

Senator Adam Schiff Opening Remarks
“Restoring Accountability: Exposing Attacks On The Rule Of Law”
April 7, 2025

This week, an immigration attorney at the department of justice told a federal court that he would implore his department to seek the return of a man wrongfully deported to a maximum security prison in El Salvador. A man who had been deported in violation of a judge’s order. And the department’s response to this gross miscarriage of justice was not to accept responsibility or to take urgent action to correct the problem and seek the man’s return.

No, the department’s response was to punish the department’s own lawyer for speaking truthfully to the court, for what it deemed an act of insubordination, for failure to give full throated defense to the department’s illegal act.

This is why we are here today.

We are here today because the rule of law and democracy in the United States is under attack. Not by a foreign adversary or some distant threat. The rule of law is being attacked and subverted from within, from an administration intoxicated by its own power, and enabled by a supine Congress. Donald Trump is taking unprecedented steps to bend our justice system to his will. And his administration is moving swiftly and systematically to dismantle the legal pillars that hold up our democracy:

The independence of our legal system...

The idea of impartial justice...

The right to counsel...

And the principle that no one, not even a president, is above the law.

If Trump and his personal, criminal defense lawyers now running the justice department succeed, the consequences will be profound. The impact will be felt by Americans from all walks of life. And by future generations. That is why Ranking Member Raskin and I have taken the extraordinary step of convening this unprecedented hearing.

We have brought together both chambers of Congress. The Senate and the House of Representatives. To conduct real oversight, and to serve as a check and balance. To hold those who misuse power to account. And to carry out our constitutional duty.

Convening this hearing was not our first choice. We have tried to get our Republican colleagues to hold hearings. To do meaningful oversight. To assert Congress' authority as an independent branch of government. To our great disappointment, our Republican colleagues have abdicated that important responsibility.

They have stood by as the President has run roughshod over the legislative branch and turned Congress into a little more than a rubber stamp. So, today, we will hold the first of what we hope will be more bicameral oversight hearings. We will do the investigative work that our colleagues across the aisle refuse to do.

We will expose the illegality, abuse, and corruption of this administration and within the department of justice. We will have brave witnesses speak to what's actually happening behind closed doors. How the trump administration continues to try to intimidate them from speaking out. And why it matters to Americans across the country.

The Trump administration is following a well-worn playbook. History serves as a guide. And as a warning.

In the 1930s, a Jewish lawyer in Berlin tracked in meticulous detail how Germany gradually became what he called a "Dual State." First, to keep the country running, the ordinary legal system remained in place for most people. And yet, step by step, a parallel system of governance and law emerged – what one scholar called a "lawless zone." A parallel system to carry out the will of the leader and go after his enemies, real or perceived. To punish. Reward. Co-opt. To intimidate, silence, or take over the institutions that make a society free and vibrant: the courts, the lawyers, the universities, the press, even businesses. Over time, the emerging authoritarianism would swallow what remained of the rule of law.

And now, Hungary provides a present-day warning. Methodically, Viktor Orbán has tried to dismantle the independence of Hungary's judiciary, education, and free press, undermining democracy while pretending to uphold the law. And we have our own history we should not forget. In the 1950s, in this very institution, Senator Joseph McCarthy and his enablers wielded the power of the government to go after perceived enemies.

Many, shamefully, did not stand up at the time. Some chose expediency, political gain, or profit. Others thought they could weather the storm by cutting deals or staying silent. If this all sounds too eerily familiar, it's because it is. But there is a silver lining. A reason for hope.

Those who defended fellow Americans *then* are *now*, rightfully, viewed as vindicated by history. The courage demonstrated by Americans in decades past, and by brave men and women in other countries – should serve as our inspiration and a roadmap for standing up. Standing up for the

rule of law. For each other. For democracy. Today's hearing, therefore, is a first step towards real oversight and accountability.

Our witnesses today have demonstrated remarkable courage. Like Ryan Crosswell, they refused to enable the corrupt use of the Department of Justice's prosecutorial power by striking an illicit bargain with the mayor of New York to do the administration's bidding.

They refused to enable a two-tier system of justice that grants favors and cuts corners for the famous or wealthy. And, as we'll hear today, they have bravely stood up to ongoing efforts by the Department of Justice to intimidate them and scare them off from speaking today, including when they planned to send armed Marshalls to the home of one of our witnesses, Liz Oyer, in order to discourage her from testifying today.

These witnesses are supporting others who continue to serve the public interest, continue to be employed by the department of justice, and who cannot speak for themselves. And one of our witnesses, Rachel Cohen, stood up when her law firm and others would not. Even as still other law firms beat a path to the White House to capitulate to the extortionary campaign of the executive branch, even as that campaign weakens the right to counsel, the right of free speech, and the right to take on unpopular causes.

Today's witnesses represent the antidote to the collective action problem we have seen, when law firms, universities and other institutions race to the White House to cut their own deals, rather than stand on principle. In this defining moment, our institutions must not grovel before power, they must not retreat, they must stand together. They must lead. Law firms. Universities. Public servants. Congress. Each has a unique and important role to play.

Because a democracy that fails to hold power to account ceases to be a democracy at all. Because we cannot allow the law to be twisted into a tool of personal or political vengeance or favor, and we cannot let threats to our democracy go unchallenged.

Before we introduce the witnesses, let turn to my colleagues, Ranking Member Raskin and Ranking Member Durbin, both of whom have demonstrated extraordinary leadership during this moment of profound challenge. I am grateful that we are convening this hearing together, and I am grateful for the courage of today's witnesses, who have refused to stay silent.