

Statement of Donna A. Bucella on Chief Judge Merrick Garland's Nomination to the U.S. Supreme Court

Senators, I thank you for inviting me to this public meeting to discuss Chief Judge Merrick Garland's qualifications to the U.S. Supreme Court.

Currently, I am the President of Compliance for Guidepost Solutions LLC. I have served in many roles in our government, some of which include: an Assistant United States Attorney from the Southern District of Florida; Director of the Executive Offices for the United States Attorneys; the United States Attorney for the Middle District of Florida; the Director of the Terrorist Screening Center; an Assistant Commissioner, Customs and Border Protection for the Office of Intelligence and Investigation Liaison; and a retired Colonel from the U.S. Army Judge Advocate General's Corps. I have had the honor and the privilege to work with Chief Judge Merrick Garland at the Department of Justice from 1993 through 1997. During that time, one of the most horrific terrorist acts was committed on our nation's soil.

On April 19, 1995, one hundred and sixty-eight people were senselessly murdered in Oklahoma City. The next day, in my capacity as the Principal Deputy Director of the Executive Office for United States Attorneys, I responded to Oklahoma City; Merrick arrived within 24 hours. There, I had the opportunity to see Merrick up close and personal, deal calmly and purposefully with this horrific event. Initially, we worked out of the Command Center in the Southwest Bell Telephone building. Downtown Oklahoma City was still in chaos, the streets were closed to all but first responders and law enforcement, the buildings around the bomb site and the cars were still smoldering. Most of downtown was a crime scene. Rescue workers and their dogs walked through the rubble searching for survivors. Rescue dogs were later substituted for cadaver dogs and many were desperate to find the remains of their colleagues, co-workers, family members, loved ones and law enforcement and government comrades. The Alfred Murrah Building housed many federal agencies. Behind the Murrah building was the Daily Register where many victims were catastrophically impacted. On the other side of the Murrah building was the Federal Court House which housed the Federal Judges and

where large shards of glass were embedded in office chairs, walls and furniture. All of this devastation happened in America's heartland.

Merrick and I walked downtown, around and through the Murrah building. As we walked by the daycare center which was attached to the Murrah building we experienced an empty silence, neither of us said anything--not until about twenty years later. We then walked upstairs to one of the floors in the building and there we saw a desk with a chair, and someone's jacket on a chair, a can of coke and papers still lying on the desk. Less than five feet away from where we were standing, there was nothing but open air. Without exchanging words, we knew that we had to find the perpetrators of this unimaginable crime. I knew that Merrick, who would be leading the investigation, would ensure that justice was to be done and that it would be carried out objectively and fairly. Emotions were not part of this decision making process. The people of Oklahoma and America deserved nothing less than following the rule of law.

Merrick Garland is a man who is unwavering in doing what is right and he has always demonstrated outstanding judgement. I worked with him the weeks and months after the bombing in Oklahoma City and in Denver where the trials were conducted and saw the tireless hours that he devoted to make sure that there were no corners cut. While many investigators worked eight hour shifts, in the beginning, Merrick and I worked around the clock to make sure that the investigation was carefully conducted. Under his leadership, Merrick required that the investigation be coordinated through the Western District of Oklahoma, the investigation which involved at least eight different jurisdictions around the United States. Chief Judge Garland was committed to making sure that the investigation was conducted the right way. Why? Because we owed the people of Oklahoma City to make sure that the investigation was thorough and comported with the law and that justice was done. During this complex investigation, there were times where companies and individuals wanted to help in the investigation and wanted to provide evidence without a subpoena. Knowing that cooler heads would prevail later, Merrick was meticulous in requiring that subpoenas were issued and that there were complete records of how evidence was obtained. He made sure that applications for wiretaps, search warrants and other investigative tools were reviewed and approved by the Federal District where the evidence was sought after, as well as by the FBI, and the Department of Justice. Also, Chief Judge Garland was committed to making sure that the public knew what was

occurring and that all hearings were open to the press, especially, during the arrest of Timothy McVeigh.

After McVeigh's arrest, he was transported to Tinker Air Force Base for his initial appearance. Since this was an inconceivable crime, McVeigh was to appear in a secure setting. When finding that Tinker Air Force Base was a closed base and the public was not permitted to enter the premises, Merrick directed that the press be present for McVeigh's initial appearance. Merrick, following and referring to the Federal Code, argued that McVeigh was a risk of flight and a danger to the community. He also met with and worked with McVeigh and Nichols attorneys' to make sure that their clients' rights were protected. I witnessed Merrick work tirelessly with the federal, state, local officials, and with all of the agents and first responders. He wanted to make sure that their voices were heard. He is a consensus builder. At the time, this was the most important and complex investigation in our nation and the rule of law needed to be followed. He is brilliant and is always willing to tackle the difficult issues head on. While many in law enforcement had their own opinions as to how the investigation should be conducted, Merrick would welcome the many opinions, listen, and then make a decision regarding the investigation. His sense of collegiality and fairness earned the respect of even those who may not have agreed with his decisions. He was objective. I can attest to this because I was there with him the entire time.

Merrick helped select the trial team and led them throughout the trials of both McVeigh and Nichols. He met with the prosecutors, the defendants' lawyers, and the agents throughout the entire process. Again, the nationwide investigation involved at least eight different jurisdictions and it required a tremendous coordination effort all which Merrick led.

Merrick is also committed to the rights of the victims. Throughout the Oklahoma City Bombing Case, he met with many of the victims, listened to and ensured that their voices were heard during the investigation and trial. This domestic terrorist event was so tragic and devastating and Merrick made sure that the victims and survivors were part of the entire process. Recently, when hearing about his nomination to the Supreme Court, I was contacted by a number of people involved, who asked, "How can we help Merrick?"

I do not view myself as partisan and believe I am a true independent. I have worked for different Administrations and with both sides of the aisle. Chief Judge Garland has dedicated most of his professional life to public service which is highlighted by his two decades on the bench. I have known and worked with Merrick, he is not a man of airs, and what you see is what you get. Merrick is a man of integrity and honesty. He has committed his life to this nation. He is fair and is extraordinarily qualified to be a Justice on the Supreme Court of the United States of America. I support his nomination to the Supreme Court. Thank you for allowing me the privilege to share my thoughts regarding the qualifications of Chief Judge Garland.