

Written Testimony of Glenn Kirschner
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Chairman Jordan, Ranking Member Plaskett, and members of the Committee, good morning. My name is Glenn Kirschner and for 30 years as a federal prosecutor I enforced the rule of law and made prosecutorial decisions without fear or favor, and without any political interference in the important prosecutorial decisions I was entrusted to make as a career civil servant and public servant. I want to thank Chairman Jordan and Ranking Member Plaskett for inviting me to appear today.

The rule of law is one of the single most important ingredients to a healthy democracy. Indeed, the rule of law, applied without fear or favor, without improper influence from *outside* law enforcement and prosecutorial circles, and without improper motives *inside* law enforcement and prosecutorial circles, may be second in importance *only* to the free, full, and unfettered ability of the people to exercise their right to vote.

I served in the federal government continuously under every president from Ronald Reagan to Donald Trump. Beginning in the 1980s, I served on active duty with the US Army Judge Advocate General's Corps, first prosecuting court-martial cases then handling criminal appeals in all manner of cases, including espionage and death penalty cases.

After six-and-a-half years as an Army JAG, I left military service and joined the Department of Justice, where I served 24 years as an Assistant United States Attorney for the District of Columbia.

The decisions prosecutors make day in and day out – whether there is sufficient evidence to open a grand jury investigation, whether there is sufficient evidence to ask a grand jury to indict a target of an investigation, whether the evidence provides a “reasonable likelihood of success on the merits” to proceed to trial – these decisions and virtually every other prosecutorial decision must be made without out any political pressure from anyone. They must be made in an entirely apolitical fashion, based *exclusively* on the facts and the law. Unfortunately, that is not what Project 2025 has in mind for the United States Department of Justice.

When I look at the goals and aspirations of Project 2025, I can’t help but evaluate them against the backdrop of what I saw happen to the DOJ during the Trump administration. As we sit here, one of Donald trump’s DOJ officials, Jeffrey Clark, is criminally indicted as a RICO co-conspirator and co-defendant, together with Donald Trump for trying to subvert the 2020 presidential election in the state of Georgia. I think back to Donald Trump – after being told by his DOJ officials that there was no systemic fraud undermining the results of the 2020 presidential election - telling those same DOJ officials, ‘Just say the election was corrupt and leave the rest to me and the Republican congressmen.’

Thank goodness, there were some DOJ officials who thwarted Donald Trump's efforts in that regard – officials who remained loyal to the Constitution rather than loyal to a man determined to retain the power of the presidency by disregarding the expressed will of the American voters. Those honorable public servants would not exist in a future Trump administration that implements the rule-of-law-busting principles of Project 2025.

And I fear that horrific conduct of former president Donald Trump and his corrupt DOJ officials in his first term will look like a government official fixing a parking ticket for a friend as compared to what Project 2025 holds in store.

Project 2025's overarching goal for impacting the way DOJ goes about its work is to destroy the independence and apolitical nature of the work done by thousands of good, honorable, ethical and dedicated civil servants – who, in my experience over 24 years with the DOJ go about their work in an entirely apolitical fashion – and replace them with Trump allies, loyalists, and sycophants. This is the so-called Schedule F approach to corrupting and weaponizing the Department of Justice. Quoting from some of the truly despicable language that can be found in Project 2025's pages: DOJ is alleged to be a “bloated bureaucracy with a critical core of personnel who are infatuated with the perpetuation of a radical liberal agenda and the defeat of perceived political enemies.” I spent 24 years in the DOJ – this characterization is dead wrong and is untrue.

As but one example of the dangers to law enforcement independence represented by Project 2025, consider this scenario: once Donald Trump has his loyalists in place in the

Department of Justice, if a report of possible voter fraud is referred to the DOJ, Donald Trump's officials could screen or evaluate the case with just one simple question: does the alleged voter fraud work to the advantage of Republican candidates (so, by extension, to Donald Trump's advantage)? If the fraud benefits Trump, his Project 2025 officials can simply decline to investigate, summarily claiming there is insufficient evidence to open a criminal probe. But if the alleged voter fraud worked to Trump's disadvantage, then an investigation could be initiated regardless of whether or not the evidence supported that decision. This is simply a variation on the theme: 'I don't care if there was no voter fraud undermining the election results, just say there was and leave the rest to me and my loyalists in the Department of Justice.'

If Project 2025 is implemented, there will be no need for a corrupt president to recruit DOJ officials to join his criminal endeavor, as the conspiracy will already be in place.

Project 2025's determination to extinguish the independence of the Department of Justice looks a lot like a blueprint for dictatorship.

I thank you for your invitation to be here today and I look forward to your questions.