Politics

Justice Nominee’s Dodge Sparks Debate on Personal Views

‘I don’t think that my personal views are relevant.’ Feinstein: ‘I think they’re very relevant.’

Jeffrey Clark, nominee be an assistant attorney general for environment and natural resources, declined to answer questions about the role of greenhouse gasses on climate change. (Tom Williams/CQ Roll Call)
The nominee to lead the Justice Department’s environmental enforcement declined to answer a question about his views on greenhouse gases on Wednesday, prompting the Senate Judiciary Committee to discuss what has been an increasingly common dodge among witnesses and President Donald Trump’s nominees.

Democrats expressed frustration at the Senate Intelligence Committee hearings this year that Trump administration officials and Attorney General Jeff Sessions (http://www.cq.com/person/12) declined to answer questions. When Democrats asked a judicial nominee about his beliefs on legal cases about abortion and other issues — which he had written blogs about — he answered this week that his “personal views are irrelevant to the position for which I have been nominated.”

On Wednesday, the panel’s top Democrat, Sen. Dianne Feinstein (http://www.cq.com/person/80) of California, repeatedly asked DOJ nominee Jeffrey Clark this question: “Do you believe that greenhouse gases are a threat to Americans’ health and safety?”

Clark, who served at Justice in the George W. Bush administration, represented BP after the 2010 oil spill in the Gulf Coast and wrote an article that year critical of the EPA’s finding on greenhouse gases.

After indirect answers, Feinstein demanded, “Yes or no, sir?”

Clark responded that scientists and policy makers at other federal agencies are the ones who make policy decisions, and the Justice Department’s role is to vigorously defend those decisions in the courts.

“I don’t think that my personal views are relevant,” Clark said. “What’s relevant is . . . .”

Feinstein cut him off. “I think they’re very relevant. You’re going to represent us on the environment; I’d like to know what you believe about greenhouse gas.”

In a series of answers, Clark said the question of what policy makers believe “is the important question on that” because he “would vigorously defend those actions in the courts.”

“I’m asking what you believe,” Feinstein said, showing exasperation. “You clearly do not want to answer it, so I will assume what the answer is.”

Sen. Sheldon Whitehouse (http://www.cq.com/person/7430), D-R.I., jumped in to say he’s seen “a lot of this” and said witnesses before the committee should only decline to answer questions if they have a legal reason, such as asserting executive privilege or the 5th Amendment right against self-incrimination.

“This is part of what we do as senators and if the chairman of the committee isn’t going to enforce that, then we need to have a further conversation about it,” Whitehouse said.

“We’re entitled to have our questions answered and not to have witnesses who restate the question for us so they answer it more comfortably,” Whitehouse said. “That was a very simple question by the ranking member and I think she’s entitled to an answer. And I think it should be the position of the Judiciary Committee that a fair question is entitled to an accurate and succinct answer when appropriate.”

Sen. Charles E. Grassley (http://www.cq.com/person/150), the committee’s chairman, responded that he has attended a committee meeting where a senator was attacking someone’s religious beliefs, as if that would affect their job.

“I don’t know whether it’s as simple as you can expect every witness to answer every question without getting into some ticklish areas,” Grassley said.

Grassley raised his voice at a hearing Tuesday when intelligence officials did not answer questions from a longstanding request from Sen. Lindsey Graham (http://www.cq.com/person/438), R-S.C., about whether phones would be monitored if he’s overseas talking to a foreign leader, and whether anybody has access to that conversation.

“I want you to proceed until you get an answer,” Grassley said to Graham. “I mean, if there’s anything in this country people are entitled to, it’s entitled to at least an answer to their question.”

Graham said to the intelligence officials: “If I were you I’d answer my question, because he’s mad.”