



# Department of Justice

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**STATEMENT OF**

**MATTHEW G. WHITAKER  
ACTING ATTORNEY GENERAL  
UNITED STATES DEPARTMENT OF JUSTICE**

**BEFORE THE**

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

**FOR A HEARING ENTITLED**

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

**PRESENTED ON**

**FEBRUARY 8, 2019**

**Statement of**  
**Matthew G. Whitaker**  
**Acting Attorney General**  
**Department of Justice**  
  
**Before the**  
**Committee on the Judiciary**  
**House of Representatives**  
  
**Entitled**  
**Oversight of the U.S. Department of Justice**  
  
**Presented on**  
**February 8, 2019**

Thank you, Mr. Chairman and Ranking Member Collins for the opportunity to testify before the Committee today. I am looking forward to discussing with you some of the accomplishments and some of the priorities of this Department of Justice (“Department”).

First of all, let me say that it is an honor to represent the 115,000 men and women of the Department of Justice. The Department is blessed with extremely talented, highly principled public servants who are dedicated to upholding our great Constitution and the laws of the United States.

I saw that up close during my five and a half years as United States Attorney for the Southern District of Iowa. Our office put drug dealers, violent criminals, and gang members behind bars—and we kept the people of Iowa safe. I personally prosecuted several of these cases and worked with men and women from the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Drug Enforcement Administration (“DEA”), the Federal Bureau of Investigation (“FBI”), the U.S. Marshals Service, and our State and local partners.

In 2017, I returned to the Department and served for 13 months as Chief of Staff to former Attorney General Jeff Sessions. I have the greatest respect for General Sessions, who led the Department with integrity, with dedication to the rule of law, and with a commitment to carrying out the policies of the President. I am deeply honored that the President selected me to serve as Acting Attorney General of the Department of Justice until General Sessions’ successor is confirmed by the Senate.

The Senate will soon consider the President’s nomination for our next Attorney General. And let me just say this: no one is more qualified than Bill Barr. I am working to ensure that he will inherit a strong, confident, and effective Department of Justice. And I believe that he will.

For the last three months I have had the privilege of serving as Acting Attorney General, and I am impressed every single day by the dedication and the hard work of our agents and our attorneys.

Over this time, I have visited a number of our offices and met with federal prosecutors from across America. For example, in December, we held our Project Safe Neighborhoods conference—where employees from nearly every U.S. Attorney’s office celebrated our law enforcement successes and reductions in violent crime. We were honored to be joined by the President for that conference.

Our hard work is paying off. I firmly believe that your constituents are safer because of the work that the Department has done over these past two years. Under this Administration, crime is down—and police morale is up.

In Fiscal Year (“FY”) 2017, the Justice Department charged the largest number of violent crime defendants since we started to track this category back when Bill Barr was the Attorney General. In FY 2018, we broke that record again—with a margin of nearly 15 percent.

We have taken aggressive action against gun violence. In FY 2018, the Department charged more defendants with gun crimes than ever before. In fact, the Department broke the record by a margin of 17 percent. The Department has also banned bump stocks, improved the background check system, and prosecuted those who lied to get a gun.

Our work is having an impact. In 2017—after two years of increases under the previous Administration—violent crime and homicide went down nationwide. We do not yet have official numbers for 2018, but the Brennan Center has estimated that the murder rate in our 29<sup>th</sup> biggest cities dropped by 7.6 percent.<sup>1</sup>

A lot of crime in this country is related to drug abuse.<sup>2</sup> We are addressing the roots of these crimes by reducing the drug supply and putting drug traffickers behind bars and our efforts have been successful. We have analyzed prescriptions for the first 11 months of 2018 (January – November) and note that prescriptions dispensed continue to decline by an additional 12.9 percent when compared to the same timeframe in 2017.

These decreases in prescribing rates have allowed DEA to lower the legal limits on production of the six most abused opioids for 2019 by an average of 10 percent.<sup>3</sup> DEA has reduced the quotas for the most frequently diverted controlled substance opioids by 44 percent from their highs in 2016.<sup>4</sup>

There is no doubt in the law enforcement community that the vast majority of the illegal drugs in this country is coming over our Southern border, a pattern that is true for all crimes

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<sup>1</sup> See <https://www.brennancenter.org/analysis/crime-murder-2018>

<sup>2</sup> See <https://www.bjs.gov/content/duc/duc.cfm>

<sup>3</sup> See <https://www.justice.gov/opa/pr/justice-department-dea-propose-significant-opioid-manufacturing-reduction-2019>

<sup>4</sup> See <https://www.justice.gov/opa/press-release/file/1087641/download>

generally. And there is also no doubt that criminals and cartels seek to exploit weaknesses in our southern border.

For this reason, we continue our efforts to restore the rule of law at the border and in our immigration system. In FY 2018, we charged more aliens who illegally entered the United States with improper entry than in any year in American history. In fact, we charged 85 percent more defendants with illegally entering America than we did in the previous year. At the same time, we increased the number of felony illegal re-entry prosecutions by more than 38 percent. Whatever our views on immigration policy—we should all be opposed to illegal immigration, and we should support these efforts.

The Department is also taking decisive action against human trafficking, both domestically and internationally. Human traffickers, like other criminal enterprises take advantage of our porous Southern Border to smuggle women and children into United States to exploit them for compelled labor or sex. We are bringing prosecutions to dismantle transnational trafficking networks that lure victims across our borders and traffic them for profit. Last year, the Department of Justice secured a record of 526 human trafficking convictions—a 5 percent increase over the previous year. We are continuing to advance innovative counter-trafficking strategies, like the Anti-Trafficking Coordination Team Initiative. Through this initiative, there has been an increase in prosecutions in districts where we have convened specialized Anti-Trafficking Coordination Teams.

These are all important measures of our effectiveness—and the men and women of the Department deserve a lot of credit. In district after district across America, our agents and our attorneys are becoming more and more focused on tackling today's most pressing criminal threats.

Our attorneys are also defending the rights of the American people in court—including freedom of speech, the free exercise of religion, and the right to vote. In November, the Department provided election monitoring at polling places around the country. Our Civil Rights Division deployed personnel to 35 jurisdictions in 19 states to monitor for compliance with federal voting rights laws. The Public Integrity Section prosecutors served as subject matter experts for federal prosecutors and investigators nationwide, working with the FBI at the Strategic Information and Operations Center while the polls were open. Since the election, they have helped secure the conviction of a political consultant in Philadelphia for campaign finance crimes arising out of two separate elections.

The Department continues to civil rights by aggressively prosecuting hate crimes. In Charlottesville, we secured a 30-count indictment against the defendant who drove a car into a crowd of peaceful demonstrators, killing Heather Heyer. In Pittsburgh, we have charged the shooter accused of taking the lives of 11 worshipers at the Tree of Life Synagogue with 60 federal counts, including 13 hate crimes violations. In Jeffersontown, Kentucky, we charged the defendant for the racially motivated shooting of three African American patrons at a Kroger store. And in Garden City, Kansas, we convicted three men for conspiring to bomb an apartment complex, because it was the home of many Somali immigrants, and the mosque at which they

worshipped. These are among the 50 hate crimes defendants indicted and the 30 hate crimes defendants convicted by this Administration in FY 2018.

Over my time as Acting Attorney General, I have done everything in my power to continue regular order and to keep up our momentum in pursuing the law-and-order agenda that the American people voted for.

Finally, I would like to briefly address Mr. Chairman's letter from January 22, 2019, in which you advised that the Committee may seek to ask questions about communications I may have had with the President on a number of topics. I want to assure you that I will seek to answer the Committee's questions today, as best as I can, but I also must make clear that I will continue the longstanding Executive Branch policy and practice of not disclosing information that may be subject to executive privilege, such as the contents of deliberations or conversations with the President. The Supreme Court has recognized that the presidential communications privilege is fundamental to the operation of Government and inextricably rooted in the separation of powers under the Constitution. I trust that the Members of this Committee will respect the confidentiality that is necessary to the proper functioning of the Presidency—just as we respect the confidentiality necessary to the Legislative Branch.

Although I cannot speak about my communications with the President, I do want to make clear that I am personally committed to the integrity of the Department of Justice. Since becoming Acting Attorney General, I have run the Department to the best of my ability, with fidelity to the law and to the Constitution. The Department makes its law enforcement decisions based upon the facts and law of each individual case, in accordance with established Department practices, and independent of any outside interference. There has been no change in the overall management of the Special Counsel investigation. I have and will continue to manage this investigation in a manner that is consistent with the governing regulations.

I welcome your partnership with us. We are proud of our accomplishments, but we know that Congress can help us achieve even more. And as our agents and our prosecutors have shown again and again: they deserve your support. Law enforcement is a good investment.

Thank you once again for the opportunity to testify today and for your attention to matters facing the Department of Justice.