

Testimony Submitted for the Record
Senate Committee on the Judiciary
Hearing on the Nomination of Pamela Jo Bondi to be Attorney General of the United States
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Chairman Grassley, Ranking Member Durbin and members of the Committee, thank you for the opportunity to submit testimony regarding the nomination of Pamela Jo Bondi for the position of attorney general of the United States.

My organization, Citizens for Responsibility and Ethics in Washington (CREW), is a nonpartisan nonprofit organization dedicated to fighting corruption and promoting an accountable, transparent and ethical government. With this mission in mind, I write today to emphasize three key points regarding the position of attorney general and the president's nomination of Pam Bondi. First, as the nation's chief legal officer the attorney general must put the Constitution and the rule of law before the interests of the president. Second, the breadth and gravity of the attorney general's duties requires that the attorney general adhere to the highest ethical standards. And third, in furtherance of each of these duties, the attorney general must respect the independence of the Department of Justice inspector general. In light of President Donald Trump's stated desire to use the Department of Justice, including the Federal Bureau of Investigation, to go after perceived political enemies, and open questions as to whether Ms. Bondi will serve as a restraint on these impulses, I encourage the Senate Judiciary Committee to evaluate her fitness on each of these three criteria before considering her nomination.

The attorney general occupies a unique role within the executive branch. They are the chief legal officer of the Department of Justice, overseeing the Federal Bureau of Investigation, the National Security Division, the Criminal Division, the Office for Access to Justice and more than thirty other Justice Department components.¹ They also serve as the president's principal legal adviser and provide legal advice to the heads of other agencies and the military, ensuring that the executive branch complies with the Constitution and "take[s] Care that the Laws be faithfully executed."² Additionally, they represent the United States in legal matters, including both defending executive branch agencies in litigation and enforcing the law in civil and criminal litigation.³

¹ Agencies, DOJ, <https://www.justice.gov/agencies/chart/map>.

² U.S. Const. art. II § 3; 28 U.S.C. §§ 503, 511–13.

³ See, e.g., 28 U.S.C. §§ 515, 516, 519; DOJ, *Office of the Attorney General*, <https://www.justice.gov/doj/organization-mission-and-functions-manual-office-attorney-general> (last visited Jan. 14, 2025).

But the attorney general is also a member of the president's cabinet.⁴ So not only must they ensure that the executive branch defends the Constitution, but at times they must do so in the face of significant political pressure from the president who appointed them and other individuals with whom the attorney general "has the closest personal and political kinship."⁵ The attorney general must not bend to these "manifold and intense" political pressures:

While the President and his advisers are expected to reflect and advance both policy views and partisan instincts, the Attorney General is ex[p]ected to provide a degree of independence from partisanship in order to maintain not only the ability to represent the Congress and the people as well as the Executive, but also to provide an internal check within the Executive Branch on the partisan and policy impulses of the remainder of the Administration.⁶

Fulfilling this uniquely challenging role requires strength of character and impeccable integrity. This is particularly true for an attorney general serving under President Trump, who manipulated Department of Justice officials during his first term⁷ and who has demonstrated in the leadup to his second term that loyalty matters above all else.⁸ Following the Supreme Court's grant of sweeping immunity for presidents this past July,⁹ and given President Trump's repeated threats to prosecute his perceived opponents, it is all the more

⁴ The White House, *The Executive Branch*, <https://www.whitehouse.gov/about-the-white-house/our-government/the-executive-branch/> (last visited Jan. 14, 2025); see also *Jud. Watch, Inc. v. DOJ*, 365 F.3d 1108, 1120 (D.C. Cir. 2004) ("Since the creation of the Department in 1870, the Attorney General has not only served as an adviser to the President, but also as the administrator of the Department."); see also *Mitchell v. Forsyth*, 472 U.S. 511, 520 (1985) ("As the Nation's chief law enforcement officer, the Attorney General provides vital assistance to the President in the performance of the latter's constitutional duty to "preserve, protect, and defend the Constitution of the United States." (citing U.S. Const., art. II, § 1, cl. 8)).

⁵ Memorandum from Theodore B. Olson, Assistant Attorney General, Office of Legal Counsel, to the Attorney General, *The Role of the Attorney General in the Government of the United States* 5 (Feb. 10, 1982), <https://knightcolumbia.org/documents/jwhwzdt11o>.

⁶ *Id.* at 3.

⁷ Select Committee to Investigate the January 6th Attack on the United States Capitol, H.R. Rep. 117-663, at 373-426 (Dec. 2022), <https://www.govinfo.gov/content/pkg/GPO-I6-REPORT/pdf/GPO-I6-REPORT.pdf>; Special Counsel Jack Smith, *Report on Efforts to Interfere with the Lawful Transfer of Power Following the 2020 Presidential Election or the Certification of the Electoral College Vote Held on January 6, 2021*, 16-20 (Jan. 2025), <https://www.justice.gov/storage/Report-of-Special-Counsel-Smith-Volume-1-January-2025.pdf>; Special Counsel Robert S. Mueller, III, *Report On The Investigation Into Russian Interference In The 2016 Presidential Election, Volume II*, 77-90, 113-20 (Mar. 2019), <https://www.justsecurity.org/wp-content/uploads/2019/04/Mueller-Report-Redacted-Vol-II-Released-04.18.2019-Word-Searchable.-Reduced-Size.pdf> (describing attempts to interfere with the Department of Justice); Adam Klasfeld and Ryan Goodman, *Chronology of a Dozen Times Trump Pushed to Prosecute His Perceived Enemies*, Just Security (Sept. 3, 2024), <https://www.justsecurity.org/98703/chronology-trump-justice-department/>.

⁸ Jonathan Swan, Charlie Savage, and Maggie Haberman, *How a Phone Call Drew Alito Into a Trump Loyalty Squabble*, N.Y. Times (Jan. 9, 2025), <https://www.nytimes.com/2025/01/09/us/politics/alito-trump-phone-call-ethics.html>; Aamer Madhani and Zeke Miller, *Trump team is questioning civil servants at National Security Council about commitment to his agenda*, Associated Press (Jan. 13, 2025), <https://apnews.com/article/trump-biden-nsc-loyalty-waltz-21913da0464f472cb9fef314fed488e5>.

⁹ *Trump v. United States*, 603 U.S. 593, 606 (2024).

important that the attorney general be an individual who will wield the office's broad prosecutorial discretion with respect for due process, the Constitution and the rule of law.¹⁰

Although a prior relationship with or support for the president is not disqualifying on its own, Ms. Bondi's record demonstrates a heightened loyalty to President Trump that raises serious questions about her willingness to faithfully carry out the duties of the office in the face of political pressure from the president. She has served as President Trump's personal lawyer, representing him during his first impeachment trial.¹¹ She pushed Trump's voter fraud allegations following the 2020 election despite the absence of any evidence of those claims.¹² And in the aftermath of the January 6th insurrection at the U.S. Capitol, she helped organize legal representation for a former Trump aide who was called to testify before the House Select Committee to Investigate the January 6th Attack.¹³ In the years since the election, her relationship with President Trump and the Trump campaign has continued, with Ms. Bondi working for a pro-Trump think tank and serving as a paid board member for a political action committee tied to the president.¹⁴

Given the attorney general's tremendously powerful role, they must be above influence from other outside forces.¹⁵ Certain rules restrain the attorney general's conduct, including federal conflict-of-interest laws that prevent employees from using their official position for personal gain, prohibit officials from accepting bribes or working on matters in which they have financial conflicts, require officials to file financial disclosure reports, set limits on the gifts officials can receive and restrict the political activities of federal employees.¹⁶ And presidents also have required their appointees to commit to an ethics pledge, which

¹⁰ Tom Dreisbach, *Trump has made more than 100 threats to prosecute or punish perceived enemies*, NPR (Oct. 22, 2024), <https://www.npr.org/2024/10/21/nx-s1-5134924/trump-election-2024-kamala-harris-elizabeth-cheney-threat-civil-liberties>.

¹¹ Glenn Thrush, *Pam Bondi Is Trump's New Choice for Attorney General. Here's What to Know About Her.*, N.Y. Times (Nov. 21, 2024), <https://www.nytimes.com/2024/11/21/us/politics/pam-bondi-trump-attorney-general.html>; Steve Benen, *Despite earlier controversy, Pam Bondi joining Team Trump*, MSNBC (Nov. 7, 2019), <https://www.msnbc.com/rachel-maddow-show/despite-earlier-controversy-pam-bondi-joining-team-trump-msna1301321>.

¹² *Fact-checking Trump's false claims about voter fraud and 'rigged' elections*, PBS News (Oct. 5, 2024), <https://www.pbs.org/newshour/politics/fact-checking-trumps-false-claims-about-voter-fraud-and-rigged-elections>; Kirby Wilson, *Pam Bondi throws herself into Trump effort to stop counting votes*, Tampa Bay Times (Nov. 6, 2020), <https://www.tampabay.com/news/florida-politics/2020/11/05/pam-bondi-throws-herself-into-trump-effort-to-stop-counting-votes/>.

¹³ Select Committee to Investigate the Attack on the U.S. Capitol, U.S. House of Representatives, *Interview of Cassidy Hutchinson*, at 15, 20, 23, <https://s3.documentcloud.org/documents/23506946/cassidy-hutchinson-jan-6-committee-transcript.pdf>.

¹⁴ *America First Nomination: Pam Bondi*, America First Policy Institute, <https://americafirstpolicy.com/issues/america-first-nomination-pam-bondi> (last visited Jan. 14, 2025); Gary Fineout, *Bondi is back, with new role in Trumpworld*, Politico (Sept. 30, 2021), <https://www.politico.com/newsletters/florida-playbook/2021/09/30/bondi-is-back-with-new-role-in-trumpworld-494526>.

¹⁵ *The Role of the Attorney General*, *supra* note 5, at 4 (“[T]he Attorney General has the difficult burden of constant vigilance against efforts to influence his legal decisions by extra-legal considerations.”).

¹⁶ U.S. Office of Government Ethics, *Compilation of Federal Conflict of Interest Laws*, [https://www.oge.gov/web/oge.nsf/0/3D3B3F1EE20BA918852585BA0063A592/\\$FILE/Compilation%20of%20Federal%20Ethics%20Laws%20\(2023\).pdf](https://www.oge.gov/web/oge.nsf/0/3D3B3F1EE20BA918852585BA0063A592/$FILE/Compilation%20of%20Federal%20Ethics%20Laws%20(2023).pdf) (current through 117th Congress); *see also Standards of Ethical Conduct for Employees of the Executive Branch*, 5 CFR Part 2635 (2024).

typically imposes a strict lobbyist gift ban as well as “revolving door” provisions beyond what is required by statute.¹⁷

But in the final hours of his first administration, President Trump revoked the order establishing these conflict-of-interest requirements for his appointees, declaring that neither current nor former employees would be subject to the ethics pledge he previously lauded as fixing a system “full of loopholes.”¹⁸ And since then, President Trump has demonstrated time and again his lack of commitment to ethics.¹⁹ Without the promise of a president who will hold themselves and their officials to the highest ethical standards, it is the federal laws, regulations, norms and those who uphold them who must ensure that wealthy individuals, including the president, cannot simply purchase their preferred result from the government. And the attorney general, who not only must be free of conflicts themselves but also is responsible for prosecuting those who violate these laws, must be beyond reproach.

There are institutional guardrails that are intended to prevent the attorney general—or any government official—from using their office to pursue political or personal aims. These guardrails include laws such as the Hatch Act,²⁰ which serves to prevent political influence and coercion in the federal workforce, and entities like inspectors general, which serve the crucial role of investigating fraud, waste, abuse and official misconduct at agencies across the federal government.

There are more than 70 inspectors general, but the inspector general at the Department of Justice fills a particularly important role, serving as a critical check on a department whose core values include independence, impartiality, honesty and integrity.²¹ To that end, the inspector general provides objective and independent oversight of the Department of

¹⁷ Exec. Order 13989, 86 Fed. Reg. 7029 (Jan. 20, 2021); Exec. Order 13770, 82 Fed. Reg. 9333 (Jan. 28, 2017); Exec. Order 13490, 74 Fed. Reg. 4673 (Jan. 21, 2009).

¹⁸ Revocation of Executive Order 13770, 86 Fed. Reg. 6835 (Jan. 19, 2021); Tamara Keith, *Trump Revokes Administration Ethics Rules On His Way Out The Door*, NPR (Jan. 20, 2021), <https://www.npr.org/sections/inauguration-day-live-updates/2021/01/20/958710562/trump-revokes-administration-ethics-rules-on-his-way-out-the-door>.

¹⁹ President Trump refused to provide a transition ethics plan to the General Services Administration until nearly three weeks after his election and nearly two months after the date identified in federal law. 3 U.S.C. § 102 note; Tamara Keith, *Trump team signs a key transition agreement with Biden White House*, NPR (Nov. 26, 2024), <https://www.npr.org/2024/11/26/nx-s1-5206864/trump-transition-agreement>. And when he did eventually submit the plan, it did not include an ethics pledge for President Trump himself. Lisa Rein and Isaac Arnsdorf, *Trump signs transition agreement with Biden, but it lacks key guardrails*, Wash. Post (Nov. 26, 2024), <https://www.washingtonpost.com/politics/2024/11/26/trump-transition-agreement-ethics-pledge-security-clearances/>. Additionally, when the Trump Organization issued an ethics plan for President Trump’s second term in office last week, it excluded from the agreement key conflict-of-interest provisions that had governed the organization’s foreign transactions during Trump’s first presidency. Eric Lipton, *Trump Organization Issues Ethics Pledge for President-Elect’s Second Term*, N.Y. Times (Jan. 10, 2025), <https://www.nytimes.com/2025/01/10/us/politics/trump-ethics-conflicts-of-interest.html>. *But see* U.S. Const. art I, § 9, cl. 8 (foreign emoluments clause); *id.* art. II, § 1, cl. 7 (domestic emoluments clause).

²⁰ 5 U.S.C. § 7321 *et seq.*

²¹ DOJ, *About DOJ*, <https://www.justice.gov/about> (last visited Jan. 13, 2025).

Justice, investigating fraud, waste, abuse and other forms of misconduct by the agency's more than 115,000 employees.²² Among the inspector general's recent work, the IG has investigated allegations of politically motivated conduct,²³ found violations of ethical regulations by prosecutors²⁴ and reviewed the FBI's role in canvassing its field offices for threats before the January 6 insurrection.²⁵ The IG can complete these important reviews, however, only if the attorney general provides timely access to the materials needed by the IG and does not otherwise obstruct the IG's work.²⁶ For this reason, it is critical for Ms. Bondi to commit, during her confirmation hearings, to respecting and protecting the independence of the Department of Justice's inspector general, including committing to use her office to advocate against the current inspector general being fired without just cause.

The president has a right to nominate individuals who he thinks are best suited to help him govern. But our Constitution also entrusts the Senate with the duty of giving its advice and consent on presidential nominations.²⁷ CREW strongly urges the committee to carefully evaluate Ms. Bondi's nomination to be attorney general and, prior to voting on her nomination, ensure that she commits to exercising the immense responsibilities of that office in a nonpartisan manner, in accordance with the laws of the Constitution and with loyalty to the American people—not to President Trump.

²² *Id.*; see DOJ OIG, *About the Office*, <https://oig.justice.gov/about> (last visited Jan. 14, 2025); see also, e.g., 5a U.S.C. §§ 2, 8E, 12; *id.* § 4(d) (requiring that the inspector general report violations of criminal law to the attorney general).

²³ DOJ OIG, *Investigative Summary 25-019* (Dec. 30, 2024), <https://oig.justice.gov/sites/default/files/reports/25-019.pdf>.

²⁴ DOJ OIG, *Investigative Summary 25-003* (Oct. 24, 2024), <https://oig.justice.gov/sites/default/files/reports/25-003.pdf>.

²⁵ DOJ OIG, *A Review of the Federal Bureau of Investigation's Handling of Its Confidential Human Sources and Intelligence Collection Efforts in the Lead Up to the January 6, 2021 Electoral Certification*, 25-011 (Dec. 2024), <https://oig.justice.gov/sites/default/files/reports/25-011.pdf>.

²⁶ 5a U.S.C. §§ 6(a)(1), 8E.

²⁷ Beth Reinhard, *Trump loyalist pushes 'post-Constitutional' vision for second term*, Wash. Post (June 8, 2024), <https://www.washingtonpost.com/politics/2024/06/08/russ-vought-trump-second-term-radical-constitutional/>.