct?

Attorney General GARLAND. I don't know the facts of the case. So, I'm not in a position to make—

Mr. ROY. Have you rescinded the memo that you issued in 2021? Yes or no?

Attorney General GARLAND. What we're discussing—

Mr. ROY. Have you rescinded the memo? Yes or no?

Attorney General GARLAND. What we discuss in here occurred—

Mr. ROY. Does the memo still exist? Is it still going? Yes or no? Has it been rescinded?

Attorney General GARLAND. The memo was intended to have meetings within 30 days.

Mr. ROY. Has it been rescinded?

Attorney General GARLAND. The 30 days have finished. Nothing has happened in more than 1½ years with respect to that memo.

Mr. ROY. It has not been rescinded? It has not been—

Attorney General GARLAND. There's nothing to rescind.

Mr. ROY. Despite evidence that has come out from the National School Boards Association Commissioned Report that White House officials discussed this with DOJ more than a week before the letter was sent—the NSBA apologized—have you apologized? Yes or no?

Attorney General GARLAND. I've testified seven times since that original memo came out.

Mr. ROY. It's the first time you're back here since we talked about it.

Attorney General GARLAND. I'm sorry?

Mr. ROY. It's the first time you're back here in front of us. Have you apologized for putting that memo out that implicated Scott Smith as a domestic terrorist, something the Governor of Virginia has now pardoned him from all these accusations?

Attorney General GARLAND. The memo said nothing about him, nothing about parents being terrorists, nothing about attending school boards—

Mr. ROY. The answer is it's not been rescinded, and you haven't apologized for it? Again, that—

Attorney General GARLAND. The answer is that's not a—

Mr. ROY. —that labeling a—labeling an American citizen a domestic terrorist in a memo, and referring to it in a memo that's built on the back of that.

Now, we have this compliments being drive to the Civil Rights Division. Let's talk about Mark Houck in Pennsylvania, a father who was arrested with heavily armed Federal and local law en-

forcement in front of his wife and children—this after Mark Houck’s lawyers had said he would appear voluntarily. Local authorities investigated, found no case. Mark Houck was arrested by the FBI for FACE Act violations. The jury met for an hour. Houck was acquitted.

Now, when I was in Federal Court, I don’t remember that being my result very often. In fact, I don’t remember it happening at all, where we went, took it to a jury, and it was acquitted after an hour.

Did you investigate this or question the United States Attorney why they wasted resources for such an obvious result? Can you explain—yes or no—that this was a good use of the Department of Justice’s authority?

Attorney General GARLAND. The Justice Department respects the jury’s verdict. The decisions in that case were made by agents and prosecutors on the ground.

Mr. ROY. Are you concerned that enforcement of the FACT Act has been biased toward pro-lifers over anti-life protestors 126 to 4, by our count? We’re asking information to be able to track down the information of such prosecutions, but 126 times against pro-lifers versus four times for people who dare to question the issue of life.

Attorney General GARLAND. I think—

Mr. ROY. So, I’ll leave that out there just to say that is the Civil Rights Division at play.

Meanwhile, we’ve got the very liberal progressive groups being targeted as well. Senator Cruz and I sent a letter to you asking for information about how the FBI informant had gone to a liberal group’s pro-life meeting, and yet, we didn’t get any response from you. So, I’d ask if you would respond to our letter that we sent back in March asking about FBI infiltrating such a meeting.

Attorney General GARLAND. I don’t know what you’re referring to, but I will ask the Office of Legislative Affairs to look into this letter.

Mr. ROY. Thank you.

Finally, our tax cases require approval by Main Justice, no matter what district has venue. Yes or no? Do tax cases, as a general matter, require approval by Main Justice—

Attorney General GARLAND. Let me just say—

Mr. ROY. —no matter what district has venue? Yes or no?

Attorney General GARLAND. It depends on the circumstances, and the example that I know you’re referring to—

Mr. ROY. Is it, generally speaking—generally speaking, yes.

Attorney General GARLAND. Not—

Mr. ROY. Main Justice runs the Tax Division. Yes or no? Main Justice runs the Tax Division?

Attorney General GARLAND. In the Hunter Biden case, I assured Mr. Weiss that he—

Mr. ROY. That’s not what I’m asking about. I didn’t ask you—I haven’t mentioned that guy’s name. I didn’t. I, very simply, asked a very simple question.

Attorney General GARLAND. OK.

Mr. ROY. Do tax cases require approval by Main Justice as a, as a general matter?

Attorney General GARLAND. Most of the time, but not when the Attorney General has granted authority to a U.S. Attorney to do what he thinks is best.

Mr. ROY. In a turf battle, the Tax Division approves changes—
Mr. IVEY. Mr. Chair? Mr. Chair. Point of order.

Mr. ROY. I recall my colleague—

Chair JORDAN. The gentleman's time, the gentleman's time has—

Mr. ROY. —from Texas having a minute and a half of additional time.

Chair JORDAN. The gentleman's time has expired.

Mr. ROY. I yield back.

Chair JORDAN. The Chair now recognizes the gentlelady from Texas.

Ms. ESCOBAR. Thank you, Mr. Chair.

Attorney General Garland, thank you, first and foremost, for your public service and your dedication to justice. I'm delighted to see you here today. Thank you for appearing before us.

I represent El Paso, Texas, a community right on the U.S.-Mexico border. So, we have been witnessing firsthand the abuses at the hands of Governor Greg Abbott through Operation Lonestar, which began in 2021. He, Governor Abbott, has deployed State resources and Texas National Guard's members to the State's border with Mexico. Operation Lonestar has created border management challenges. It's resulted in countless humanitarian and due process violations for migrants. Its harmed Guardsmen assigned to the mission. It's cost the State billions of dollars, and it has completely undermined the Federal Government's authority over immigration.

Now, I sent you a letter, my colleagues and I, from—Democratic colleagues from Texas sent you a letter in July about Abbott's floating barriers. I know that this is now going, that this case is going through appeal.

We have also learned that the National Guard shot, a Guardsman shot at a Mexican national across the Rio Grande. In September, on September 1st, I sent you a letter asking that the DOJ investigate that.

We also know that Governor Abbott—we've learned from Whistleblowers that he has ordered National Guardsmen to prevent migrants from turning themselves in to CBP, has even ordered that they push people back into Mexico.

Mr. Chair, I'd like unanimous consent to enter into the record an *El Paso Times* article from earlier this week. "Texas National Guard Orders Hundreds of Asylum Seekers on U.S. Territory Back into Mexico."

Chair JORDAN. Without objection.

Ms. ESCOBAR. This, in addition to Governor Abbott separating fathers from their children and their families, it's egregious what is happening on the border via Operation Lonestar.

Attorney General Garland, are you able to speak to any responses the Department has had to Governor Abbott's blatant undermining of Federal immigration authority?

Attorney General GARLAND. I can, obviously, speak on the buoys question. When we brought suit under the Rivers and Harbors Act for the interference with navigable waters, that case is still under adjudication in the District Court.

Ms. ESCOBAR. I understand that. There are other issues, and I want to make sure I flag them for you today at this hearing, but would also like for your folks to take a close look at the investigation that I've requested. I will be sending a followup letter after what we've learned just this week from the *El Paso Times*.

Attorney General GARLAND. Thank you.

Ms. ESCOBAR. Switching gears, I do want to offer you an opportunity for some rebuttal. Because what we've seen from some of my colleagues on the other side of the aisle is their penchant for performance for Twitter and for other news program.

Mr. Attorney General, we've heard a lot of accusations regarding some U.S. Attorneys' Offices not partnering with Mr. Weiss and hypotheticals about what that means. Can you please explain the difference between partnering with a U.S. Attorney's Office and acting as a Special Attorney or Special Counsel?

Attorney General GARLAND. Yes, I can talk about it, obviously, in the abstract and the theoretical. It's a normal process of the Department. If prosecutors from one area of the country and has a case that has significance in another, to speak with the U.S. Attorney in the other district, find out what the policies of the district are, to find out what the practices are, to see how judges in that district react to different kinds of charges.

Sometimes a decision is made to partner together in those investigations, and sometimes a decision is made for the U.S. Attorney from the other district to have his or her own people bring those cases.

I have personally been involved in three of those cases during the period when I was an Assistant U.S. Attorney, and over my entire career, I have been given 515 authority twice myself for this purpose. It is not just a mechanical question of what courts require to make an appearance.

Ms. ESCOBAR. Thank you so much, Mr. Garland. Again, appreciate your public service to the American people.

Mr. Chair, I yield back.

Chair JORDAN. The gentlelady yields back.

The gentleman from Alabama is recognized.

Mr. MOORE. Thank you, Mr. Garland, for being here today.

Every time I'm in my district, constituents are concerned about the weaponization of government; them being selected because they happen to be conservatives. I think on your watch now the DOJ actually is a mid '30s percent approval rating.

Every time the DOJ goes after Trump, he goes up in the polls. I think the American people are starting to wake up to what's going on, and I think it's fairly obvious.

The first question I have is, I understand now that we know that, thanks to an FBI Whistleblower, that the FBI received information on Americans from Bank of America. Specifically, Bank of America sent the FBI a list of customers who made transactions in the days on and around January 6, 2021.

My question for you is, did the Department of Justice acquire any geolocation data from January 1, 2020–December 31, 2021? Yes or no?

Attorney General GARLAND. I'm sorry, did you say locational data?

Mr. MOORE. Geolocational data.

Attorney General GARLAND. Geolocational. I believe everything that was done with respect to geolocational data was disclosed in the public findings in the January 6th cases. I don't have that at my fingertips, but this is a matter of public record.

Mr. MOORE. Do you remember any specific analyses that you may have done with that data?

Attorney General GARLAND. I'm sorry, I can't hear.

Mr. MOORE. Any specific analyses that you may have gotten from that data? Was there anything, in particular, you were looking for, Mr. Attorney General? Like did they exercise their rights? Did they maybe buy a firearm?

Attorney General GARLAND. I don't know anything about the second thing. The purposes, I understood the location data was to determine whether people who claimed they weren't inside the Capital actually were inside the Capital.

Mr. MOORE. Well, where did—where did the—I guess the question is, to your knowledge, then, where—the DOJ, the geo—I'm sorry—the geolocation data from external sources, entities, or organizations, to your knowledge, did you receive that from external sources or are you buying that data?

Attorney General GARLAND. So, I don't, I don't know the exact answer in general. I believe, with respect to January 6th, these were the results of subpoena, as issued to telephone companies.

Mr. MOORE. So, you subpoenaed the telephone companies, and then, they got the data from outside sources—

Attorney General GARLAND. Well, this requires orders authorized by the court.

Mr. MOORE. Does it concern you that—you know, we talked about Durham's Report earlier—that he said that the FBI's activities were somewhat "sobering"? Does that worry you on your watch, that the activities of the FBI have been called "sobering" now?

Attorney General GARLAND. I'm sorry, I didn't understand. Who calls it sobering?

Mr. MOORE. John Durham in his report. Did you read his report?

Attorney General GARLAND. I'm sorry, who?

Mr. MOORE. John Durham.

Attorney General GARLAND. Durham?

Mr. MOORE. Yes, sir.

Attorney General GARLAND. I did read the report. All those events are or had to do with the Crossfire Hurricane investigation. Is that what you're referring—

Mr. MOORE. That was part of it, yes, sir.

Attorney General GARLAND. Yes. Uh-hum.

Mr. MOORE. Were you concerned when he said it was "sobering" what the FBI was doing?

Attorney General GARLAND. I think Mr. Durham—and I just want to make sure everybody understands—Mr. Durham thanked me for not interfering with his investigation. I had promised he would be able to go forward without interference, just as I promised Mr. Weiss. Mr. Durham's—and I did not interfere with his report.

His report reported a lack of analytical rigor, and another—a number of other problems with respect to the investigation. I think both the Inspector General made similar comments and Director Wray has made the same.

Mr. MOORE. Thank you, Attorney General.

I don't have a whole lot of time. I want to yield a little bit to the Chair.

Is it a crime in the U.S. to question an election?

Attorney General GARLAND. I'm sorry?

Mr. MOORE. Is it a crime in the U.S. to question an election? Is that a crime?

Attorney General GARLAND. I'm sorry, it's my fault. I can't hear. To request a what?

Mr. MOORE. Is it a crime to question an election in the United States of America? It is a crime—is it a crime for the U.S. citizens to say, “We want to ask about this election. We want to question this election. We actually want to look into the election.” Is that a crime when citizens just question an election in America now?

Attorney General GARLAND. Again, I think you're asking not a hypothetical, but something specific about just this—

Mr. MOORE. I think this is just general. I don't think that's specific. Elections have been questioned for decades past. Is that now a crime in America?

Attorney General GARLAND. Did you say to ask questions about an election? Is that what you—

Mr. MOORE. To question an election.

Attorney General GARLAND. To question? No, it's not.

Mr. MOORE. Just to question the results.

Attorney General GARLAND. It's not a crime to question an election.

Mr. MOORE. Because I questioned the election results in 2020. There are a lot of people in America that do. They question the weaponization of government attacking American citizens.

So, you, sir, have an issue with trustworthiness of the American people and with Congress at this point.

With that, Mr. Chair, I'm sorry, I'll yield 36 seconds.

Chair JORDAN. No problem.

Mr. Garland, did you consider—I just want to go back to this question—did you consider anyone else when David Weiss requested Special Counsel designation on August 8th?

Attorney General GARLAND. No. Mr. Weiss asked to be made Special Counsel, and I made him—I did not consider an alternative. Of course, to have put in an alternative would have greatly disrupted an investigation that was already ongoing.

Chair JORDAN. OK. I just want to be clear. He was the only one under consideration? It was either no Special Counsel, or if there was a Special Counsel, it was going to be the guy who presided over the investigation for the previous five years?

Attorney General GARLAND. I thought about the possibility—what the consequences would be, both of not appointing him and trying to find somebody else at that time, but there was no other—

Chair JORDAN. You had no concerns—the Whistleblowers have brought forward all kinds of concerns. Earlier when someone brought those up, you said, “Well, those are allegations.” I think

they stand up well. They've been cross-examined for four hours by Democrats in the Oversight Committee.

There were two facts that can be questioned, two facts about the investigation of Hunter Biden.

Fact 1. They let the statute of limitations run. They let it expire.

Fact 2. The plea deal fell apart.

So, I just wanted to be, make clear that the guy who presided over all that was the only guy under consideration for Special Counsel designation. Is that right?

Attorney General GARLAND. Mr. Weiss is a person known for high integrity, for great experience in this, in the prosecutorial realm, and he was appointed by the President.

Chair JORDAN. Again, you can—that's fine. You can say all that. I appreciate what you're saying there.

Attorney General GARLAND. I have no doubts about his abilities in this area.

Chair JORDAN. He was the only one under consideration?

Attorney General GARLAND. The question was whether to appoint someone, and I thought, I will say, what the consequences would be of, of trying to switch horses in midstream. I did not consider any other person, no.

Chair JORDAN. OK. On July 10th, he wrote Senator Graham, and he said, "I've had discussions with departmental officials." He said, "I haven't sought Special Counsel status, but I've had discussions with departmental officials."

Who—and I don't know if this was asked earlier—who did he talk with then?

Attorney General GARLAND. I'm sorry, you're talking about the letter that he sent to—

Chair JORDAN. Senator Graham on July 10th.

Attorney General GARLAND. Again, I'm not going to get into internal deliberations of the Justice Department.

Chair JORDAN. Is there, is there—OK, fine. Is there one person, though, who's like the point person at the Justice Department for David Weiss as he now is functioning as a Special Counsel in this investigation?

Attorney General GARLAND. Mr. Weiss is now subject to the Special Counsel regulations, which require urgent reporting under certain circumstances; require him to consult with numerous places within the Justice Department.

Chair JORDAN. Fine. You're following the statute. God bless you.

Attorney General GARLAND. Yes.

Chair JORDAN. That's what's supposed to happen. You said there's reporting. Who does he report to?

Attorney General GARLAND. Again, I'm, I'm not going to get into this—

Chair JORDAN. Is it you?

Attorney General GARLAND. I'm, ultimately, responsible—

Chair JORDAN. Is it the DAG?

Attorney General GARLAND. Mr. Weiss did not have to report to anybody. He was the supervisor and decisionmaker in these matters.

Chair JORDAN. OK. We have votes on the floor. We're going to have to take another break.

Mr. Attorney General, we'll get back here as quick as we can, and we'll start with the Democrats.

Attorney General GARLAND. Correct.

[Recess.]

Chair JORDAN. The Committee will come to order, and the gentleman from Maryland is recognized for five minutes.

Mr. IVEY. Thank you, Mr. Chair. Good afternoon, General. How are you?

Attorney General GARLAND. Very well. Thank you.

Mr. IVEY. Good. I want to point out three things that you've said so far today because I want to emphasize these for the Committee going forward. One of them was you said, "We will not back down. We will not be intimidated." The other thing you said too was, "The way to not interfere with an investigation is to not investigate the investigation."

Now, I thought that was particularly apropos here because this Committee has been doing exactly the opposite. We've been under the Chair's leadership investigating prosecutors all over the country in the middle of criminal investigations and sometimes post-indictment, sometimes pre-indictment. I think in effort frankly to derail the prosecutions in those cases.

I'll start with the one—this is the Alvin Bragg effort. The Chair and two other Committee Chairs sent a letter, I think two actually, to DA Bragg at the time he was still investigating former President Trump for potential prosecution. Then after he was indicted, they raised the issue again. The concern I had on that front was multiple.

One was one of the letters that the Committee Chair sent was demanding information that potentially would've violated State law in New York similar to the Federal grand jury secrecy laws that we have in some of the matters that you govern if he had complied with what the Committee had demanded. More importantly, I thought it was pretty clear cut that it was an effort to undermine and derail DA Bragg's investigation. There was a similar version of that with DA Willis. I know there'd been a lot of calls—

Chair JORDAN. Would the gentleman yield for just a second?

Mr. IVEY. Not at this point, although I'd be willing to make your letters a part of the record at the end. DA Willis in Georgia faced similar calls. In fact, there are a number of prosecutors across the country—frequently, they're in blue jurisdiction cities and red States—where they face pressure from usually State officials to curtail the way they're doing investigations.

In some instances, the State AGs have stripped them of their authority, even though they've been duly elected by citizens in those States. With respect to the Jack Smith investigations, at the beginning of the hearing, the Chair brought up Trump did everything DOJ asked him to do. Now, this is with respect to the search warrant.

I was appalled at what was said. Frankly, as the record bears out both in the indictment and frequently in statements made by Mr. Trump himself, there were multiple efforts by the Department of Justice to reach out through the attorneys that represented Mr. Trump and have him comply and turn over documents. He refused to do so.

In fact, the allegations are he, in fact, moved documents and tried to hide them so the Department of Justice couldn't get them. That also led to the issue where Mr. Trump's lawyers ended up having to provide information and testimony about what had happened which is highly unusual. This scenario is highly unusual.

We know that's the case because former Vice President Pence and current President Biden had similar issues where they complied with the request by Department of Justice, turned over the documents. So, you didn't need a search warrant. The news here is, I guess, if you don't comply with subpoenas from the Department of Justice, they will go get the information.

They'll get a search warrant and go get it. I know that because I've seen that in multiple cases in my career. There's no surprise and there's certainly not two tiers of justice with respect to what was done in that instance.

In fact, the fact that they took so long to do it I think is based entirely on the fact that he had been President. Then with respect to Mr. Weiss because this is the most recent version. I get why they're doing it. They want to try and build a case to impeach President Biden.

The Weiss angle seems to be one of the ways they're trying to do that. As Congressman Buck said,

Everything the Department did with respect to Mr. Weiss was correct because if the Biden Administration had removed him when they came into power, there would've been howls from the Republican side that you were derailing the investigation because Weiss was already on it.

If you brought in somebody new, they'd have to start over again.

In fact, the Senate Republicans as you testified earlier sought your assurances that you would let him continue going forward. As you've testified today, you've done exactly that. So, I want to be clear.

I know the Committee is talking about bringing Mr. Weiss into testimony. They brought all these other people into testify who were part of an active investigation. It is a horrible precedent to be bringing in prosecutors in the middle of an investigation that's about to go to trial, that's already been indicted.

That's not the way this Committee should be doing business. We should allow prosecutors to move forward. If we get questions after the fact, we can raise them as you pointed out.

Mr. Weiss is going to issue a report at the end. Let's let them do their jobs and stop politicizing these cases. With that, I yield back.

Chair JORDAN. The gentleman yields back. Gentlelady from Indiana is recognized.

Ms. SPARTZ. Thank you, Mr. Chair. I yield to Chair to clear the record.

Chair JORDAN. I thank the gentlelady for yielding. Just two responses to the gentleman, my friend from Maryland. He said, they'll get a search warrant and go get it unless it's Hunter Biden. Then they tip off the defense counsel. We know that happened.

Second, relative to Mr. Bragg, Mr. Bragg sued me, and it went to court. Guess what the court said. They said we were right and the guy we wanted to talk to, one of his prosecutors, came here and

testified in this room. So, the court was on our side there. I yield back to the gentlelady from Indiana.

Mr. IVEY. Would the gentlelady yield?

Ms. SPARTZ. No, I need to get to my question. Sorry. Attorney General, you had a very moving statement about your grandparents coming here from Belarus to live in the country without fear of prosecution.

I grew up in very similar country, Ukraine now. When I came here as a young person, I believed in the value as an American not to be afraid of my government. I wanted to tell you and I want to share with you and get your thoughts on that.

Are you aware that a lot of Americans are now afraid of being prosecuted by your Department? Are you aware about that? Are you aware of that? I'm just saying, are you aware or not?

Attorney General GARLAND. I think that constant attacks on the Department and saying that—

Ms. SPARTZ. It's not attacks. Let me give you an examples.

Attorney General GARLAND. I don't know what—

Ms. SPARTZ. Talk about January 6th people.

Attorney General GARLAND. I'm sorry?

Ms. SPARTZ. Some people came on January 6th. There probably were some people that came on January 6th here that had bad intent. A lot of good Americans from my district came here because they are sick and tired of this government not serving them.

They came with strollers and their kids, and there was chaotic situation because of proper security wasn't provided. That's a question that was answered really why. Why we debate it for 45 minutes on the floor and didn't stop the debate after the people broke into the Capital.

People came. They were throwing smoke bombs into the crowd with strollers with kids. People who showed up, FBI agent to people's houses.

You had in my district, in my town FBI phone numbers all over the district. Please call. Call that. People are truly afraid.

I just want to make sure if you're not aware of that. This is a big problem, and people are afraid of their own government. I'll share some other things.

We're talking about the justice system. I don't question. You're probably not a bad person. I don't know you. I'll tell you, you are in charge of the Department.

People right now feel—I look at Durham Report, and I called on the FISA violations. There's millions of Americans. It's like KGB but Durham Reports.

You have a nice playbook. First, let's have a Special Counsel and then you don't have to answer any questions here. Then, let's extend slow walk investigation on Hillary Clinton, on Hunter. Everything is slow walk.

We move very quick on Donald Trump, but you were very slow walk. Then, by the time that investigations ends, statute of limitation expired, and all your agents need to be tested for amnesia. No one recalls anything.

OK. You probably should have it as part of your hiring policy. So, no one is held accountable which was egregious what happened

in that report when I read about that. I can't believe it happened in the United States of America.

This is my frustration. I'll be honest with you. Then it's very interesting, regardless of what it is. Even people in Obama Administration raise concerns, how can President's son be serving on corrupt Ukraine oligarchs.

Do you understand that it actually can undermine the war in Ukrainian effort on policy? I think those concerns were raised. Obama Administration didn't do anything about it.

These people are dying right now, and Americans don't trust this President. So, I want to ask you one thing. I don't need an answer because I know you're not going to.

I think you're probably a good American and you care. A lot of these people are so afraid; they cover up this stuff in your Department because they're embarrassed that what we became as a country to say what our Department of Justice became. That allows Russians to do propaganda and Chinese.

It allows them to destabilize our country. That is a danger to our republic. It is a significant danger. I have just one more question for you. I agree on corporate crimes and FISA stuff. Even with Democrats that we need to do a better job.

One more question for you. Do you believe that—you talk about the right to vote. Do you believe that only U.S. citizen should be voting in this election and doing everything to make sure that all the eligible people vote in elections?

Attorney General GARLAND. Yes and yes.

Ms. SPARTZ. OK. I would like to see that, what you do. Thank you. Yield back.

Chair JORDAN. Gentlelady yields back. The gentlelady from Vermont is recognized for her five minutes.

Ms. BALINT. Thank you, Mr. Chair. General Garland, thanks so much for being here today. I know it's been a long day for you.

Now, I'm relatively new to the Committee and I'm still getting my feet under me. As far as I can tell what we are here today is talking about a lot of conspiracy theories. It's frustrating and tedious for those of us in the Committee. I can tell you it is absolutely maddening for my constituents back home in Vermont. We have so much important work to do to keep the government open.

We're days away from a shutdown. I just want to remind folks that we're in this situation because my colleagues across the aisle are reneging on a deal that a majority of their conference made along with their speaker. That's why we're in this situation.

If they're successful in shutting down the government, seniors who rely on Social Security benefits will be impacted. Thousands of Medicare recipients and applicants will be impacted. Servicemembers will stop receiving paychecks. Veteran services will be curtailed.

Those are the grim consequences from Republicans inability and unwillingness to govern. I needed to start with that. Let's do some level setting here.

Now, let's get to the real work of the DOJ and how Congress can help the agency better serve its mission. Gun violence continues to plague our Nation. We see the wreckage every day on our television sets, on our computers, and in our communities.

As a member of the Gun Violence Prevention Task Force, this issue is incredibly important to me and so many of my constituents. Now, I believe there's actually room for bipartisan Congressional action on gun violence, at least in some areas. One of those areas, red flag laws.

It's a great place to start. Vermont is one of 21 States that was able to pass red flag laws. These laws are working to keep guns out of the hands of people who are in crisis. Yet, many States did not even apply for funding from the bipartisan Safer Communities Act to better implement red flag laws and to raise awareness about the program.

In June 2021, DOJ published model legislation to help States craft their own extreme risk protection order. Now, Republicans continue to make unfounded accusations that these laws violate civil rights by taking guns away from Americans without any due process. Can you explain the due process protections that are put into place in the model legislation that DOJ proposed?

Attorney General GARLAND. Yes, and I would start by saying of course there's room for bipartisan agreement. The bipartisan Safer Communities Act is a very good example. That includes the ability to have funding for States that want to craft and put into place red flag laws.

The requirement is that the red flag law includes due process protections. So, I don't know every element of the model legislation. The general idea is relatives or friends of the person have to go to a court and get some kind of adjudication that the person is a danger to themselves or to others.

This normally relates to mental illness problems. It may relate to some others. So, if a gun is taken away under those circumstances, there's then a right to appeal, to have a full hearing to adjudicate the question. I can't say I know every technicality. I think that's about it.

Ms. BALINT. No, I appreciate that. It's especially important to state like my rural States that have real issues with the silent killers, domestic violence and also suicide. So, these are instances in which red flag laws can really make a difference.

Shifting gears here. I along with Senator Warren and 20 of our colleagues recently submitted a comment letter applauding the draft merger guidelines and urging agencies to finalize them. Corporate concentration remains a pressing problem for the U.S. economy, and I fear that we're falling behind in this area and American consumers continue to feel the pain because of this.

With the introduction of the draft merger guidelines, how does the Department plan to ensure that future mergers and acquisitions do not stifle competition or harm consumers? Because that's often the pushback that we get.

Attorney General GARLAND. Yes, obviously, the intention of the merger guidelines is to set forth the enforcement policy of the Department. Different generations of the guidelines, which I hate to say go all the way back to the time when I was in law school, have been adopted and/or been helpful to generations of judges.

I had at least two or three merger cases myself where we used some of the learning from the merger guidelines. The current guidelines reflect really an adjustment to the current technology,

two-sided platforms, network effects. That simply did not exist at the time of the last set of merger guidelines was passed.

Ms. BALINT. Thank you, Attorney General. Just briefly in closing, last year you spoke on the subject and said that DOJ's enforcement against corporate crime has waxed and waned but it's waxing again. That is news to my ears. Thank you so much for your service. I yield back.

Chair JORDAN. The gentlelady yields back. The gentleman from Texas is recognized.

Mr. NEHLS. Thank you, Mr. Chair. Mr. Garland, what is a confidential human source?

Attorney General GARLAND. Well, it's an FBI term. I don't know all the technicalities.

Mr. NEHLS. Let me define it for you. It's in your own policy here. An individual who is believed to be providing useful and credible information to the FBI from any authorized information collection activity and from whom the FBI expects or intends to obtain additional useful and credible information in the future. All right. Whose identity, information, or relationship with the FBI warrants confidential handling.

So, these guys are individuals. You pay them 42 million dollars a year. Did you know that? The IG said you're paying for these sources 42 million a year. Did you know that?

Attorney General GARLAND. I know informants are paid.

Mr. NEHLS. It's 42 million a year. So, do you believe that they're credible, they're valuable? The FBI is using these guys. We're paying them a lot of money. Would you agree with that?

Attorney General GARLAND. I agree. Some are more credible than others.

Mr. NEHLS. Very good. So, they're credible. You're paying them a lot of money. You've got a lot of them out there. So, let me paint the picture for America.

Hunter Biden joins Burisma in 2014. Burisma, very, very corrupt Ukrainian energy company. He has no experience in oil and gas. I admit, I don't have any experience. I know why I'm there. I have a dad.

I have with me a document called the FD 1023. Have you seen this? You're familiar with it?

Attorney General GARLAND. Yes, I have seen it.

Mr. NEHLS. OK. It's used by the FBI everybody in America. It's used by the FBI. It is a confidential human source reporting document dated June 2020. You're familiar with it.

In this document, the FBI's confidential human source says Burisma, now the corrupt company, needed to keep Hunter on the board so everything would be OK. According to the human source, they hired Hunter Biden to, quote, "protect us through his dad for all kinds of problems." Mr. Garland, does that concern you?

Attorney General GARLAND. The—

Mr. NEHLS. OK. It should. I got limited time. Remember your sources are credible, trustworthy, honest, and valuable. Are you familiar with Viktor Shokin?

Attorney General GARLAND. The document that you're—

Mr. NEHLS. Who is Mr. Viktor Shokin, sir? I got three minutes left.

Attorney General GARLAND. Do you want me to answer that?

Mr. NEHLS. Yes, Viktor Shokin, who is he?

Attorney General GARLAND. I don't know. Do you want me—
[Crosstalk.]

Mr. NEHLS. He's the prosecutor, folks. He's the prosecutor that was—he oversees all the corruption in Ukraine. We know there's corruption over there.

For the American people watching, after a few months—a few months after Hunter Biden joined the Burisma board, Viktor Shokin was named prosecutor general for Ukraine to target corruption. One of his investigations was into Burisma. In this FD 1023 document, the human source clarified that Burisma's CEO, the man in charge of Burisma said he has many text messages and recordings that show he was coerced to make such payment to ensure Viktor Shokin was fired.

As a matter of fact, there were 17 of them. Mr. Garland, it's clear Joe Biden wanted Shokin fired so he would stop looking into Burisma where Hunter was on the board. Would you agree?

[Crosstalk.]

Mr. NEHLS. All right. Let's let the American people decide. Play the clip. Play the clip.

[Video played.]

Mr. NEHLS. Pay attention, sir. Please.

[Video played.]

Mr. NEHLS. There you go. Mr. Attorney General, what you just saw, it was Joe Biden in his arrogance and role as the Vice President of this country saying if you don't fire Shokin, the United States isn't giving the one-billion-dollar loan. Why would Joe Biden say that as the Vice President? Why would he say such a thing? Was it policy? Was it our policy at the time, yes or no?

[Crosstalk.]

Mr. NEHLS. It wasn't. I have documents here, interagency policy Committee dated—

[Crosstalk.]

Mr. NADLER. Is the gentleman ever going to let the gentleman answer a question?

Mr. NEHLS. I'm on my time. Pipe down. Saying Shokin had made significant reforms.

Chair JORDAN. Time belongs to the gentleman from Texas.

Mr. NEHLS. He's made significant reform, Shokin did. As a matter of fact, John Kerry says he was impressive. Within a few months after Shokin was fired, they appointed a prosecutor that said, "we're not going to look into Burisma anymore."

Cancel that. Forget it. We're not looking into Burisma. Boom, here comes the million dollars. Joe Biden threatened the Ukrainian President and the Prime Minister.

Everybody can see it, to fire Shokin or the United States wouldn't give a billion dollars. If that is not quid pro quo, sir, what is? I will tell you what it is, and America agrees with me.

It's bribery and it's impeachable. Are you going to do something about it. I bet you're not, and that's why you, sir, also need to be impeached. I yield back.

Chair JORDAN. Time of the gentleman has expired. The Chair now recognizes the gentleman from Texas, Mr. Moran.

Mr. MORAN. Attorney General, you were a line Assistant U.S. Attorney for years and a Federal Judge after that. You have significant experience with the processes surrounding criminal investigations. Tell me what's the normal process for obtaining and executing a search warrant?

Attorney General GARLAND. You go to a Federal Judge. You present an affidavit which you believe constitutes probable cause. The Federal Judge looks at it, makes a determination of whether it does constitute probable cause. He then signs a search warrant, and it's then executed.

Mr. MORAN. What's the purpose of a search warrant?

Attorney General GARLAND. So, a search warrant is defined either to find evidence of a crime for which there has to be probable cause that it's in that location.

Mr. MORAN. When executing a search warrant on location that may contain evidence of a crime, what benefits are there for doing so without notifying the putative defendant or the target of the investigation or his attorney ahead of time the execution of the search warrant is forthcoming?

Attorney General GARLAND. Sometimes you make notifications. Sometimes you don't. If you think that the person who had the evidence of a crime is obstructing justice or is going to move the evidence or secrete it if you warn them in advance, then you don't give it. If you don't have those concerns, you may give advanced notice.

Mr. MORAN. So, in the instance of not withholding— withholding notice, you do so because sometimes they're going to actually move the evidence if you give them a heads up, correct?

Attorney General GARLAND. It's a general hypothetical matter, yes.

Mr. MORAN. In most instances in your experience of decades of law enforcement, have you seen it more times than not you give a heads up to the defendant? Or is it odd to give a heads up to the defendant?

Attorney General GARLAND. I can't actually make a statistical resolution. I think it's the case that the government tries to less intrusive methods if they can. If they can't, use more intrusive and more emergency methods.

Mr. MORAN. I agree with that. Typically, when you're going to execute a search warrant, typically I think people would understand this from common knowledge you would not actually give the heads up. Would you agree with that?

Attorney General GARLAND. I think as a general matter, that's correct.

Mr. MORAN. Supervisory Special Agent Gary Shapley, one of the Whistleblowers, testified that AUSA Lesley Wolf told investigators, quote,

Optics were a driving factor in the decision not to request a search warrant for the guest house at the Biden's Delaware residence where Hunter Biden had stayed for a time.

AUSA Wolf further told the investigators that, quote,

There was more than enough probable cause for the physical search warrant there, but the question was whether the juice was worth the squeeze.

She further said, quote,

A lot of evidence in the investigation would be found in the guest house of former Vice President Biden, but there is no way investigators will get that approved.

Now, do you agree with Ms. Wolf that the optics of an investigation should be the driving factor in law enforcement decisions when investigating potential crimes?

Attorney General GARLAND. I have to say again as I said before. Singling out Assistant U.S. Attorneys is a dangerous matter. The supervisor of that case is Mr. Weiss.

He is the one who made decisions in that case. He is the one who can answer questions as to whether those things happened or whether they didn't.

Mr. MORAN. So, let's take her out of the equation then. Let's just take the statement generally. Do you believe that the optics of an investigation should be a driving factor in law enforcement decisions as to whether or not to execute a search warrant or not?

Attorney General GARLAND. The Justice Department has standards for its work and improper considerations are not part of those. The only questions are those driven by the facts and the law.

Mr. MORAN. Mr. Shapley also testified that AUSA Wolf objected to a search warrant IRS investigator's requested for a storage unit purportedly containing all the documents from the vacated office of the law firm owned by Hunter Biden. Investigators scheduled a call with U.S. Attorney Weiss who agreed they could search the storage unit if it remained abandoned for 30 days. Immediately after the call, investigators learned that AUSA Wolf had reached out to Hunter Biden's defense counsel to tell them about the storage unit, effectively ruining investigator's chance to access potentially critical evidence. In your experience and you said earlier this is not the typical thing that happens, correct?

Attorney General GARLAND. Once again, I don't know anything about these allegations. I don't know whether they are correct or not. These are questions most appropriately put to Mr. Weiss at the appropriate time and to be covered in his report if he thinks that's the appropriate way to resolve that.

Mr. MORAN. Can you conceive of a reason why Mr. Weiss or Ms. Wolf would have given a heads up to Hunter Biden's legal team that the search of the storage unit was forthcoming?

Attorney General GARLAND. I'm not going to get into hypotheticals about this.

Mr. MORAN. For somebody that was involved in the investigation at that point who was literally delaying obtaining potential evidence in the case, do you think it was appropriate that she was involved in the negotiation of the IRS deal with Hunter Biden?

Attorney General GARLAND. I'm not actually following the question. Assistant U.S. Attorneys who participate in an investigation also participate in prosecutions. Is that what you're asking?

[Crosstalk.]

Mr. MORAN. Attorney General, I appreciate your time here today. I'm concerned that these facts are just some examples of what's been going on here where—I apologize. I know my time is out. I yield back. Thank you for your time.

Chair JORDAN. The time of the gentleman is expired.

The gentleman from Maryland is recognized for unanimous consent.

Mr. IVEY. Thank you, Mr. Chair. I guess I had my five minutes. I would ask for the unanimous consent to offer some exhibits.

First, I would offer District Attorney Bragg's March 31, 2023, letter in response to the Committee.

I would offer the letter from Attorney Abbe Lowell, Hunter Biden's attorney, to the Committee of Judiciary Oversight Ways and Means dated September 14, 2023, and its attachments.

I would offer the letter from Ms. Willis to the Chair on September 7, 2023.

I would offer this article from *CNN*, Annie Grayer, "Top IRS Official Latest Witness to Dispute Allegations from Whistleblower on Hunter Biden Tax Case."

Chair JORDAN. Without objection.

Mr. IVEY. Thank you, Mr. Chair.

Chair JORDAN. You bet.

The gentlelady from Wyoming, Ms. Hageman.

Ms. HAGEMAN. We have been investigating very serious charges made about your department and other elements of the Biden Administration which allege ignoring the law to protect political allies from being held accountable for their wrongdoing. One aspect of this allegation brought by two very credible Whistleblowers from the IRS demonstrates a strategy of delaying criminal investigation into Hunter Biden and blocking any investigations into the corruption of Joe Biden.

The Whistleblower testimony notes that U.S. Attorney David Weiss in November 2022, allowed the statute of limitations to expire even though Hunter Biden's attorney had already agreed to extend the statute on the 2014–2015 charges, which charges included an attempt to evade or defeat taxes and the fraud and false statements related to the \$1 million that Burisma paid to Hunter Biden while his father was Vice President.

During a recent transcribed interview with the Committee FBI officials from the Baltimore Field Office refused to answer questions about the expired 2014–2015 tax charges because they were allegedly part of a, quote, "ongoing investigation."

Are the tax charges related to these years in fact part of an ongoing investigation?

Attorney General GARLAND. Again, I have no familiarity with the details of this particular investigation with—

Ms. HAGEMAN. OK. So, you don't know one way or the other?

Attorney General GARLAND. That's right. I left it to Mr. Weiss.

Ms. HAGEMAN. All right. So, how are charges for which the statute of limitations has already expired part of an ongoing investigation?

Attorney General GARLAND. Again, I don't know anything about this case in—

Ms. HAGEMAN. So, why would charges that have already expired because of the statute of limitations be part of an ongoing investigation?

Attorney General GARLAND. To answer in the hypothetical, because I don't know the facts, often charges from previous times are

used as part of an ongoing investigation to inform information about intent, about patterns and practices.

Ms. HAGEMAN. For other investigations? So, are there other investigations into Hunter Biden where this information may become relevant?

Attorney General GARLAND. I think it's a matter of public record that there is tax investigation of Mr. Hunter Biden with respect to other years. I don't think that—

Ms. HAGEMAN. Beyond the 2014–2015?

Attorney General GARLAND. Beyond the ones that are—where this—that you're referring to I think he—

Ms. HAGEMAN. Mr. Garland—

Attorney General GARLAND. —Mr. Weiss has already said that during the plea proceedings.

Ms. HAGEMAN. OK. Mr. Garland, is it standard operating procedure in your Department of Justice for prosecutors to allow the statute of limitations to expire on very serious crimes when the potential defendant has already agreed to an extension?

Attorney General GARLAND. So, as I said before there's no standard operating procedure here.

Ms. HAGEMAN. OK.

Attorney General GARLAND. —This is a—

Ms. HAGEMAN. Maybe there should be.

Attorney General GARLAND. Well this—

Ms. HAGEMAN. This is an oversight hearing. Maybe there should be. Maybe you should adopt standard operating procedures to avoid this kind of circumstance. Would you agree?

Attorney General GARLAND. No.

Ms. HAGEMAN. OK.

Attorney General GARLAND. Because it's left to the—

Ms. HAGEMAN. According to one of the IRS—

Attorney General GARLAND. —discretion of—

Ms. HAGEMAN. You have answered my question. Thank you. According to one of the IRS Whistleblowers, quote,

The purposeful exclusion of the 2014 and 2015 tax years sanitized the most substantive criminal conduct and concealed material facts.

How can Americans trust an investigation run by a Special Counsel who by allowing the statute of limitations to expire irreversibly, quote, “sanitized the most criminal conduct and concealed material facts”?

Attorney General GARLAND. The prosecutor in question is an experienced veteran career prosecutor who was appointed by President Trump.

Ms. HAGEMAN. We have no reason to trust him, do we?

OK. How much in terms of taxes would Hunter Biden have owed on the \$1 million he was paid by Burisma?

Attorney General GARLAND. Well as you can imagine since I don't know anything about the facts of the case, I can't answer that question.

Ms. HAGEMAN. Probably about \$400,000. Isn't that right? You can do the math. You know the tax code.

Attorney General GARLAND. I don't know anything about the facts of this case so, I'm not able to do the math to apply it to facts I don't know.

Ms. HAGEMAN. OK. By failing to pay the taxes on those ill-gotten gains, what would the typical penalty have been, for example, if it was someone who didn't have the last name of Biden or a D behind their name?

Attorney General GARLAND. I'm sorry. These are all questions you'll have to direct to Mr. Weiss and that Mr. Weiss will direct in his final—

Ms. HAGEMAN. By allowing the statute of limitations to lapse did Mr. Weiss effectively gift the tax money Hunter Biden owed for the 2014–2015 tax years to Mr. Biden?

Attorney General GARLAND. To say again the decisions about whether—in this area and whether these allegations are correct are ones that Mr. Weiss will be able to answer.

Ms. HAGEMAN. Mr. Garland, one of the things you have done over and—repeated over and over and over again is to point out that Mr. Weiss was appointed as U.S. Attorney by President Trump—

Attorney General GARLAND. Yes.

Ms. HAGEMAN. —as thought that somehow inoculates him from criticism by us. Is that really how this game is played, that if someone is appointed by a Republican that they are supposed to be on the Republican team, or if they are appointed by a Democrat, they are on the Democrat team? You were appointed by Mr. Biden, weren't you? Are you on the Democrat team?

Attorney General GARLAND. Let me just be clear. The point that he was appointed by a Republican counteracts the claim that this was a partisan decision to benefit Democrats.

Ms. HAGEMAN. He remained as a member of the Department of Justice.

Mr. IVEY. Mr. Chair?

Chair JORDAN. The time of the—

Mr. IVEY. Mr. Chair?

Chair JORDAN. The time of the gentlelady is expired.

The gentleman from Maryland is recognized again for a unanimous consent request.

Mr. IVEY. Thank you, Mr. Chair. I want to offer into evidence the testimony, or segments of the testimony of Thomas Sobocinski dated September 7th. It was taken here before this Committee. It goes to the de-confliction issue with respect to Hunter Biden's security detail and the search warrant executors.

Chair JORDAN. Without objection.

Mr. IVEY. Thank you.

Chair JORDAN. The Chair now recognizes the gentleman from California.

Mr. GOODEN. Good afternoon, Mr. Attorney General. Do believe Christopher Wray is a competent Director of the FBI?

Attorney General GARLAND. I think Mr. Wray is a person of the highest integrity for whom I have great admiration, who has extraordinary experience, both as a career prosecutor—

Mr. GOODEN. Thank you.

So, you certainly don't think he would knowingly give false testimony to this Committee, do you?

Attorney General GARLAND. I am sure that he would not.

Mr. GOODEN. Are you aware that Director Wray a couple months ago in sworn testimony implicated you in a sweeping abuse of power?

Attorney General GARLAND. I doubt he would characterize whatever he said in that way.

Mr. GOODEN. Well, he testified about the school board memo that you issued on October 4, 2021, in which you mobilized Federal law enforcement powers against American parents. Now, of course, you didn't put it quite like that. Instead, you found a pretext which is stated right here in the first line of the memo:

In recent months there has been a disturbing spike in harassment, intimidation, and threats of violence against school administrators, board members, teachers, and staff.

What was your basis for making that claim?

Attorney General GARLAND. I will say again as I've testified numerous times in response to exactly the same question that I saw numerous reports in the press of violence and threats—

Mr. GOODEN. You saw reports in the press and so you decided to instigate a nationwide law enforcement initiative?

Attorney General GARLAND. If I may be permitted to answer the question?

Mr. GOODEN. Please.

Attorney General GARLAND. Numerous reports in the media of violence and threats of violence against school personnel of all kinds. We received—

Mr. GOODEN. Did you consult with the FBI director?

Attorney General GARLAND. We received a letter from the National Association of School Boards reporting—

Mr. GOODEN. Yes, that letter contained anecdotes. It didn't contain data of an increase. Did you yes or no consult with the FBI Director before issuing the memo?

Attorney General GARLAND. I don't believe I spoke with the FBI Director, no.

Mr. GOODEN. Why not? Why wouldn't you consult with the FBI Director?

Attorney General GARLAND. Because the purpose of the memo, as is very clear from the memo, is to ask the FBI to assess the situation, to hold meetings, and to determine whether—

Mr. GOODEN. Mr. Attorney General, you started with a conclusion that there was an increase in threats. Now, if you had bothered to consult with the FBI Director here is what he would have said: This is from his sworn testimony, that he was not aware of any such evidence.

So, my question to you, sir, sitting today is can you substantiate your claim that there was an increase? Of course, there will always be criminal—sporadic criminal activity in all quarters of society, but your claim was there was an increase. Can you substantiate that sitting here today?

Attorney General GARLAND. I can substantiate that by the reports in the press of violence and threats of violence and by the letters sent by representatives of thousands—

Mr. GOODEN. That is a no. You are giving us anecdotes. I am asking you if you have data. You also said in your memo that you were committed to using the Department's authority and resources

to discourage these threats, identify them when they occur, and prosecute them when appropriate. Were there any such prosecutions?

Attorney General GARLAND. The emphasis should be there on when appropriate, and there were no such prosecutions. That's good news, not bad news.

Mr. GOODEN. There were no prosecutions. In fact, Director Wray said there were no arrests, there were no charges. So, you have no data to show us that there was any increase. You didn't even bother to consult with the FBI Director. Then there were no resulting prosecutions even though you said that they were coming. So, I have to ask you now, in retrospect was there a compelling law enforcement justification for the memo?

Attorney General GARLAND. I think you're mischaracterizing the memo. The purpose of the memo was to hold meetings, to open lines of communication with States and—

Mr. GOODEN. So, is that a no? Yes or no, was there a compelling law enforcement justification for the memo?

Attorney General GARLAND. I believe there was a reason to ask for those contacts to be made with State and local law enforcement.

Mr. GOODEN. Well, the FBI Director disagrees with you. When I asked—

Attorney General GARLAND. Well, that's not what the FBI Director said—

Mr. GOODEN. Look at it right here, Mr. Attorney General. When asked do you have any reason to dispute the conclusion that there was no nationwide law enforcement justification, he said, "he didn't."

Attorney General GARLAND. Either he didn't see the reports, or he didn't see the National Association of School—

Mr. GOODEN. This is a transcript. I have sent you this transcript, Mr. Attorney General. So, my question is this: Will you retract the memo? By that, I mean issue a formal document to the effect that it is no longer operative?

Attorney General GARLAND. I will not because there was absolutely nothing wrong with the memo as I have testified several times already to you.

Mr. GOODEN. Even though your own FBI Director says there was no justification for it you will not retract it?

Attorney General GARLAND. The memo is mine. It's my decision whether it's necessary to make assessments like this. I asked the Bureau to make these assessments and the other—

Mr. GOODEN. Are you familiar with the concept of a chilling effect?

Attorney General GARLAND. I'm sorry. I didn't—

Mr. GOODEN. Are you familiar with the concept of a chilling effect?

Attorney General GARLAND. I'm very familiar and that's the very reason—

Mr. GOODEN. How would you define a chilling effect as it relates to First Amendment—

Attorney General GARLAND. That is the very reason why the second sentence of the memo says that—

Mr. GOODEN. Please tell me what you consider to be the definition of a chilling effect.

Attorney General GARLAND. That memo has no chilling effect.

Mr. GOODEN. I didn't ask you your opinion on whether the memo has one. I asked you what is a chilling effect?

Attorney General GARLAND. I'm telling you that the second sentence of that makes clear that—

Mr. GOODEN. I have read the full memo. I am asking you what do you define a chilling effect as?

Attorney General GARLAND. A chilling effect is when—people exercise a First Amendment rights are chilled by coercive activity by the government, which did not occur here.

Mr. GOODEN. So, here—

Mr. IVEY. Mr. —

Mr. GOODEN. —moms and dads.

Mr. IVEY. Mr. Chair—

Mr. GOODEN. You and I—

Mr. IVEY. —point of order with respect to the time.

Chair JORDAN. Yes.

Mr. IVEY. Point of order.

Chair JORDAN. The gentleman's time is expired, but it was a pretty darn important question when the Attorney General of the United States can't define what a chilling effect is, so I thought I would let it go a few seconds.

Mr. NADLER. The Attorney General did define what a chilling effect is and said it didn't occur here.

Chair JORDAN. I don't think he defined it. He just dismissed it.

The gentleman's time has expired. I thought it was a very important five minutes.

We now recognize the gentlelady from Florida for five minutes.

Ms. LEE. Good afternoon, Mr. Attorney General.

Attorney General GARLAND. Good afternoon.

Ms. LEE. I would like to return to the earlier discussion about FISA process and the FISC. A number of the Members of this Committee and of my community are gravely concerned about the well-documented abuses of the FISA process and within the FISC proceedings.

In declassified opinions from the FISC in 2018–2019 the Presiding Judge Boasberg admonished the FBI stating there still appears to be widespread violations of the querying standard by the FBI and that there appears to be a fundamental misunderstanding of some FBI personnel about what the standard reasonably likely to return foreign intelligence information means.

Mr. Attorney General, what measures has the FBI instituted since that time to ensure that these abuses are stopped?

Attorney General GARLAND. So, we're talking about FBI FISA Section 702—

Ms. LEE. Yes, sir.

Attorney General GARLAND. —which is a central part of our ability to find out what foreign Nation States, foreign terrorists are trying to do in the United States. I read—when I first came into the Justice Department as Attorney General, I read the opinions you talked about, and they deeply concerned me. I agreed when I looked into it that there was a misunderstanding by operators as

to—an analyst as to what the query standards were. So, one of the very first things I did was send a memo to the FBI directing the way in which the Justice Department, particularly the FBI, did the querying be examined and that corrections be made.

This was an extension of a memorandum that Attorney General Barr had likewise, after he read similar concerns, sent to the FBI at the end of 2020.

Ms. LEE. Mr. Attorney General, in addition to other things the ultimate adjustments included additional attorney oversight requiring FBI users to affirmatively opt to search the 702 database, updated guidance and training, and enhanced approval requirements, correct?

Attorney General GARLAND. Yes, ma'am. All that's true and the consequence was a 93-percent drop in the number of U.S. person queries.

Ms. LEE. Nonetheless, Mr. Attorney General, you would agree, would you not, that there is continued needs to review, analyze, and make additional improvements and safeguards to ensure that we don't continue seeing these abuses?

Attorney General GARLAND. I do agree.

Ms. LEE. In fact, in recent weeks we saw even President Biden's intelligence advisory board make recommendations that we continue to revise 702 oversight and restrictions including a recommendation to direct the DNI and the Attorney General to research potential technological enhancements to the current oversight framework.

Tell me what technology might modernize and improve oversight of the 702 process.

Attorney General GARLAND. One of the technologies that has already worked very effectively is the change from an opt-out to an opt-in set of queries. So, you have to first, indicate that you are looking in 702 and not just across the board of the FBI holdings. You have to use a drop-down window which explains why you are going to do this. It's easy for us—

Ms. LEE. Did that window require the user to input narrative text?

Attorney General GARLAND. That's right. That's right.

Ms. LEE. All right. Thank you, Mr. Attorney General. Are there other technology-specific changes that you would recommend?

Attorney General GARLAND. Well, I'd like to consider that more. There are various kinds of auditing programs using technology. The National Security Division, the Justice Department has done some of that. The FBI actually, at the request of Attorney General Barr, began an auditing program like that. FBI Director Wray, who also agrees that this kind of noncompliance shouldn't continue put that auditing program into effect within the Justice Department.

Ms. LEE. Thank you, Mr. Attorney General.

I yield the balance of my time to the Chair.

Chair JORDAN. I thank the gentlelady for yielding.

Mr. Garland, in David Weiss' letter to Senator Graham on July 10th of this year he says this:

I was assured that I would be granted Special Counsel authority if it proved necessary and this assurance came months before the October 7, 2022, meeting referenced throughout the Whistleblowers' allegations.

How was that assurance given and who gave it?

Attorney General GARLAND. I'm sorry. I think he was talking about 515 Authority. Is that what you're—I'm reading the letter now. He's not talking about Special Counsel authority. It says that I was—

Chair JORDAN. 515 Authority. OK.

Attorney General GARLAND. Yes, yes.

Chair JORDAN. Same difference.

Attorney General GARLAND. Yes.

Chair JORDAN. Well, not the same difference, but the same fundamental question.

Attorney General GARLAND. Yes, yes. I understand your point, yes.

Chair JORDAN. He is making the point that he was assured that this was—he could get this status and that status came—that assurance, excuse me, came before October 7, 2022.

How was that assurance given and who gave it?

Attorney General GARLAND. Yes, I made that clear in my direction and that was transmitted to him.

Chair JORDAN. So, you told him that—

Attorney General GARLAND. No, I'm—

Chair JORDAN. —back before October 7th that he would have—

Attorney General GARLAND. I'm not going to get into exactly the deliberation of the Department, but I—

Chair JORDAN. There are three simple questions: How is it given? Who gave it? When was it done?

Attorney General GARLAND. Yes, I understand. I gave directions from the beginning that he would be able to bring a case whenever/ wherever he wanted to. That direction he heard obviously, and he confirms that here.

Chair JORDAN. I went a little over time, so I told the Ranking Member I would extend to him a few seconds or minutes if he wanted to say a few more things or ask a few more questions and then we will—

Mr. NADLER. Thank you. Let me just ask the Attorney General—Mr. Attorney General, you have been asked many questions here which you were not permitted to answer. People asked the question and just asked another question, didn't permit you to answer. Is there anything you would like to say in answer to anything that you think should be made clear or added?

Attorney General GARLAND. Look, I'm grateful for the opportunity. I just again want to assure the American public and this Committee that the Justice Department follows the rule of law. It enforces the law equally without regard to persons and without regard to parties and that we do the best we can to follow the facts and the law.

Mr. NADLER. Thank you.

Chair JORDAN. Mr. Attorney General, we appreciate you being here. The Committee—maybe I have to do something official. I guess anyone that wants to add something to it, they can submit that for the record.

With that, the Committee is adjourned.

Attorney General GARLAND. Thank you.

[Whereupon, at 3:29 p.m., the Committee was adjourned.]

All materials submitted for the record by Members of the Committee on the Judiciary can be found at: <https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=116381>.

