

S. HRG. 119-177

CONFIRMATION HEARING ON FEDERAL APPOINTMENTS

HEARING BEFORE THE COMMITTEE ON THE JUDICIARY UNITED STATES SENATE ONE HUNDRED NINETEENTH CONGRESS

FIRST SESSION

MAY 21, 2025

Serial No. J-119-19

Printed for the use of the Committee on the Judiciary



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CONTENTS

OPENING STATEMENTS

	Page
Grassley, Hon. Charles E.	1
Prepared statement	48
Durbin, Hon. Richard J.	2
Tillis, Hon. Thom	5
Moody, Hon. Ashley	6

VISITING INTRODUCERS

Moreno, Hon. Bernie, U.S. Senator from Ohio	4
---	---

NOMINEES

Edlow, Joseph	7
Questionnaire	55
Responses to written questions	74
Additional materials	126
Gaiser, T. Elliot	9
Questionnaire	129
Responses to written questions	184
Additional materials	216
Squires, John	10
Questionnaire	232
Responses to written questions	254
Additional materials	281
Woodward, Stanley Jr.,	12
Questionnaire	286
Responses to written questions	312
Additional materials	345

APPENDIX

Items submitted for the record	347
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CONFIRMATION HEARING ON FEDERAL APPOINTMENTS

WEDNESDAY, MAY 21, 2025

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Committee met, pursuant to notice, at 10:16 a.m., in Room 226, Dirksen Senate Office Building, Hon. Charles E. Grassley, Chairman of the Committee, presiding.

Present: Senators Grassley [presiding], Lee, Cruz, Hawley, Tillis, Kennedy, Schmitt, Britt, Moody, Durbin, Whitehouse, Coons, Hirono, Booker, Welch, and Schiff.

Also present: Senator Moreno.

OPENING STATEMENT OF HON. CHARLES E. GRASSLEY, A U.S. SENATOR FROM THE STATE OF IOWA

Chairman GRASSLEY. The meeting will come to order. Good morning to everybody.

We are considering the nomination of Stanley Woodward, serving as Associate Attorney General; Elliot Gaiser, serving as Assistant Attorney General, Office of Legal Counsel; Joseph Edlow to serve as Director of U.S. Citizenship and Immigration Services; John Squires, Director of U.S. Patent and Trademark Office.

I would like to thank the families who are here and the friends of the nominees. I am sure you are all very proud of these nominees.

Over the last several years, we've seen an unprecedented flood of illegal immigrants into the countries. Millions have poured in. Some were drawn by the promise of a better life. Some fled various forms of economic and other hardships. Some were hardened criminals and gang members. But all decided to break our laws to come here.

Rather than stop this, the previous Administration threw open the doors, in doing so, openly flouted our immigration laws. The humanitarian parole statute was brazenly violated. Mandatory removal language and statutes became optional. Public charge requirements were ignored. Sanctuary cities were praised as heroic rather than criminal. And most tragically, actual victims of violence by illegal immigrants were downplayed, ignored, and forgotten. The courts contributed to this crisis as well and often stood passively by, our immigration laws being ignored.

Now that Trump is in office, he is trying to enforce our immigration laws, carry out his campaign promise to the American people

to reverse the flood of illegal immigrants. Suddenly, the courts have decided to step in.

Democrats encourage this lawless behavior. The Democratic nominee for Vice President called ICE Trump's modern-day Gestapo, practically inviting violence against them. According to the Department of Homeland Security, ICE officers are now facing a 413 percent increase in assaults. I suppose concerns about threats of political violence only goes one way. I agree with my Democratic colleagues that the rule of law is a cornerstone of our republic, but some of our Nation's most important laws are those that protect our borders.

Several nominees before us today will have an important role in faithfully executing these laws and the will of the American people expressed in our most recent national elections.

Turning to nominees, I would like to start by introducing Mr. Woodward to the Committee. Mr. Woodward received his bachelor's and master's degree with honors from American University and his law degree with honors at Catholic University Columbus School of Law. After clerking for three different judges in the District of Columbia, he joined Akin Gump, where he practiced for 10 years. There, he handled a variety of complex litigation matters and Government investigations and was awarded his pro bono service. His practice during this time involved many of the issues he oversees.

Go ahead.

**OPENING STATEMENT OF HON. RICHARD J. DURBIN,
A U.S. SENATOR FROM THE STATE OF ILLINOIS**

Senator DURBIN. Senator Durbin. Thank you, Mr. Chairman, and congratulations to the nominees and their families.

Given the challenges which this Administration is facing in court, record-breaking numbers of challenges, we can certainly understand why he wants a team on his side in the Administration. Earlier this year, I asked Justice Department nominees a simple question. May a public official defy a court order? Shockingly, the nominees, including the future Solicitor General, John Sauer, refused to give an unequivocal response. Now, days ago, Mr. Sauer faced the same question, and he repeated this legal dodge before the Supreme Court of the United States.

During arguments in a case challenging the President's illegal birthright citizenship Executive order, Justice Barrett, known as a Trump nominee, asked Mr. Sauer if the Administration would follow circuit court rulings. Mr. Sauer responded that the Governor's policy is to "generally"—generally—"respect circuit precedent, but not necessarily in every case."

As our colleague Senator Kennedy said earlier this year, "Don't ever, ever take the position that you are not going to follow the order of a Federal court, ever."

Mr. Gaiser has been nominated to lead the Office of Legal Counsel, which provides legal advice to the President and all executive branch agencies. I want to hear what he believes that the policy of the Federal Government should be and whether he can ignore court rulings that don't suit any President's whim.

From day one, the Administration has had one goal, bringing our immigration system to a breaking point. I will confess some preju-

dice in this matter. I am the son of an immigrant who came to the Chairmanship of this Committee. I am proud of it. If you visit my office, you are going to find my mom's naturalization certificate behind my desk, making it clear to all visitors where I stand on the issue of immigration. I like to believe that my family, and virtually all of the immigrant families, have made this a stronger Nation.

Beyond unlawfully attempting to end birthright citizenship, which is enshrined in the Constitution, the Administration has made it harder for legal immigrants to apply for citizenship and naturalize. This Administration has made it harder for Dreamers who want to do the right thing. Now, these were kids brought to the United States by their parents. They didn't make a conscious decision to get in the car and drive across the border. Their parents did. They have grown up here in the United States, shown up in the classrooms, and pledged allegiance to the same flag we pledge allegiance to every day. It wasn't until they were teenagers that they knew the reality that they face. They want to do the right thing. They want to apply for programs like DACA so that they can receive work permits and continue to contribute to the American economy.

I am disappointed to hear that Mr. Edlow, who came by my office, nominated to lead USCIS, opposes DACA, when even President Trump claims that he doesn't want to deport Dreamers. Despite his personal opinions, I want to hear how Mr. Edlow will ensure that USCIS will promptly process DACA applications of eligible Dreamers.

The Administration has also ended temporary protective status for people who fled Afghanistan and Venezuela, falsely claiming these countries are safe to return to. These actions are cruel.

In the name of carrying out Trump's mass deportation agenda, Attorney General Bondi has made the Department of Justice a shell of its former self. Thousands of Federal law enforcement agents have been diverted from drug trafficking and violent crime to deporting immigrants who pose no threat to our safety.

Mr. Woodward, nominated to be the number three official of the Justice Department, will oversee Justice Department grantmaking, the Civil Rights Division, and many other components now under attack.

The Justice Department, at the direction of DOGE, took their chainsaw to hundreds of millions of dollars in Federal grants to support public safety and our police. Programs supporting violence reduction, victim services, child protection, and substance use and mental health have been gutted. Ask law enforcement in your favorite community how you stop crime. They have an important job to do, and we know that. When we dial 911, we want to make sure that the right person is answering the call. But they will also tell you we cannot arrest our way out of violent crime. We need to do more. I believe that.

For nearly 70 years, under Republican and Democratic Administrations alike, the Civil Rights Division protected the civil and constitutional rights of all Americans. Once known as the crown jewel of the Justice Department, it has now been reduced to litigating a narrow set of cases aligned with the MAGA agenda. This is anathema to how this division has operated historically.

I want to hear from Mr. Woodward whether the Justice Department will continue to capitulate, or will it help restore the Justice Department's intended function, protecting the safety and rights of all Americans.

Thank you, Mr. Chairman.

Chairman GRASSLEY. Now, in this order, we will hear from Senator Moreno, Tillis, and Moody to introduce the nominees. Senator Moreno.

**STATEMENT OF HON. BERNIE MORENO,
A U.S. SENATOR FROM THE STATE OF OHIO**

Senator MORENO. Chairman Grassley and Ranking Member Durbin and Members of this Judiciary Committee, it is my absolute honor to introduce to you T. Elliot Gaiser as President Trump's nominee for the U.S. Assistant Attorney General for the Office of Legal Counsel. Mr. Gaiser currently serves as Ohio's Solicitor General, and of course, we all know Ohio is the greatest State in the country. He has zealously advocated for Ohio and its citizens. As the State's Solicitor General, he represents Ohio and its agencies on the appeals in the United States Supreme Court, the U.S. Court of Appeals for the Sixth Circuit, the Ohio Supreme Court, and other State and Federal courts. He has served the State remarkably, and I am so proud that President Trump took well-deserved notice of Mr. Gaiser's brilliant legal talents.

Immediately prior to his appointment as Solicitor General, Mr. Gaiser worked in the issues and appeals practice at a global law firm. In private practice, he focused on appeals and provided strategic counsel to clients in a range of industries regarding litigation and regulatory matters. He has litigated complex disputes all over the country.

And in Ohio, Mr. Gaiser clerked for Associate Justice of the Supreme Court Samuel A. Alito, for Judge Neomi Rao of the U.S. Court of Appeals for the D.C. Circuit, and Judge Edith H. Jones on the U.S. Court of Appeals for the Fifth Circuit.

Mr. Gaiser started his legal education at the national championship Ohio State University, Moritz College of Law, and earned his J.D. from the University of Chicago—see, Ranking Member, we will give you some credit as well—College of Law in 2016. He received his undergraduate degree from Hillsdale College, where he graduated magna cum laude. He is 35 years old. This is all something he has accomplished in such a short period of time.

And on a personal note, to the Ranking Member's comments, I appreciate that very much. And if you come to my office, you will see my H-1B visa. You will see my naturalization certificate. I was extraordinarily proud. One of the moments I remember more than anything else in my life was the ability to raise my right hand and pledge allegiance to the United States of America and be welcomed to this country.

I would ask you and all the members of this Committee to understand that that moment is so important. And we have to honor the people who followed the law to come here legally, who patiently waited to become a U.S. citizen and be welcomed here and to stop rewarding people who break our laws, skip in line of those in front of us.

And I can tell you that I have no doubt that Mr. Gaiser will continue to make not only Ohio proud, but this Nation proud, as he serves President Trump and Attorney General Bondi as the United States Assistant Attorney General for the Office of Legal Counsel. Thank you.

Chairman GRASSLEY. Thank you, Senator Moreno. And you may go if you want to.

Senator Tillis.

**OPENING STATEMENT OF HON. THOM TILLIS,
A U.S. SENATOR FROM THE STATE OF NORTH CAROLINA**

Senator TILLIS. Thank you, Mr. Chair.

I am pleased to introduce John Squires, the President's nominee for the Undersecretary of Commerce and Secretary of the U.S. Patent and Trademark Office.

When I first met John, I told him that the USPTO needed a fierce advocate for strong IP rights. And after a review of his record, I am convinced that he is the right person for the job.

John and I trace back similar roots. He was at IBM before becoming a lawyer. I was at IBM before I made the fateful decision to go into politics. There are several things and experience, though, that I think you will see in the confirmation hearing today that make him very well suited to lead the USPTO.

John is a 9/11 survivor, and that has greatly shaped his perspective on patent eligibility. And I am sure that we will get into that during the hearing. Like me, he believes that startups and emerging companies are critically important to our innovation ecosystem. And I believe that he can bring expertise to the office that will make sure that that segment of our innovation economy is well represented.

For example, small businesses, firms having less than 10 employees receive about 60 percent or more of the patents per capita than corporations. And startups and small businesses create almost half of all the U.S. jobs and growing. That is why we absolutely have to get this right, so that the pyramid of our innovation ecosystem stays strong.

John is also a consensus builder. He has gotten great reviews from prior directors of both political parties. That is important for the work that we are doing here. I have said multiple times in the IP Subcommittee, I love the Subcommittee because it is an island of calm in a sea of chaos at the main Committee. We work on a bipartisan, bicameral basis, and I think John is going to be a great asset in that role.

America innovation needs a champion dedicated to ensuring that this country maintains strong, reliable, and predictable patent rights. We, the United States of America, must remain the innovation leader in the world. And I believe that John Squires will bring the leadership to the USPTO to make sure that we accomplish that end. I strongly support his nomination, and I look forward to asking him a number of questions.

And by the way, to the little baby, I will tell you all what I have said to others. As a grandfather and a father of two kids, nothing is more beautiful than the sound of someone else's baby crying.

[Laughter.]

Senator TILLIS. I fully support Mr. Squires' nomination.
 Chairman GRASSLEY. Senator Tillis, thank you.
 Now, Senator Moody.

**OPENING STATEMENT OF HON. ASHLEY MOODY,
 A U.S. SENATOR FROM THE STATE OF FLORIDA**

Senator MOODY. Thank you. As one of two Senators who are moms of kids in school, I think it is also a good distraction tactic for mothers because all I wanted to do was run over there. So my Democrat colleagues, be on notice if you ever want to distract us, pack the room with babies.

Good morning. It is my honor to be here today to introduce President Trump's nominee to be the next Director of the United States Citizenship and Immigration Services, USCIS, Joseph Edlow. Mr. Edlow's nomination comes in an extremely critical time in our Nation's history. As Florida's attorney general, I sat aghast as one of the first actions of Biden and his Administration was to tell our local and State officers to stop, that there will be no more detainees, and that they were to just release everyone here committing crimes back into our communities. They then, at one point, started taking people that were finishing Federal prison sentences, and instead of deporting them back home, as had always been traditionally done, pushing them back into our communities.

And as the borders were open and mass quotas were installed in terms of pushing people into our interior that were barely vetted, and as new programs were developed to fly people straight here, barely vetted, it became abundantly clear, as we saw the aftermath and consequences of that, that a strong vetting system, indeed a strong USCIS, and someone at the helm, what is critically important to this Nation's security, and indeed our families' securities.

We have experienced over the last 4 years watching millions, some say upwards to 20, but at least 11 million people flood this country. We don't know who they are. We don't know, in many cases, their criminal backgrounds, although we are figuring that out now, and now we see why it is so important that it wasn't that we just needed to seize operational control of the border, and I am so grateful for President Trump for doing that. It is now so important that our legal immigration system function as it was meant to, and that is screen and vet and guarantee that the safeguards and laws we have put in place to make sure those that are coming here are coming because they want to add and contribute to this country, and they do so legally. It is so important we have someone at the helm to make sure that happens.

The Director of U.S. Citizenship and Immigration Services is responsible for leading the charge to screen and vet those coming to our country legally, and I know Joseph Edlow is the right man for the job. In fact, he has already done the job. He graduated law school and began his legal career as an associate attorney. Mr. Edlow joined U.S. Immigration and Customs Enforcement, or ICE, and in 2008, as Assistant Chief Counsel in Baltimore Office of Chief Counsel, he litigated removal matters and handled every type of immigration case within the jurisdiction of that court.

In 2015, Mr. Edlow then worked in the House of Representatives, first as counsel, focusing on immigration, and then for the House

Judiciary Committee, Subcommittee on Immigration and Border Security. As counsel, he worked on legislative and policy matters related to immigration enforcement and criminal immigration law.

In 2018, he joined the Department of Justice as a deputy assistant attorney general, where he was responsible for DOJ's regulatory agenda for all immigration matters, and in 2019, he became Chief Counsel for USCIS, later serving as Deputy Director for Policy, and then as Acting Director. I cannot think of anyone more qualified to take on this job, and in fact, putting people in these roles who did not have that type of experience or expertise would be dangerous for the country at this moment in time.

And given his extensive experience, I have no doubt that he will do an excellent job as the next Director of USCIS, and after my conversation and my meeting with him, I am even more convinced that he will hit the ground running on day one and do what we have to do right now, working with President Trump to clean up the mess of the last Administration, and indeed, deliver an immigration system that is meant to work as the people intended.

He has my full support. I hope my colleagues will feel the same, and it is my honor to introduce Mr. Joseph Edlow.

Chairman GRASSLEY. Yes. Thank you, Senator Moody.

Will the nominees please come to the table and don't sit down because I want to offer oath.

[Witnesses are sworn in.]

Chairman GRASSLEY. I saw everybody say yes. Please be seated.

We will start with Mr. Edlow, but for all of you, it is our tradition that if you want to introduce family and friends before you give your opening statement, that is okay. Now, you may proceed, Mr. Edlow.

STATEMENT OF JOSEPH EDLOW, NOMINEE TO SERVE AS DIRECTOR OF U.S. CITIZENSHIP AND IMMIGRATION SERVICES, DEPARTMENT OF HOMELAND SECURITY

Mr. EDLOW. Mr. Chairman, thank you so much.

Chairman Grassley, Ranking Member Durbin, and distinguished Members of this Committee, thank you for the opportunity to present testimony today regarding my pending nomination to serve as the next Director of U.S. Citizenship and Immigration Services. It is an honor to appear before this esteemed Committee, and given the very productive conversations that I had with many of you prior to today, I am looking forward to discussing my vision for USCIS and the legal immigration system of this great Nation, should I be confirmed.

I want to first thank President Donald J. Trump for this great honor and for the trust that he has placed in me through the nomination. I would also like to thank Secretary Kristi Noem for her outstanding leadership of the Department of Homeland Security and her commitment to immigration enforcement, border security, and the rule of law. It would be a privilege to serve as the next Director of USCIS in such a vibrant and stalwart Administration.

I also want to take this time to acknowledge my family, as well as professional and personal colleagues and friends, several of whom are in this room, who have provided endless support during the confirmation process, as well as throughout my personal and

professional development. First and foremost, thank you to my wife, who has stood steadfastly beside me, and still laments that she can cite the Immigration and Nationality Act verbatim after years of endless conversations; my two children, who are the lights of my life and my primary motivation for my calling back to public service; and my parents, who have provided me with the foundation that has ultimately led me to this moment.

I would be remiss if I didn't mention my two legislative mentors, Raul Labrador and Bob Goodlatte, as well as my colleagues at the House Judiciary Committee, Immigration Subcommittee, who serve as my immigration compass and a never-ending source of friendship and professional camaraderie.

The United States sits at a critical crossroads on the issue of immigration policy. As I have written and testified repeatedly over the past 4 years, the Biden-Harris Administration waged a war against the immigration system, with the results speaking for themselves. The immediate impacts of unchecked illegal migration and border incursions since 2021 had tremendous impacts on the ability of USCIS to carry out its core functions. The misplaced priorities and reassignments of resources to support unlawful border activity has left the agency with backlogs that are unprecedented and beyond anything that was ever previously contemplated.

While the situation is dire, the immediate and decisive actions taken by President Trump, Secretary Noem, and others within the executive branch have stemmed the tide, and we are now enjoying some of the lowest daily, weekly, and monthly border numbers in American history. With CBP's success at the border and the tremendous work being done by ICE in interior enforcement, the time for decisive action within our legal immigration system is now.

If confirmed, my vision for USCIS is simple. I will restore integrity within the legal immigration system. While the whole Department of Homeland Security is working hard to make America safe again, USCIS must play as critical a role in that mission as any other immigration enforcement agency. At its core, USCIS must be an immigration enforcement agency, an agency that is dedicated to ever-evolving and innovative techniques for screening and vetting its applicant pool; an agency that must be vigorous in its efforts to detect, deter, and disrupt immigration fraud, threats to our national security, and to the safety of the American public; and to ensure that only those aliens deserving of the honor to become citizens of this great Nation are able to exercise the sacred right to vote. These core missions will make America safe, while also aiding us in more rapidly and more confidently adjudicating cases, will lead to a significant reduction of the agency's backlog, and will put American interests first.

For the last 4 years, USCIS was referred to as a welcoming agency. While we should absolutely be a welcoming agency for eligible aliens into this country, make no mistake, my oath will always be to the Constitution, as I will act to faithfully enforce the laws as Congress has prescribed them, and will always put the interests of the American people before all else. Under my leadership, we will not only safeguard our Nation's immigration system, but also serve our integral role as an agency committed to protecting the home-

land and safeguarding our Nation. I look forward to working with the very dedicated workforce at USCIS to accomplish these goals.

I thank this esteemed Committee again for its attention to this confirmation process, and I welcome your questions. Thank you, Mr. Chairman.

Chairman GRASSLEY. Thank you, Mr. Edlow.

Now, Mr. Gaiser.

**STATEMENT OF T. ELLIOT GAISER,
NOMINEE TO SERVE AS U.S. ASSISTANT ATTORNEY GENERAL**

Mr. GAISER. Thank you very much, Chairman Grassley, Ranking Member Durbin, Members of the Committee. Thank you also for the kind introduction, Senator Moreno.

Before I go any further, I would like to recognize a few people who are here with me and those who couldn't be here. First and foremost, my beautiful wife, Alexandra, who is the most intelligent woman in any room; my 3-year-old son, Elijah, and 11-month-old daughter, Allegra. I think you have all met her. My father-in-law and mother-in-law, Alan and Stephanie Harrison, who are celebrating their 37th wedding anniversary today. Thank you so much for being here.

And my mom and dad, Linda and Brian Gaiser, I wouldn't be here without you. You raised me and my siblings, Jeff and Ari, who are also watching from home, to love this great country and thank God for our freedoms. Who could have imagined raising us in that little brick house on West 138th Street in Cleveland, that someday your son would have the honor to testify before this esteemed Committee.

I would not be the lawyer I am today without the incredible jurists I have the honor of serving as a law clerk, Judge Edith Jones, Judge Neomi Rao, and Justice Samuel Alito. Your kindness and concern for the ordinary American is matched only by your brilliance and strength of character, and I hope to live up to your examples.

Thank you also to Attorney General Dave Yost of Ohio, who has entrusted me the role of his Solicitor General to represent Ohio before the Supreme Court and beyond, and to assist with his statutorily authorized power to issue formal advisory opinions on Ohio law.

And though I believe they are now in a better place, I wish to remember Ted Olson, who did his best to impart some of his kindness and wisdom to me when I was a young lawyer, and Ambassador Boyden Gray, whose mentorship to me when I was just one of four lawyers at the law firm he founded will leave, I hope, a generational legacy.

Most important, I am grateful to President Trump for nominating me. It would be the honor of a lifetime to execute the duties of assistant attorney general for the Office of Legal Counsel.

The functions of OLC date to the Judiciary Act of 1789, and it has served to uphold the rule of law and the separation of powers into the modern era by issuing opinions and answering legal questions according to the best reading of the law. In that sense, OLC reinforces a critical piece of American exceptionalism. One past head of OLC, Justice Antonin Scalia, often remarked that many

despotic nations had eloquent bills of rights, but those parchment lists were worth less than the paper they were printed on.

Why? Those nations did not enjoy the structure of the American Government, the separation of powers and federalism, without which flowery lists of individual rights meant so little. Thomas Hobbes described the Government as a leviathan. That is a Hebrew etymological word which means “that which gathers itself up in folds,” and indeed for most of human history, government matched that description.

But in 1776, with a reliance on the protection of God’s providence, our forebearers revolted against the encroaching folds of empire. The Constitution they established runs with the warp and woof of human nature, where ambition counteracts ambition, where the atom of sovereignty is split between the States and the Federal Government, and where representative democracy ensures public service is always a public trust.

The separation of powers in federalism ensures American Government is more than smothering folds, but rather responsive to the whole people, including the forgotten men and women who desire only safety in their communities, security on our borders, growing not tightening family budgets, and laws not weaponized against political enemies, but even-handedly applied to all.

I am proud to have fought in court to defend these principles, first as a litigator in private practice, and now as the Solicitor General of my home State. And should I be confirmed, I will devote every day to providing my best advice and counsel on the best reading of the law at the Department of Justice. Thank you very much.

Chairman GRASSLEY. Thank you, Mr. Gaiser.
Now, Mr. Squires.

STATEMENT OF JOHN SQUIRES, NOMINEE TO SERVE AS U.S. UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE

Mr. SQUIRES. Thank you, Mr. Chairman.

Thank you, Chairman Grassley, Ranking Member Durbin, and Members of the Committee. I would like to thank the Chairman for the opportunity to introduce my family before my opening statement. I would like to introduce my lovely wife, my beautiful wife, Mary Lou, of 33 years, my lovely daughter, Elizabeth, my handsome son, Will, both of whom are proud alums of Camp Invention, and my friends and colleagues who have supported me over the years, including Professor John Duffy, who is with us today.

It is my honor to be here today, and I am, of course, grateful to President Trump, to whom I was introduced to by an inventor, and Commerce Secretary Lutnick, the department’s very own “New Age Edison,” with over 400 patents. I appreciate their trust and confidence in nominating me for the Undersecretary of Commerce and Director of the United States Patent and Trademark Office.

My intellectual property awakening began, as Senator Tillis mentioned, not with my chemistry degree, but rather with IBM and marketing. Back then, it was IBM versus Japan, Inc., and IBM

won because of patents. With my new patent and law license in 1993, the robust frontier of IP opened up.

As to patents, I started out in the traditional realms of chem and bio pharma, materials and manufacturing. Then it was on to the internet, building fintech and regtech disruptors. Most recently, it has been the leading edge of AI, crypto, and quantum computing.

With the onrush of technology, it is always on to the new and the next. As to trademarks, from scholarship on free speech to NFTs to standing athwart the name, image, and likeness earthquake, it has been equally remarkable.

Since 2000, in bringing my practice to Wall Street, I have sought to better our system. And as a survivor of 9/11, in me you will find no fiercer defender of national security, tougher enforcer of good faith and fair dealing, or eager proponent of free market solutions.

In the wake of 9/11, Secretary Lutnick, as you know, courageously rebuilt his company with patents. For me, patents became the tip of our private sector's spear in America's soft power war against terrorist financing, with our partners in the CIA, FBI, and Treasury. We humbly received an FBI Director's Award almost a decade later.

Armed with our inventions to combat terrorism, we barged into the patent eligibility debate and were ultimately successful as Supreme Court amici. I have humbly chaired industry subcommittees, taught at UPenn, testified to the FTC, and co-authored a Federal trial judge bench book on complex patent damages.

But most notably, it is truly a special honor for me to be here today for a second time, proudly now as a nominee, having testified almost 20 years earlier to then-Chairman Leahy.

Finally, for the last 8 years, I have helped startups use their IP to attract investment, commercialize their products, and create jobs. I couldn't be more excited to join the Commerce Department, as I believe the breadth of my experience will help lead our remarkable unitary systems efficiently into the future.

To succeed, though, we will need to have a commercially compelling answer to the question, why come here? To answer that, we must ask what we want from innovation. We want it to be better, cheaper, faster, more sustainable, to get us to market more quickly with quality and confidence.

At present, unfortunately, our system is going in the other direction. But with born-strong patents and robust quality marks, we can reclaim America's primacy, revitalize industry and growth, proudly export our culture, boost national security, and improve our lives. We well know the issues, namely pendency, patent quality, and uncertainty.

And while the solutions are at hand, there is a danger too. AI tools are being amassed that could easily overwhelm the system. However, if harnessed, these tools can deliver our finest hour. By leaning into AI, the burgeoning asymmetry can disappear. We can equip our world-class examining corps to grant patents tested by those same fires, expeditiously issued, and of provable quality. And we will use these very same tools to learn from, reduce, and remedy mistakes that manifest later.

I believe I am uniquely prepared for this role. It is said that every patent begins its life as a trade secret. We want inventors

from every conceivable walk to bring their inventive raw materials to our American patent factory where we will help them hone and hew new, strong proprietary rights that are the building blocks of dreams, where they are rewarded and society advances just as the Constitution intended.

As you can tell, I am very bullish on the chapter ahead and for a very bipartisan reason. Patents aren't red. Patents aren't blue. Upon Government grant, they are red, white, and blue. They are the best of us, extol our wares, and foretell a future of American ingenuity unleashed for all the world to see. Brilliant computer scientist Alan Kay once said, "if you want to change the future, invent it."

We need to get to work. Today, I humbly ask for every member's consideration and support for my nomination. Thank you, and I look forward to answering your questions.

Chairman GRASSLEY. Thank you, Mr. Squires.

Mr. Woodward, I want to apologize to you. When I got done introducing you, I wasn't done. I only said half of it, so I realize now I will put the other half in the record so you get fully introduced to the Committee. Please forgive me.

[The prepared statement of Chairman Grassley appears as a submission for the record.]

**STATEMENT OF STANLEY WOODWARD, JR., NOMINEE TO
SERVE AS U.S. ASSOCIATE ATTORNEY GENERAL**

Mr. WOODWARD. Mr. Chairman, no apology necessary. Thank you for that very kind introduction.

Chairman Grassley, Ranking Member Durbin, I appreciate this opportunity to address the Committee. Thank you to the Committee Members and staff who took the time to meet with me and to discuss the thoughts and concerns about the challenges facing our Nation. If confirmed, I look forward to working together with you, the leadership of the Department of Justice, and the leadership of the Trump Administration, to address these challenges.

To quote another, I stand before you on the shoulders of giants. I would not be here but for so many who have taken the time to serve as mentors throughout my personal and professional development. To my family, mere thanks is wholly insufficient. You have endured a great deal on this journey and never asked for any of it.

Senators, sometimes actions speak louder than words, and today I am privileged to be joined by nearly every senior attorney at the Department of Justice to be appointed by the attorney general. It has been an honor to work by your side in the trenches these last few weeks.

Senators, I have long believed that, as attorneys, we have a duty of service to our community. To so many, the law is beyond understanding, and so with the ability to learn the law comes the responsibility to use that gift for a greater good. Nowhere is this belief more poignant than at the Department of Justice. If confirmed, I pledge to seek justice for all.

I submit that my professional journey serves as evidence of my commitment to this pledge. Beginning in law school, I felt this calling. Classmates and I traveled to Biloxi, Mississippi, to volunteer

in the wake of Hurricane Katrina. This trip profoundly changed my view of the role of the law. Door to door, we went meeting with families living in trailers, advising them of the Federal assistance available to help them rebuild. My colleagues would visit 10 or 12 homes a day. I often managed only to visit one or two. As I sat on makeshift porches, sipping iced tea, looking at pictures of what was lost, I came to realize that, if given the opportunity, I would do good with my ability to learn the law for these people did not understand, did not know, that they could apply for Federal assistance. They did not know.

It was in part this desire to serve my community that motivated me to found and lead the housing law practice at the firm where I practiced. There, I led teams of attorneys in defending tenants with housing code violations facing eviction. That experience was equally enlightening because they did not know that they could not be evicted where there were housing code evictions. This simple concept was foreign to them because the law was foreign to them.

I say in part because I also pursued that work to find opportunities to appear in court. Senators, I went to law school to be in court. And so when I founded my own law firm at the height of the pandemic, it was natural for me to seek out additional opportunities to appear in court. I applied and was appointed to the Federal Criminal Justice Act panel here in the District of Columbia where I would be appointed by the court to represent criminal defendants.

At that time, the Department of Justice was in the midst of its largest ever investigation, prosecuting thousands for their involvement in the events of January 6. I was surprised to see that so many were unwilling to represent these defendants. I was reminded of John Adams' famous observation in his defense of British soldiers. "Facts are stubborn things."

I would also be remiss were I not to observe that while the media may have been focused on the weaponization evidenced in the case I am perhaps now best known for, the defense of Walt Nauta in the so-called Florida documents prosecution, the tactics that were employed there were present in many of the cases I had with lesser national import. Across my practice, I saw firsthand how the power of government can be abused. Senators, there is no place for weaponization in our Government.

Although I know the journey may be fraught, I am inspired by those who have led us to this point. To President Trump, thank you for your nomination to this post. Your trust in me will not be taken for granted. As I sat at counsel's table with you, the former President, a defendant in a courtroom, I watched as you persevered when many would have faltered.

Our journey here today calls to mind President Teddy Roosevelt's now famous colloquy. "It is not the critic who counts, not the man who points out how the strong man stumbles or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood, who strives valiantly, who errs, who comes short again and again because there is no effort without error and shortcoming, but who does actually strive to do the deeds, who knows the great enthusiasms, the great devotions, who spends himself in a worthy cause, and who at best knows in the end the triumph of

high achievement, and who at the worst, if he fails, at least fails while daring greatly.”

Senators, if confirmed, I pledge to dare greatly. I look forward to your questions.

Chairman GRASSLEY. Thank you, Mr. Woodward.

We have 5-minute rounds. I will start with Mr. Edlow.

H-1B abuse has been a priority and significant concern of this Committee. Senator Durbin and I have bipartisan bills that would crack down on H-1B abuse that we are working on to reintroduce very soon. Recently, many Americans took to social media to express their outrage over H-1B abuse. They even shared personal stories about being laid off by Big Tech, even as their employers continued to hire H-1B workers. So how would you fight fraud and abuse in the H-1B program when you become director?

Mr. EDLOW. Mr. Chairman, thank you for the question.

In terms of fraud and abuse in the H-1B program, it is absolutely pervasive, and it is something that in the first Administration we attempted to handle via regulation. Unfortunately, that regulation was vacated. If confirmed, I look forward to moving forward with additional regulations and sub-regulatory actions.

But also, I do have to commend you and Ranking Member Durbin for introducing legislation to bring attention to this critical issue, and I want to be a partner, if confirmed, with both of you to fight this however we can.

And it is more than just the H-1B system. Frankly, we need to be focused on the fraud, waste, and abuse that we have found in every nonimmigrant and immigrant program that needs to be addressed at this point.

Chairman GRASSLEY. We have to take care of that fraud in order to get some increase in numbers that people desire.

Mr. Squires, I am troubled about the growing industry whereby financial institutions engage in third-party litigation funding, including IP litigation funding. While you were in private practice, you helped create Fortress Investment Group IP funding arm. I understand that Fortress Investment Group commits billions of dollars each year to fund IP litigation. Please explain the role you played in the creation of Fortress and your professional and financial involvement with that group since its creation. And have you supported or represented other IP litigation funders?

Mr. SQUIRES. Thank you for the question, Mr. Chairman.

In reverse order, I have not represented Fortress since about 2016, 2017 or so and have never represented litigation funders in any capacity. I have no arrangements with them financial or otherwise since my legal representation of them.

This is certainly a question in litigation financing. It is a bit of a misnomer insofar as issues of which there has been much ado about with my work. My work for Fortress at the time was before they were acquired. It was a group that came to me around 2012 regarding legal papers and theories I had developed about patents as derivatives and patents as assets per se to be valued on their own fundamentals in economics. In fact, I have been rather tough on trolls in some of my writings. Because troll practices are exploitive of inventors, they generally are not based upon the fundamentals and are arbitrage play, whereas our patent theories

with them as assets per se allow companies to monetize their patents.

So they came to me with an issue, wanting to solve a problem of how a company could monetize its patents without selling them, without suing, and without licensing them. We developed effectively a patent mortgage where the company could borrow against its patents as collateral and use the proceeds to fund working capital. Those were several companies who were their clients initially that staved off bankruptcy as a result of this.

And I was pleased to see in 2021 one of the deans of the patent bar, Marshall Phelps, wrote an article where companies used this construct to survive COVID.

Chairman GRASSLEY. Mr. Gaiser, I have got 35 seconds left. District court judges have been issuing an unprecedented number of universal injunctions to try to block President Trump's immigration policies. I think you spoke to the separation of powers, but let me ask you anyway, in our constitutional system, who has the primary authority for protecting the borders and setting immigration policy? And what is the proper role of district courts in resolving immigration disputes?

Mr. GAISER. Thank you very much, Mr. Chairman.

Congress makes the laws, and the President executes those laws to secure our border. District courts have authority under Article III to adjudicate cases and controversies.

Chairman GRASSLEY. Okay. Senator Durbin.

Senator DURBIN. Thank you, Mr. Chairman.

I believe, and many of us do, that we are on the cusp of a constitutional crisis, an historic moment. The Justice Department is currently defending the Trump Administration in a number of lawsuits challenging executive actions taken by the President and officials of his Administration.

Federal judges, both Republicans and Democrat appointees, have enjoined some of these actions, holding that they are illegal or unconstitutional. Alarming, President Trump and his allies, even some nominees before this Committee, have responded by questioning whether the executive branch must follow court orders. If confirmed, you will hold key positions in the executive branch, and you will take an oath to uphold and defend the Constitution.

So my question I ask of each of you is this. If, after exhausting all rights of appeal, do you believe a litigant, including officials in the executive branch, can lawfully defy a court order? Mr. Woodward.

Mr. WOODWARD. Thank you. Thank you for the question. I do take issue with the premise of the question insofar as district court judges are not holding that President Trump's orders are illegal or unconstitutional. The only ask of district court judges at that time is whether there is a likelihood of success on the merits.

Senator DURBIN. If you would stick to my hypothetical, it is an approach that is very clear. I don't want to argue a different issue. I would like to argue this issue.

Mr. WOODWARD. To your question, Senator, the President has made clear that he will follow any order of the Supreme Court.

Senator DURBIN. Do you believe that officials in the executive branch can lawfully defy a court order, yes or no?

Mr. WOODWARD. Senator, the President has been very clear that he will follow any order of the Supreme Court.

Senator DURBIN. No response. Mr. Squires?

Mr. SQUIRES. Thank you, Senator. In my world, which is generally governed by Article I, Section 8, Clause 8, the Patent Office is an ex parte body. And generally, there are appeals from executive actions taken by the Director, and there is a lone court of appeals, unlike the circuit system for the Federal circuit, and then up to the Supreme Court. So patent issues tend to be adjudicated for issues that are in dispute up to the Supreme Court, and obviously, the Supreme Court precedent governs, and that would be followed.

Senator DURBIN. So you believe a litigant, including officials in the executive branch, must follow a court order, cannot lawfully defy a court order?

Mr. SQUIRES. Thank you, Senator. I believe that the Supreme Court orders will be followed by the executive branch, yes.

Senator DURBIN. Mr. Gaiser?

Mr. GAISER. Thank you very much, Ranking Member Durbin. The President has been very clear he will follow all court orders of the Supreme Court.

Senator DURBIN. Do you believe that any executive official can lawfully defy a court order?

Mr. GAISER. No.

Senator DURBIN. Mr. Edlow?

Mr. EDLOW. Thank you, Senator. If confirmed, I will always follow advice of counsel when addressing these matters and how to handle such cases as you have raised them.

Senator DURBIN. So can an executive official lawfully defy a court order?

Mr. EDLOW. I would defer to counsel as that I am not here in an attorney's role right now. I am here as a Director or as the nominee for Director.

Senator DURBIN. I don't believe you need a law degree to answer this question. Can an executive official lawfully defy a court order?

Mr. EDLOW. Again, given the speculative nature of the question, my answer remains the same. I will always follow the advice of counsel.

Senator DURBIN. No response. This is what troubles me greatly. If we cannot agree on this as the basic premise of our rule of law, where in the world are we headed as a Nation? It should be a clear answer, lawfully defy a court order, no. Senator Kennedy said as much when he came back to this Committee after a hearing in which I asked a question, and the present Solicitor General equivocated on the answer. There should be no equivocation by Democrat or Republican, in or out of power, and yet you hear what I run into, the evasion that I face.

Mr. Squires, have you ever engaged in dishonest and dangerous activity at a law firm?

Mr. SQUIRES. No, Senator.

Senator DURBIN. Do you know what has happened to your former firm, Perkins Coie?

Mr. SQUIRES. Yes, Senator, I have seen the Executive order.

Senator DURBIN. Did you read the President's, or at least the Administration's, position on your former law firm? The Executive

order claimed that the firm's "dishonest and dangerous activity has affected this country for decades." The order further alleged that the firm is "undermining democratic elections, the integrity of our courts, and honest law enforcement." Did you see any evidence of that activity when you were a member of this firm?

Mr. SQUIRES. Thank you for the question, Senator. My role at Perkins Coie was to establish the first New York Patent Office presence. I dealt only with patent issues and intellectual property issues, and I had really no line of sight into any of the practice areas.

Senator DURBIN. So you saw no evidence? I want to complete the question. Did you see any evidence of this wrongdoing that the President alleges in his Executive order?

Mr. SQUIRES. Sir, in my areas of responsibility, I saw no wrongdoing with respects to intellectual property.

Senator DURBIN. Thank you, Mr. Chairman.

Chairman GRASSLEY. Senator Tillis.

Senator TILLIS. Thank you, Mr. Chairman.

Mr. Squires, thank you for being here. Actually, I wanted to go back. I think you answered the question from Senator Durbin exactly right within the lane that you would be operating for the USPTO. Would you just describe that again about how most cases move through the courts and up to the Supreme Court?

Mr. SQUIRES. Thank you for the question, Senator, and thank you also for the opportunity to meet and the kind introduction.

Yes, the patent system is a little bit unique insofar as other agencies. It is an ex parte. It is not adversarial. So there are appeals that move—taken from an executive branch decision that move up through the court system in a very prescribed fashion, and that is the Federal Circuit Court of Appeals and up to the Supreme Court.

Senator TILLIS. Yes, my point is I felt like your answer was characterized as a non-answer. It was a concise answer in the context of the role that you are being considered for.

Patent eligibility, PERA or PREVAIL, what do you think about them?

Mr. SQUIRES. Thank you for the question. I am very gratified to see work being done in this area. Some of the issues across those bills are costing American competitiveness, particularly on the area of patent eligibility.

I would note, especially from the IP Subcommittee hearing last Wednesday, the Chinese national patent system has a more expansive subject matter area than the United States does, and that is troubling to me. It should be troubling to all Americans.

Senator TILLIS. Should it be troubling to all Americans that you can file for a patent in China anonymously?

Mr. SQUIRES. I viewed that session, sir, and I was shocked by that, and also equally shocked by the—written into the laws, the requirement that the disclosure be made to the Chinese embassies. This is before a—

Senator TILLIS. What risk do we have if we don't move forward with some of these bills that are improved certainty that the intellectual property just flows elsewhere and we lose the advantage that we have today and that gap is closing with China?

Mr. SQUIRES. Thank you. I think that is a big risk. As I mentioned in my opening remarks, we want people to come to the American patent factory first and have a compelling reason to come here, so we are in danger of losing competitiveness, especially in subject matter areas that other countries have no problem with. I believe there are tools in our system to avoid these issues, and I believe the bills also take care of those issues, so thank you for those efforts.

Senator TILLIS. Well, thank you.

Mr. Woodward, just a real quick question for you. I intend to support your confirmation, but I did have a question. I know you defended some of the January 6 defendants. After your defense, did you actively advocate, go on stage, have interviews? Beyond your role as a defense attorney, in the space that they were being prosecuted, have you had any public statements or any presence that would go beyond just doing the defense work but being an advocate for them after the fact?

Mr. WOODWARD. Senator, thank you for the question. No, sir. I make my arguments in court.

Senator TILLIS. Thank you. That is the right answer.

Mr. Gaiser, I believe in this concept of political physics. For every partisan action, there is an equal and opposite reaction. Under previous Administrations, the OLC at times shifted from issuing authoritative determinations on legality of executive branch actions to instead essentially advocating for the legality of these actions. Neither the Administration nor the OLC were well served by this shift. In other words, can I count on you to returning to the intended purpose and mission of the OLC?

Mr. GAISER. Thank you so much, Senator Tillis. Yes, sir, you can. The——

Senator TILLIS. I expected that based on your concise answer to Senator Durbin's question.

Look, we have got to be the adults in the room and stop having this back-and-forth or we are no better than the people we are criticizing when they do the same thing.

Let me see. Mr. Woodward, I think I am good with that answer. I look forward to supporting you all's nomination.

Mr. Squires, I am especially looking forward to getting with you and having your commitment to come and work—not in hearings. I hate hearings. They have to be done—but participating in workgroups and letting us continue to do the good work of the Intellectual Property Subcommittee.

And I also want to publicly thank the Members of the Intellectual Property Subcommittee because we have great attendance there, which is one of the reasons why we get so much good work done.

I want you to be a partner that goes out of the formal setting and into the get-the-work-done setting. I got your commitment on that?

Mr. SQUIRES. Thank you, Senator. Yes, you have my commitment to do my level best. And if I am done the honor of being confirmed, as I said in my opening statement, we need to get to work.

Senator TILLIS. Thank you. I look forward to supporting all your confirmations.

Chairman GRASSLEY. Senator Whitehouse.

Senator WHITEHOUSE. Thanks very much, Chairman.

Let me followup on Senator Tillis' questions, Mr. Gaiser. On this Committee, I lived through the OLC torture opinions, which were so bad that the Administration that wrote them had to withdraw them; the warrantless wiretapping opinions, which were so bad that they created a mutiny within the Department of Justice; and with the walk-back of OLC from enforcing the so-called Reagan memo, which posits that the department and OLC in particular will be a somewhat neutral arbiter in conflicts between the Executive and the legislative branch over oversight. In all of those matters, the OLC became, as Senator Tillis said, the active partisan for the Administration and not a neutral decider.

If I look at your record, first, how long have you been a lawyer?

Mr. GAISER. Thank you very much, Senator Whitehouse. I have been a lawyer for 10 years.

Senator WHITEHOUSE. And how many of those were you a law clerk?

Mr. GAISER. I was a law clerk for three different jurists, about a total of 28 months.

Senator WHITEHOUSE. And how many of those years were spent in private practice?

Mr. GAISER. I was in private practice, Senator, for about 4 years.

Senator WHITEHOUSE. At the associate level?

Mr. GAISER. I was an associate, yes, sir.

Senator WHITEHOUSE. How long have you served as Ohio Solicitor General?

Mr. GAISER. I have served since November 2023 and currently serve as Ohio Solicitor General.

Senator WHITEHOUSE. Have you ever tried a case to a final judgment?

Mr. GAISER. Thank you very much for that question, Senator. I have worked on trial litigation teams. I have not myself been personally the counsel of record in a trial case. I am primarily an appellate lawyer and an advisor and counselor.

Senator WHITEHOUSE. Have you ever personally appeared in trial court?

Mr. GAISER. Yes, Senator.

Senator WHITEHOUSE. Now, some time ago, you had pretty strong views about President Trump. You said that "His political positions are a lot like his hair, pasted on for effect and flopping whichever way the wind blows" that "He has an astonishing weakness for flattery, falling for Vladimir Putin after a few coquettish bats of the eyelashes from the Russian thug," and that "He is a short-fingered, vulgarian candidate." Since then, have you had a role in Donald Trump's litigation that tried to overturn the results of the 2020 election?

Mr. GAISER. Well, thank you for that question, Senator. Like millions of Americans, I have seen the courage and the results that President Trump has delivered. I watched in that field in Pennsylvania as he stood after the assassin's bullet. And I hope my children look up to and live up to that kind of courage in their life.

Senator WHITEHOUSE. So, while in private practice, did you have a role in Donald Trump's litigation that tried to overturn the results of the 2020 election?

Mr. GAISER. Well, thank you for that question, Senator. I was retained by Donald J. Trump for President Incorporated in the 2020 campaign to provide legal advice, which I did.

Senator WHITEHOUSE. The former White House Press Secretary testified that you were one of her go-to people to advance the argument that Vice President Pence could overturn the 2020 election. Is that true?

Mr. GAISER. Well, Senator, as you know, ethical obligations of confidentiality attach to any client matter. And as a former attorney for a former client, I am not going to divulge the confidential communications that I made to that client.

Senator WHITEHOUSE. You know, just if I look at this, you don't seem to have the legal experience that most OLC chiefs have. You seem to have done a very abrupt pivot politically into the Trump camp and into election denialism. On what basis should I have any confidence that you will exert any independence or judgment within OLC if the Trump Administration comes knocking on your door for an opinion and won't go down the road of, we will give you your free torture opinion, we will give you your free warrantless wiretap opinion, and we won't bother to enforce the Reagan memo any longer? What will keep you from going down those bad roads that we have seen OLC go down?

Mr. GAISER. Well, thank you, Senator Whitehouse. The first role of any lawyer is to be able to state the law as it is. And the Office of Legal Counsel serves an important role in our Administration by providing a neutral opinion objectively of what the law is.

Senator WHITEHOUSE. You would do that?

Mr. GAISER. Yes, Senator.

Senator WHITEHOUSE. Okay, Mr. Woodward, last question. I will re-ask Ranking Member Durbin's question a slightly different way. Under what circumstances would you recommend that the Trump Administration defy a lower court order?

Mr. WOODWARD. Mr. Chairman, I see my time has expired. May I answer the question?

Chairman GRASSLEY. Please, you should answer, yes.

Mr. WOODWARD. Thank you, Mr. Chairman.

Senator Whitehouse, I can't imagine a circumstance in which I would be called upon to advise the defiance of a court order. I have had the great privilege of working with President Trump now for many years, and I just don't ever imagine a circumstance in which I would be called upon to give advice of that nature.

Senator WHITEHOUSE. Even for lower courts?

Mr. WOODWARD. Well, Senator, at the risk of giving a legal answer, it depends.

Senator WHITEHOUSE. On what?

Mr. WOODWARD. On the nature and circumstances of the case before us.

Senator WHITEHOUSE. So there are certain circumstances that would cause you to recommend to the Administration that it defy a lower court order?

Mr. WOODWARD. Well, Senator, for example, in some circumstances, in order for a court order to be challenged, an official must be held in contempt. And so, yes, it is possible that we could get there. However, I would be remiss were we to go down the path of talking about hypotheticals because, as I say, I can never imagine a situation in which I would be asked to give that advice.

Senator WHITEHOUSE. Chairman, thank you for your generosity with my time. I appreciate it. Thank you all.

Chairman GRASSLEY. Senator Kennedy.

Senator KENNEDY. Thank you, Mr. Chairman.

Gentlemen, I don't want to spend a lot of time on this, but I also don't want to debate how many lawyers can dance on the head of a pin. I think you understand where a lot of these questions are coming from.

Mr. Gaiser, would you ever advise a client to ignore a Federal district court opinion?

Mr. GAISER. Thank you very much, Senator Kennedy. I would advise——

Senator KENNEDY. You can thank me by answering it.

Mr. GAISER [continuing]. I would advise a client on how best to comply with all lawful court orders.

Senator KENNEDY. Is that a yes or a no?

Mr. GAISER. Yes, sir.

Senator KENNEDY. You would advise a client not to follow a Federal district court opinion?

Mr. GAISER. I would advise a client to follow court orders.

Senator KENNEDY. Would you ever advise a client not to follow a Federal court of appeals decision?

Mr. GAISER. I had the privilege of clerking on two Federal courts of appeals.

Senator KENNEDY. Is that a yes or a no?

Mr. GAISER. Yes. I would advise them to follow the orders of courts of appeals.

Senator KENNEDY. How about a Supreme Court opinion?

Mr. GAISER. Yes, Senator, I would advise them to follow the Supreme Court's orders, as President Trump has been very clear that those orders are to be followed.

Senator KENNEDY. Mr. Woodward, let me ask you the same question. Would you ever advise a client not to follow a district court opinion?

Mr. WOODWARD. No, Senator.

Senator KENNEDY. Would you ever advise a client not to abide by an opinion of the Federal court of appeals?

Mr. WOODWARD. No, Senator. Again, it is difficult to answer in the hypothetical, but——

Senator KENNEDY. Would you ever advise a client not to follow an opinion by the U.S. Supreme Court?

Mr. WOODWARD. No, Senator. As the President has been clear, he will follow all orders of the U.S. Supreme Court.

Senator KENNEDY. Tell me what I would need to do under the APA, the Administrative Procedures Act, if I want to change a current rule.

Mr. WOODWARD. Well, Senator, as a Senator, you would pass a law that would change the——

Senator KENNEDY. No, no, no, no. I don't want to play games here, Counsel. What would one have to do? What would the head of an agency have to do to overturn a current rule and regulation?

Mr. WOODWARD. Well, Senator, I apologize. I know that there are many ways to do that, and I don't want to play games either. I want to——

Senator KENNEDY. No, okay.

Mr. WOODWARD [continuing]. Answer the question.

Senator KENNEDY. That is fair.

Mr. WOODWARD. There are many ways in which an agency can overturn a rule.

Senator KENNEDY. Well, you have to give notice, right?

Mr. WOODWARD. As a general matter, yes, Senator.

Senator KENNEDY. And you have to invite input, right?

Mr. WOODWARD. As a general matter, yes, Senator.

Senator KENNEDY. Okay. And sometimes you have to hold a hearing, right?

Mr. WOODWARD. Sometimes you do, Senator.

Senator KENNEDY. Yes. Are there any exceptions to that under the Administrative Procedures Act?

Mr. WOODWARD. Under the Administrative Procedures Act, I am not aware of any exceptions, but there are exceptions under the law.

Senator KENNEDY. Okay. Are you familiar with the good-cause exception to the Administrative Procedures Act?

Mr. WOODWARD. Senator, I am vaguely familiar with that exception.

Senator KENNEDY. Okay. Do you know what it says?

Mr. WOODWARD. No, Senator, I do not.

Senator KENNEDY. I understand. Here is what I am driving at. Are you familiar with the Supreme Court's case called *Loper Bright*?

Mr. WOODWARD. Senator, I am vaguely familiar with the Supreme Court's decision in *Loper Bright*.

Senator KENNEDY. The overturned *Chevron* doctrine, right?

Mr. WOODWARD. The Chevron deference doctrine, yes, Senator.

Senator KENNEDY. Okay. If there is a rule promulgated by a prior Administration or even by a current Administration that is in clear violation of the U.S. Supreme Court's pronouncement under *Loper Bright* ruling unconstitutional the *Chevron* doctrine, would it be possible—strike that—would it be prudent for the Justice Department to exercise authority under the good-cause exception to the APA in the public interest and forgo the notice and comment?

Mr. WOODWARD. Senator, thank you. I think I now understand your question. I was alluding to the non-APA process. I mean, if a rule has been promulgated that is plainly unconstitutional, it absolutely would be appropriate for the Department of Justice to look at that rule and make a determination.

Senator KENNEDY. My point is you don't have to ignore the APA to do that, do you?

Mr. WOODWARD. I would say it depends, but I take your point.

Senator KENNEDY. I mean the APA provides an exception.

Mr. WOODWARD. Yes, Senator.

Senator KENNEDY. It is Section 553. It is right there, as big as Dallas. Am I done?

Chairman GRASSLEY. Yes.

Senator KENNEDY. I thought that was maybe a mouse or something.

Chairman GRASSLEY. Senator Coons.

Senator COONS. Thank you, Chairman Grassley, Ranking Member Durbin. Congratulations to your families and to you for your nominations. Thank you for your service.

Mr. Squires, I will turn to you first, and I have a series of fairly quick questions about patent policy. I am encouraged that you are willing to serve at this pivotal moment in global IP policy and appreciate your taking the time to meet with me.

Earlier this month, Senators Tillis, Durbin, Hirono, and I reintroduced the PREVAIL Act. It includes common-sense reforms to the Patent, Trial, and Appeal Board and will help make it more the fair and efficient forum I believe Congress intended in the America Invents Act. Do you think the PTAB needs to be reformed? If so, in what ways? And do you think PREVAIL could contribute to those reforms?

Mr. SQUIRES. Thank you, Senator. Thank you for your question, and thank you also for the opportunity to meet in your office.

I do think there is a need of reform. I think we have almost 15 years of data since the America Invents Act to see the distribution, if you will, between post-grant review and IPRs, and the data seems to be skewed in favor of one versus the other, so reform may help flatten out that curve.

Senator COONS. There is a significant pendency problem, about 800,000 unexamined patent applications. Dealing with that will require streamlining and improving the workforce. The PTO reducing this backlog will require resources. One of the provisions of the PREVAIL Act would permanently end the practice of fee diversion. The PTO is entirely fee-funded by the substantial fees paid by those who seek patents. Would you oppose fee diversion at the PTO?

Mr. SQUIRES. Thank you, Senator. We have a Commerce Secretary also who is very savvy with patents and has lived the patent life in the private sector. Fee diversion, I had testified years ago, almost 18 years ago, should end. The Patent Office should be able to keep its fees and run its system like a business. I think the fee diversion ending would be a positive thing for the Patent Office.

Senator COONS. In eBay, the Supreme Court dramatically cut back on the availability of injunctive relief after finding a patent infringement. My RESTORE Act with Senator Cotton would return patent law to what was literally centuries of tradition by restoring a rebuttable presumption that a patent owner can get an injunction. What is injunctive relief? What does it mean to small inventors, and why is it significant?

Mr. SQUIRES. Thank you for the question, Senator. Injunctive relief is basically a cease-and-desist order for operations, sales, manufacturing, any commercialization of a product. It is important to individual inventors because they are coming to the office with their issued patents to get an exclusive right. A right to exclude is a property right, and property right enforcement usually involves

kicking out the trespassers. So that is why the individual vetters look to that provision.

It also gives them the exclusive right, as conferred by the monopoly granted by the Government, to practice—not the right to do anything themselves but to exclude others. That is what the patent grant means.

Senator COONS. In the Section 101 area, the jurisprudence about what is patentable, I think, in fact, the Federal circuit thinks that the Supreme Court's jurisprudence has ended up getting into a box canyon that is hard to get out of. What has the impact been of critical decisions like *Myriad* and *Alice* on cutting-edge technologies like AI and blockchain?

Mr. SQUIRES. It's created uncertainty throughout the entire process. When a patent is granted, even if they are overcome in the office those particular eligibility objections, they are litigated and not respected rights once they are in the marketplace, and they are often, you know, vehicles for litigation outside of the merits of infringement, whether the claims read on an accused product.

Senator COONS. And has this hurt our competitiveness globally in terms of where cutting-edge technology patents are being filed and advanced?

Mr. SQUIRES. Thank you, Senator. I believe it has. As I mentioned in my response to Senator Tillis, we have seen other nations have success with more expansive subject matter. We shouldn't be so constrained.

Senator COONS. Thank you. Thank you for your answers across a range of patent issues.

Mr. Edlow, if I might, between 2020 and 2021, over 80,000 employment-based green cards for legal employment here in the United States went to waste because the then-USCIS leadership didn't adjudicate them, resolve them on time, and that sparked bipartisan concern. Do you agree that wasting green cards that have been authorized by Congress is unfortunate, and these opportunities for legal employment shouldn't be missed? And as Director, will you prioritize reducing unnecessary paperwork and improving processes to improve legal employment here in this country?

Mr. EDLOW. Senator, thank you so much for the question. You know, in the last 4 years, I have had the privilege of serving in the private sector, and I have seen the need to modernize forms in a way that I never really understood before. If confirmed, I plan on making major gains to modernize our systems, both for vetting and screening purposes, but also to allow attorneys to better send in forms, as opposed to still using paper forms, to be able to scan them and then that information be taken in through a PDF process, so absolutely.

Senator COONS. Thank you. Last question, if I might, Mr. Chairman. I have been gravely concerned about recent decisions to abruptly end TPS provisions for folks who came to this country under these legal programs from Haiti, from Venezuela, in particular from Afghanistan, and that are leading to hundreds of thousands of people losing their current legal work authorizations at the same time.

Businesses in my State and around the country are facing significant labor shortages, and families that are here legally, working

legally, are facing return to countries that are not demonstrably any more stable than they were when they left. As Director, would you work to prioritize getting those who are eligible for other pathways to remain here and to work here legally the opportunity to do that, to limit the damage to their lives and to their communities?

Mr. EDLOW. Well, Senator, let me start with commending the work of the Administration right now in terms of following the law with how TPS is supposed to be. The Secretary is required to make determinations at certain intervals, and if the conditions that led to the initial TPS decision are no longer met, then they need to be terminated. Regardless of that, when someone is here with TPS or another temporary pathway, those are temporary pathways, and if they have—

Senator COONS. I am familiar with the process, sir, and I am also familiar with the ongoing circumstances in both Haiti and in Afghanistan and disagree with the determination that we should force back to Afghanistan anyone who came here legally.

Mr. EDLOW. Mr. Chairman, if I may.

Chairman GRASSLEY. Senator Britt.

Senator BRITT. Yes, why don't you go ahead, Mr. Edlow, and respond.

Mr. EDLOW. Thank you, Senator.

Senator, all I would say to that is I understand that—I am not going to comment—I think it would be inappropriate for me to comment on any case that is pending right now with Federal litigation. That said, certainly, as temporary programs exist, there are permanent programs such as seeking asylum or other humanitarian protections, and I would suggest that someone who came in on a temporary program who feels that they cannot go back because of a reason that would lead them to need protection should apply for those protections.

Senator COONS. Thank you.

Mr. EDLOW. Senator, thank you so much.

Senator BRITT. Got it.

We will go ahead and continue with you. Thank you so much for taking time to meet with me. I am obviously very impressed by the different roles that you have served and the department in which you seek to run. Knowing that, knowing your previous work, what do you see as your vision? What are your big priorities, you know, if you are confirmed?

Mr. EDLOW. No, thank you, Senator. I think the big priority has to be the reduction of the backlog.

Senator BRITT. Okay.

Mr. EDLOW. You know, that backlog has grown to insurmountable levels over the last 4 years. When I left as the Deputy Director of Policy in January 2021, there were about 450,000 affirmative asylum cases pending around the country. That number has grown. There is over 1.5 million now.

Now, what does that mean? That means that all these extra people have been now—have gotten into the pipeline, and that is only for asylum. We also have green card backlogs and, as the Senator alluded to, other employment-based green cards that we need to look at, too.

However, the real problem that I see is I don't know who is in the backlog. For me, backlogs are more than just a bipartisan talking point about, you know, how we have got to get the agency in order. I think it is, of course, important to get someone's benefits to them as quickly as possible so that they have the certainty, and if they are able to begin a life in the United States and assimilate, that is fantastic. If not, they need to know that certainty and to move forward.

However, the real problem with the backlog is that we don't know who is in the backlog because of the lack of screening——

Senator BRITT. How do you propose we find that out?

Mr. EDLOW. Well, again, utilizing existing and emerging technologies, more reassignment of individuals, moving the Fraud Detection and National Security——

Senator BRITT. Okay.

Mr. EDLOW [continuing]. Division within USCIS out of the shadows to actually do its job because at the end of the day, the backlog presents——

Senator BRITT. Absolutely.

Mr. EDLOW [continuing]. A national security and public safety risk.

Senator BRITT. Let's adjudicate and let's get these things moving.

On that, look, over the last 4 years, I believe I have seen what was just a terrible misuse of the Presidential parole authority. When I am looking at what the Biden Administration did, giving blanket parole, things like the CHNV program where it is intended to give on a case-by-case basis, and looking at the actual ramifications of that, you know, it gives me real concern.

My question to you is what do you plan on putting in place or how do you plan on, you know, I guess, addressing this, and how do you plan on approaching it if and when confirmed?

Mr. EDLOW. Thank you, Senator. If confirmed, we will take what steps are necessary at USCIS to assist with the other departmental partners in terminating parole programs, terminating parole, reviewing on a case-by-case the people who got parole, to look for the fraud in the sponsor petitions that we know now exist. There is a lot that needs to be done, but, you know, I find it interesting. We have been talking about, you know, following the law. The law on parole is very, very clear——

Senator BRITT. Clear.

Mr. EDLOW [continuing]. In my opinion. And the parole program, the use of categorical parole programs is illegal, and we have got to get back to that. Parole is fine on a case-by-case basis. It has been in the law since the 1960's or the 1950's. But the legislative intent for it was always severe humanitarian needs or significant public interest. And that was a one-off, not necessarily supposed to be mass programs used to obfuscate the numbers at the border.

Senator BRITT. And do you think this is something where Congress likely may need to act on this issue?

Mr. EDLOW. Senator, there have been bills previously introduced that I think would certainly handle this on parole reform, and I would love to see another.

Senator BRITT. Absolutely. Thank you. Just in my remaining minute, my question is for Mr. Woodward. As serving as associate

attorney general, you will have direct oversight over the Civil Rights Division. This is something that I think is critically important. We want to make sure that everyone has the right to vote, and they also have the security and peace of mind of knowing that their vote counts.

When you are looking at that, one of the reasons I actually introduced the Citizen Ballot Protection Act last Congress—and I will reintroduce it this year, and I have a number of colleagues that have different pieces of legislation that address the same thing—is amending Federal law to explicitly allow States to put in place a proof-of-citizenship requirement both on Federal mail-in voter registration forms and State mail voter registration forms that might be developed. I think that is a commonsense way to ensure integrity of the vote, that American citizens are the ones voting in these elections.

And my question for you is, if confirmed, what plans do you have to ensure that DOJ and the Civil Rights Division will work to enhance the integrity and security of our elections and make sure that the voters, the American citizens, aren't diluted?

Mr. WOODWARD. Well, Senator, thank you for the question. I couldn't agree more. It is of critical importance to ensure that our Nation's civil rights laws are enforced.

If confirmed, I look forward to working with AAG Dhillon and ensuring that voting rights are as respected as every other right. And so I am confident that we will find a way to accomplish this, but also welcome additional legislation. Of course, the office does not itself promote policy. It enforces the law. And so if your legislation is passed, we would pursue that as aggressively as possible.

Senator BRITT. Thank you very much. I look forward to working with you both.

Senator TILLIS [presiding]. On behalf of the Chair, Senator Welch.

Senator WELCH. Thank you very much. I am not making this up. I have been recognized.

Senator TILLIS. On behalf of the Chair, I recognized you.

Senator WELCH. All right.

Mr. WOODWARD. I apologize for——

Senator WELCH. I was looking over——

Mr. WOODWARD. I apologize for distracting the Senator, gentlemen.

Senator WELCH. Thank you. Mr. Edlow, a couple of questions. Number one, immigration is a mess here, and a lot of the responsibility is Congress' because there are areas where we should legislate. I agree with that. And that includes on parole. But one of the areas I am really concerned about is ag workers. We have had some of our dairy workers picked up. And I am fully in support of hopefully bipartisan legislation that allows for our farmers to get the labor they need in Vermont. If we don't have immigrant labor, our cows don't get milked. It is just that simple. Do you have a view on a position that would reform the immigration laws that would allow for ag workers in Tennessee and Kentucky and Vermont and Iowa?

Mr. EDLOW. Yes, thank you, Senator. I'm, you know, well aware of this issue, having worked for a Congressman from Idaho.

Senator WELCH. Right.

Mr. EDLOW. I have spoken to many people within the dairy industry and understand what they face.

Senator WELCH. So what do you think we should do?

Mr. EDLOW. Well, I think we do need to talk. And if confirmed, I am happy to work with you and your staff on a bipartisan basis to figure out.

Senator WELCH. I assume that. What should we do? We have to have an ag worker policy that allows for the ease for vetted folks who want to work on a farm to be able to do it. Do you agree?

Mr. EDLOW. Respectfully, sir, I do agree in that we do need to look closely at both the H-2A and H-2B visas as they exist right now to see whether and how they need to be updated to address the needs of these industries.

Senator WELCH. Okay, thank you.

Mr. Woodward, thank you for our visit yesterday in the office. I appreciated that.

The one thing that I wanted to talk to you a little bit about today is you had two clients in the *Mar-a-Lago* case. You had Mr. Nauta and you had Mr. Taveras, right?

Mr. WOODWARD. Senator, thank you for the question. I did represent Mr. Nauta, and for a time I did represent Mr. Taveras.

Senator WELCH. Right. And this is where I just wanted to get an explanation of what happened. My understanding is Mr. Taveras testified in the grand jury. The judge informed him that there may be a conflict because of the situation he faced and your other client, Mr. Nauta. And at that point, he got a new lawyer. Is that right? I think a Federal defender.

Mr. WOODWARD. Senator, it is a little bit more complicated than that, and I also want to be mindful of not divulging confidences involving my former clients, but that generally tracks.

Senator WELCH. Yes, so this is public record, and of course I am not going to ask you to divulge any confidences, so I am with you there. But what I understand happened is that Mr.—and this is the public record—that Mr. Taveras changed his testimony from what he had said in the grand jury, where basically he was saying he didn't recall anything, to testimony where he said the boss wanted those tapes to be "lost." So how did it happen that you went from—and you were being paid by a Trump PAC, as I understand it, or by a Political Action Committee. Is that correct, for your representation on behalf of both of these individuals?

Mr. WOODWARD. Senator, I have received compensation by the State of America PAC, yes. That is public record.

Senator WELCH. Yes, that is right. Thank you. So what happened that the testimony Mr. Taveras had given suddenly became different testimony after he got a new lawyer?

Mr. WOODWARD. Senator, with respect, the public record speaks for itself, and I would be remiss were I to engage in a discussion about advice that I provided any former client.

Senator WELCH. All right. But I am correct that in the public record, Mr. Taveras gave testimony that he recanted once he got a new lawyer.

Mr. WOODWARD. Again, Senator, with the utmost respect, I think the public record says a great deal about this, and I will let it speak for itself.

Senator WELCH. Okay. I have no more questions. I yield back, Mr. Chairman.

Senator TILLIS. On behalf of the Chair, Senator Moody.

Senator MOODY. Thank you, Mr. Chair.

I appreciate all of you being here. It is never an easy thing to sit and stand for questions among all of my esteemed colleagues. Thank you very much, and thank you to your families. I often find these are harder on our families than it is on the folks taking the incoming questions. So thank you very much.

Each of you comes with a unique background and, indeed, experience and expertise in the jobs that President Trump and our Nation is asking you to take on. I know you could probably make a lot more money in the private sector, and I am always inspired by people who are willing to take a timeout of their private practices or other endeavors that may bring them more pecuniary gain to serve this Nation, and I appreciate that. Thank you so much.

And we are at a time where we have an incoming Administration that is having to marshal resources to deal with a mess and a dangerous situation like we have never seen, maybe outside wars. We are having to—not only human resources, but the financing to deal with one of the largest influxes of folks surging into this Nation, some say 11 million, some say up to 20 million. If you take the more conservative number, that is more than the population in 42 of our States.

Most of those were barely vetted. Many of them, we don't know what their backgrounds are. Many have proven to be really dangerous criminals, leading to rapes, murders, robberies, aggravated assaults. I could go on and on and on. I saw it firsthand as Florida's attorney general and fought very hard to stop what was happening.

But it became very clear that there was an intentional destruction of any semblance of security at our border. We saw this because we saw known people on the terrorist watchlist and other criminals that we later found, and it was a cover-up. We had both Administration, our President, a Secretary in charge of DHS say our border was secure the whole time.

So now you come in at a time where you are going to have to use the law to help remedy what we are faced with. And I am grateful for a President that came in and has tried as fast as possible to remedy the situation that we as America find ourselves in, but you are going to have to deal with what is left by somebody who is supposed to be a commander-in-chief protecting this Nation.

This morning, I introduced an Expedited Removal of Criminal Aliens Act. This has been getting a lot of attention because you have an Administration trying to use what law is available to them, some as far back as the Alien Enemies Act, but you have to use—I think that was in the 1700's, and people are criticizing them for that, but we are in historic unprecedented time, so you have to use the tools that are available to you to protect this Nation and its people.

As the courts are trying to figure out what that looks like, many are frustrated because it appears so many of these district courts are trying to stymie this President and indeed what you will be charged with, of delivering a remedy, a recovery, and the protection of our people, but in the meantime, we need to start moving here in Congress to ensure an expedited process to get these dangerous people out of here.

I am going to start with you. The person that I had the privilege of introducing, Mr. Edlow, is an act like this needed, and can it be useful to this Administration?

Mr. EDLOW. Senator, first of all, thank you so much for the kind introduction. I greatly appreciate it.

I am aware of your legislation. I look forward to, if confirmed, working with you and with our departmental partners to see it move forward. I think it is absolutely necessary.

Senator MOODY. And as a result of all of the litigation around the Nation, it is often said by some of my colleagues on the other side of the aisle, and they point out, that this Administration has had more orders against them. As we are trying to show, this is probably because these nationwide injunctions and other decisions are certain courts trying to stymie this Administration and being ineffective in delivering on promises to the American people to secure this Nation again. One might say, this shouldn't be surprising because you have an Administration that is doing their job and using the law on the books in a way we haven't had to use them before because of the unprecedented, dangerous, reckless, irresponsible, some would say criminal actions of the last Administration. Would you agree, Mr. Woodward?

Mr. WOODWARD. Senator, thank you for taking the opportunity to meet with me. And as you and I discussed, I do agree. I am very passionate about that. There is a tremendous amount of litigation in the courts right now because President Trump is doing a tremendous amount. He is being challenged, but he is also asserting his Article II powers in a way that no President has ever done before.

Senator MOODY. Or had to do.

Mr. WOODWARD. Or had to do. And so, if confirmed, I look forward to assisting the President in professionally litigating and defending his exercise of those Article II powers as often as is needed.

Senator TILLIS. On behalf of the Chair, Senator Schiff.

Senator SCHIFF. Thank you, Mr. Chairman.

I want to followup on Senator Kennedy's line of questioning and ask a similar line of yes or no questions just to put a finer point and make sure that your answers are as definitive as they sounded.

So let me start with you, Mr. Edlow. Yes or no, would you ever advise the Administration that it could ignore, disregard an applicable district court order because you believe the Supreme Court will ultimately overturn it?

Mr. EDLOW. Senator, as I said before—

Senator WELCH. Just a yes or no question like Senator—

Mr. EDLOW [continuing]. I don't believe I will ever be in that position but—

Senator SCHIFF. You may not, but just like you answered Senator Kennedy, we want to make sure that you are not misleading anyone. So let me ask the question again. Would you ever advise the Administration that it could disregard an applicable district court opinion or order because you believe the Supreme Court will ultimately overturn it, yes or no?

Mr. EDLOW. I don't want to speculate, but I can't see a situation where I would advise to not follow the court order.

Senator SCHIFF. So your answer is, no, you would never advise them to disregard a district court order even if you thought the Supreme Court would overturn it?

Mr. EDLOW. Again, I don't want to speak in—

Senator SCHIFF. I just want you to be precise and answer yes or no.

Mr. EDLOW. I can't see a time where I would do that, no.

Senator SCHIFF. Okay. Mr. Gaiser, yes or no?

Mr. GAISER. Thank you very much, Senator Schiff. I would advise clients to follow court orders.

Senator SCHIFF. Even if you believe the Supreme Court would ultimately overturn the district court?

Mr. GAISER. Well, Senator, as far as—

Senator SCHIFF. Yes or no?

Mr. GAISER. The answer is the same. The President has said he would follow court orders.

Senator SCHIFF. Well, the same answer. Yes or no?

Mr. GAISER. Senator, the President has said he would follow—

Senator SCHIFF. You were able to answer Senator Kennedy, but I want to make sure that you were not misleading Senator Kennedy. Yes or no, would you ever advise the Administration it could ignore a district court order because you believed the Supreme Court would ultimately rule otherwise? Yes or no? Would you ever advise them that?

Mr. GAISER. Senator, applicable court orders should be followed.

Senator SCHIFF. That is not my question. Yes or no?

Mr. GAISER. Senator, you asked me—

Senator SCHIFF. Yes or no, Mr. Gaiser? It is a simple question.

Mr. GAISER. Senator—

Senator SCHIFF. Mr. Gaiser, you were able to answer Senator Kennedy. Are you raising a doubt now about your answers to Senator Kennedy because you can't answer this question?

Mr. GAISER. Senator, I would advise clients to follow applicable court orders.

Senator SCHIFF. Is that a yes or no?

Mr. GAISER. I would advise clients to follow applicable court orders.

Senator SCHIFF. Is that a yes or no? Let me repeat the question so there is no ambiguity about it. Would you ever advise the Administration—you are going to be—if you are confirmed heading the Office of Legal Counsel that helps determine whether actions are lawless or lawful, would you ever advise the Administration that it could ignore an applicable district court opinion or order because you believed the Supreme Court would ultimately overturn the order? Yes or no?

Mr. GAISER. Senator, if I am confirmed to lead the Office of Legal Counsel, I would——

Senator SCHIFF. All right. You are not answering the question, so I guess the answer is to Senator Kennedy, you just might advise the Administration to ignore a district court order.

How about you, Counsel?

Mr. SQUIRES. Thank you, Senator Schiff. In my role as Director, I am not——

Senator SCHIFF. I am just asking a yes or no.

Mr. SQUIRES. Well, thank you. I wish to clarify I am not—if confirmed a Director, I am not acting in a legal capacity at all. I am part of the executive agency branch and therefore would not be advising clients on any aspects of that.

Senator SCHIFF. Well, would it be appropriate in your view for anyone else among legal counsel to do so?

Mr. SQUIRES. In general, court orders should be followed and respected. There are situations which I recall back from law school between branches——

Senator SCHIFF. I guess you are not able to answer the question either.

Counsel, how about you?

Mr. WOODWARD. Senator Schiff, thank you. I mean, I agree. I don't believe it is appropriate to address this hypothetical. At the Department of Justice——

Senator SCHIFF. Okay. So you want to revise your answer to Senator Kennedy then? That is, there may be circumstances where you advise the Administration to disregard a district court of opinion because you believe the Supreme Court might rule otherwise? Is that your opinion?

Mr. WOODWARD. As a lawyer, the answer is it depends.

Senator SCHIFF. Okay.

Mr. WOODWARD. What I can——

Senator SCHIFF. Thank you. Then we will make sure Senator Kennedy is aware that you just might, it depends, advise the Administration to ignore court orders.

Let me ask another question. Mr. Gaiser, would you agree that it would be unlawful for the President to accept a gift from a foreign State without the consent of Congress? Would you agree that is unlawful?

Mr. GAISER. Well, thank you for that question, Senator.

Senator SCHIFF. Yes or no?

Mr. GAISER. Whether something is lawful or not, I would always want to look——

Senator SCHIFF. I am just asking you a simple question. Is it unlawful for the President to accept a gift from a foreign State without the consent of Congress? Very simple question.

Mr. GAISER. Senator, as a lawyer, I would always give my——

Senator SCHIFF. I am not asking you for a preamble, just yes or no.

Mr. GAISER. Well, Senator Schiff, it depends on the fact——

Senator SCHIFF. Well, Mr. Gaiser, where is the depends on the facts of Article I, Section 9, Clause 8, which says, "No person holding any office shall, without consent of Congress, accept any present from any foreign State?" That is the Constitution. It

doesn't say, well, it depends, or it might, or maybe. It says no person shall do so. Do you find that ambiguous?

Mr. GAISER. Senator—

Senator SCHIFF. I thought you were supposed to be the strict constructionist. This is what the Constitution says. Is there an exception for \$400 million planes from Gulf Emirs?

Mr. GAISER. Senator—

Senator SCHIFF. Is there an exception for that?

Senator TILLIS. On behalf of the Chair, Senator Schmitt.

Senator SCHMITT. Thank you, Mr. Chair.

I do wonder, though, whether or not we should set up a chair for a strawman for these hearings because these are all ridiculous strawman arguments. First of all, the President of the United States has said he would abide by court orders, and this Administration has abided by every single court order. So this contraption that Democrats continue to try to create, to create some faux constitutional crisis that doesn't exist or, as it was during the campaign, some threat to democracy to scare people, they ought to be ashamed of themselves because it hasn't happened. It hasn't happened.

And I want to give, Mr. Woodward, you an opportunity to respond when the Senator from California didn't give you the chance to respond with your answer before I go into my questions with a limited amount of time.

Mr. WOODWARD. Thank you, Senator. I will be brief. And I will reiterate that I don't believe I would ever be asked to advise my client to defy a court order. It is not happening. And so the answer, it depends, matters because there is litigation all across this country right now, and so we have to look at each and every case very carefully. We advise the client, and then the client acts. That is the role of the Department of Justice.

Senator SCHMITT. Mr. Edlow, I do want to ask. I have been raising the alarm on this temporary protected status, or TPS, for quite some time now. And the Supreme Court has just weighed in and ruled essentially that Joe Biden had really been abusing his authority, especially at the end, just sort of waving a magic wand and really abusing this process. And so there are 350,000 Venezuelans now that will not receive this temporary protected status because they shouldn't have got it in the first place. I want to ask, how will the USCIS stop automatic renewals and kick out folks whose countries do not qualify anymore?

Mr. EDLOW. Well, thank you for the question, Senator. As I stated earlier, the decision on whether to continue any TPS program rests with the Secretary. And USCIS would act accordingly. So depending on the country, depending on when the—

Senator SCHMITT. Well, let's use these Venezuelans.

Mr. EDLOW. Senator, I would hesitate to comment on anything that is under active litigation at this point.

Senator SCHMITT. Okay. Let's say there is another—because, I mean, let's say Haitians, which also fell into that. I want to know what tools—and I am not asking you to opine on that. I want to know what tools are going to be used to enforce a lawful court order—

Mr. EDLOW. I understand.

Senator SCHMITT [continuing]. To kick people out of here.

Mr. EDLOW. So certainly, Senator, the employment authorization cards, which are essentially the evidence of the status, are going to set to expire. The systems at USCIS, when appropriate, are turned off so that renewals are either kicked out or rejected. And then at that point, it becomes the responsibility of our sister agency, ICE, to work on the next step, which would be the apprehension and removal of any individual that remained after that period of time.

Senator SCHMITT. So USCIS decides who qualifies for TPS?

Mr. EDLOW. Well, after a TPS designation is made, USCIS would determine eligibility—

Senator SCHMITT. Correct.

Mr. EDLOW [continuing]. Based on the law.

Senator SCHMITT. So they need to prove they have been here since the designation date and meet other rules. But the Biden Administration made it with a rubberstamp, right? It totally, completely obliterated the process that was put in place. Is that your understanding?

Mr. EDLOW. Senator, my understanding is everything the Biden Administration did with regard to USCIS was with a rubberstamp. So, yes, TPS, the way in which parole was utilized, the way in which anything was utilized was a rubberstamp, while not caring about the long lines of people within the backlog that just kept growing because they weren't taking that seriously. They were re-assigning resources to just handle the unlawful border activity.

Senator SCHMITT. Right. So what could be introduced as far as new vetting rules to make sure this isn't just being handed out like candy? What could be done?

Mr. EDLOW. Well, certainly, you know, if confirmed, I am happy to work with Congress to figure out if there are additional authorities that we need in order to move in that direction. But I really do think that, once confirmed, we can take a look at things internally, turn some processes on, act both regulatorily and sub-regulatorily to take a real bite out of some of this and to actually, for the first time, feel confident in the vetting that is being done by the agency.

Senator SCHMITT. Thank you.

Mr. Squires, I do want to ask you, switching gears. China has been ripping us off for a very long time as it relates to our IP. And I know there is a lot of concern with some of the breakthroughs they have gotten from DeepSeek. I mean, there is no IP acknowledged, really, if it is not being ripped off. It just isn't part of what they are and how they how they handle these things.

What concerns do you have or what can be done to combat Chinese IP theft? But then as we get into these large language models moving forward, how do you view generally accepted IP laws to be—how does it work into large language models moving forward? Because you have heard some people talk about just abandoning IP altogether.

Mr. SQUIRES. Thank you, Senator. It is quite a complicated question.

Senator TILLIS. Mr. Squires, I know that it is. Could you submit that for the record? Because I am very interested in the detailed response.

Mr. SQUIRES. I would be happy to, Senator.

Senator TILLIS. On behalf of the Chair, Senator Lee.

Senator LEE. Thank you very much, Mr. Chairman.

And thanks to all of you for being here and especially for your willingness to serve.

Mr. Edlow, let's start with you. The Biden Administration turned a lot of things on their heads. One of the many things they turned on their heads involves the optional practical training program. And they turned it into the single largest guest worker program, bypassing the traditional limitations, traditional rules that would otherwise apply by operation of law on other visas like H-1B in the United States. What changes would you plan, if confirmed, to make in order to fix that issue?

Mr. EDLOW. Thank you, Senator. I think the way in which OPT has been handled over the past 4 years, with the help of certain decisions coming out of the D.C. Circuit Court, have been a real problem in terms of misapplication of the law. What I want to see would be essentially a regulatory and sub-regulatory program that would allow us to remove the ability for employment authorizations for F-1 students beyond the time that they are in school.

Senator LEE. Great. Thank you.

Mr. Gaiser, I would like to turn to you next. You are an issues and appeals guy. You have clerked for two Federal court of appeals judges, Judges Rao and Edith Jones, two of the very best judges we have ever had in the U.S. Courts of Appeals, and also for Justice Alito. At Jones Day, I take it you worked in the issues and appeals section, and that is what you do. That is exactly what we need inside the Office of Legal Counsel, in my view.

Trial work is important. It is fundamental. It is essential to our system. And it is very, very different than doing appeals, so I just wanted to note that. One of my colleagues made an observation about that. To me, that matters next to nothing, how much time you have spent in a trial courtroom or in front of juries. That is not the work of the Office of Legal Counsel, which has historically been staffed quite appropriately, in my view, by people with stellar, blue-ribboned, usually good appellate court experience, appellate court clerkships, and U.S. Supreme Court experience, so for whatever that is worth.

Now, you are currently serving as the Solicitor General of the State of Ohio, further advancing your expertise, your knowledge, your familiarity with the appellate courtroom. As I understand it, the Solicitor General of the State of Ohio operates a little bit differently than many of the others do, and in ways that almost certainly will prepare you exceptionally well to head the Office of Legal Counsel. Tell us about that.

Mr. GAISER. Thank you very much, Senator Lee. In my capacity as Ohio Solicitor General, I not only am the chief appellate lawyer for the State of Ohio, I am also in charge of the attorney general's Opinions Unit, where the attorney general of Ohio is authorized to opine definitively on Ohio law to certain authorized requesters. I

understand that role is very similar to the Office of Legal Counsel's historic role of opining on Federal questions.

Senator LEE. Stunningly similar, in fact. The U.S. Department of Justice operates as something of a full-service law firm, the biggest in the country, and the office that you will be heading, should you be confirmed, is that office, that office that provides people with advice. That necessarily requires you to have extensive appellate experience and a good ability to read how appellate courts, including and especially the Supreme Court, will respond.

Mr. Woodward, if confirmed as the associate attorney general, in addition to being the number three person at the Department of Justice, you will be the man. You will be, in Spanish we would say "el mero mero," the law, when it comes to all of the oversight of all civil litigation and a number of other matters as well. Tell me how, in that position, if confirmed, you could help the Department of Justice rein in the burdensome, excessive regulation and the excessive delegation of lawmaking power to our executive branch agencies through the non-delegation or otherwise.

Mr. WOODWARD. Senator, thank you for the question and thank you for taking the opportunity to meet with us in advance of the hearing.

As the associate attorney general, there would be a number of opportunities for us to challenge the burdensome regulations that have been imposed on our Nation, on our businesses, on our people. Affirmative litigation is a critical aspect of what the associate's office oversees. What we see in the papers today is the defense of Executive orders. What is talked less about is all of the affirmative cases that are being brought by the Civil Division, the Civil Rights Division, the Tax Division, the Antitrust Division. And so challenging unconstitutional regulations, as I alluded with your colleague earlier, would be a key piece of what I expect the Department of Justice to do.

Senator LEE. Thank you for sharing that, and I want to followup on that just briefly. When some people hear the word unconstitutional, they might think, understandably, that what you mean is unconstitutional in a way that has been recognized by the Supreme Court, in a way that is directly traceable as unconstitutional to a particular court ruling, especially a Supreme Court ruling. But more broadly speaking, that is not necessarily the appropriate way to view it, is it? In other words, there are certain features of the Constitution that don't always get tested. If they are tested, they are not always directly addressed by the Supreme Court. Constitutional avoidance, for example, is a means by which the court will often try to decide a case or controversy on a different ground if the constitutional question can be avoided.

And so, the non-delegation doctrine itself has been acknowledged by the Supreme Court, tends not to be enforced by the Supreme Court, and I would imagine that that is where Department of Justice that understands the implications of Article I, Section 7, the fact that in order to make, modify, alter, create, or repeal a Federal law, one has to follow the two-pronged formula of Article I, Section 7, which includes bicameralism and presentment. Is that something that, in your view, a good associate attorney general ought to examine?

Mr. WOODWARD. Yes, Senator, absolutely.

Senator LEE. Thank you very much, and I see my time has expired. Thank you, Mr. Chairman, for your characteristic generosity in letting me exceed that.

Senator HAWLEY [presiding]. I love giving away time that is not mine, Senator Lee.

[Laughter.]

Senator LEE. Especially when we are talking about the non-delegation——

Senator HAWLEY. Exactly, it doesn't get more exciting than that.

Senator LEE. In Provo, we speak of little else.

Senator HAWLEY. Senator Hirono.

Senator HIRONO. Thank you, Mr. Chairman.

I ask the following two initial questions of every nominee before any of my Committees to get at the fitness to serve. So we will start with Mr. Edlow, and we will just go right down the line. Since you became a legal adult, have you ever made unwanted requests for sexual favors or committed any verbal or physical harassment or assault of a sexual nature?

Mr. EDLOW. No, Senator.

Mr. GAISER. No, Senator.

Mr. SQUIRES. Never, Senator.

Mr. WOODWARD. No, Senator.

Senator HIRONO. Have you ever faced discipline or entered into a settlement related to this kind of conduct?

Mr. EDLOW. No, Senator.

Mr. GAISER. No, Senator.

Mr. SQUIRES. No, Senator.

Mr. WOODWARD. No, Senator.

Senator HIRONO. I think that both Mr. Gaiser and Woodrow testified that you would advise the Administration to follow all court orders, correct?

Mr. WOODWARD. Well, Senator, as I've said, it depends, and I realize that that is frustrating——

Senator HIRONO. Oh, it depends on what the court order is? Okay. Let me ask you another question then. In the *Abrego Garcia* case, the Supreme Court said that the Administration had to "facilitate his return from the El Salvador prison." He is still there. Is the Administration complying with the Supreme Court's court order? We will start with Mr. Gaiser and then go to Mr. Woodward.

Mr. GAISER. Well, Senator, thank you very much for that question. As Ohio Solicitor General, I am not now at the Department, and the Department of Justice speaks through its briefs on matters that are in active litigation, and so it would be inappropriate——

Senator HIRONO. Well, in your option——

Mr. GAISER [continuing]. For me to comment.

Senator HIRONO. You are about to become the person who is going to be advising the Department formerly known as Justice, as far as I am concerned. So what do you think? The fact that Mr. Garcia is still in prison, is the Administration following the Supreme Court's order to facilitate his release?

Mr. GAISER. Well, Senator——

Senator HIRONO. You don't know?

Mr. GAISER. As I said, I am the Solicitor General of Ohio now. I am not now at the department, and it would be inappropriate for me to comment on actively litigated matters because the department speaks through its filings and its briefs.

Senator HIRONO. So when you actually become the person at the OLC, would you advise the Administration to facilitate the release of Mr. Garcia?

Mr. GAISER. Well, thank you, Senator. If I am——

Senator HIRONO. That is what the court is telling him.

Moving on, Mr. Woodrow, what do you think?

Mr. WOODWARD. Well, Senator, I appreciate you giving me the opportunity to respond.

It does depend. If we are going to discuss hypotheticals, what about a hypothetical——

Senator HIRONO. It is not a hypothetical. This is the Supreme Court's order to the Administration. They are confronted with this order right at the moment. Mr. Garcia has not been released.

Mr. WOODWARD. The question about following court orders is, of course, a hypothetical, and the hypothetical can be complicated. What if a district court——

Senator HIRONO. That is why, Mr. Woodrow, I asked a specific question relating to a specific situation. And since you also don't want to respond, there you have it. And, you know, both of you are going to be in a position to be advising this Administration, so I think your responses are telling.

For Mr. Edlow, President Trump suspended the U.S. Refugee Settlement Program indefinitely on his first day in office. However, on February 7, he signed an Executive order requiring all agencies to promote the resettlement of white Afrikaners into the United States. And less than 3 months later, these Afrikaners are entering the United States, having completed a process that normally takes years.

What changes has USCIS made to the refugee resettlement process to expedite the arrival of Afrikaners? And if you are not there yet, you don't know, you can just say you don't know.

Mr. EDLOW. Well, Senator, I am there as a senior advisor——

Senator HIRONO. Oh.

Mr. EDLOW [continuing]. But I do not know. And I can tell you, as far as I have seen, the process is the same as any other refugee resettlement process for USCIS' purposes.

Senator HIRONO. Why is it that Afrikaners are being expedited in terms of their being able to resettle in the United States?

Mr. EDLOW. Senator——

Senator HIRONO. Why are they being given what looks like highly preferential treatment?

Mr. EDLOW. Senator, the President has the authority through executive action and under the law——

Senator HIRONO. Okay. That is because the President feels——

Mr. EDLOW [continuing]. To determine——

Senator HIRONO [continuing]. Like doing that. Okay. That is the answer.

And are these Afrikaners going to be vetted individually so that nobody is coming in who, for example, shows any antisemitic sentiment? Are they being vetted individually?

Mr. EDLOW. Senator, again, I can't speak to specifics with regard to any of the individuals coming in, but my understanding is that they are being vetted for——

Senator HIRONO. Individually. I hope so, because, for example, there was one who was quoted as saying that Jewish people are untrustworthy and they are a dangerous group. I would say that maybe that person shows antisemitic views. And so your testimony is that they are being vetted individually?

Mr. EDLOW. Senator, again, I am not currently leading the agency. I do not have a view into how they are being vetted. My understanding is they are being vetted as refugees have been vetted in the past.

Senator HIRONO. There are serious concerns about why this is happening. And, for example——

Senator HAWLEY. Thank you, Senator.

Senator HIRONO [continuing]. The people who are Afghani are not getting this kind of highly preferential treatment. Thank you.

Senator HAWLEY. Thank you, Senator.

Congratulations to the nominees. Thank you for being here.

Mr. Woodward, let me start with you. You and I had a nice chat the other day. I appreciated the visit. When we were talking about the Civil Division, you referenced some tightening up that you believe needed to happen. And you brought up in that context the *Mifepristone* case. So I just want to drill down on this for a second.

Two weeks ago or so, the Department of Justice entered and filed a motion in the *Mifepristone* case in the Northern District of Texas. This is a Missouri case where the State of Missouri and some others are seeking to put back in place the safety protocols for the abortion drug that existed before Joe Biden removed them. The Department of Justice attorneys from the Civil Division filed a motion in that case seeking to have the case dismissed. Is it your understanding that that was a mistake? What is your view of this? I mean, you raised this case to me.

Mr. WOODWARD. Senator, thank you for the question. As you can appreciate, it is longstanding policy of the Department of Justice not to comment on pending cases. Those briefs do speak for themselves.

The reason I raised that case with you is because we were having a, I thought, very helpful discussion about the fact that litigation should be holistic. And that as the Department of Justice continues to litigate on behalf of the President, there is an obligation, a duty even, for us to communicate with those with whom we are litigating against. We should be personal in our litigation, we should speak to those with whom we are litigating, and we should try to come to an agreement. We don't always have to resolve our disputes in court.

Senator HAWLEY. Which did not happen in this case. Is that the thrust of it?

Mr. WOODWARD. That is correct, Senator.

Senator HAWLEY. In other words, the Department of Justice did not work with the State of Missouri. I have to tell you, though, I am surprised and concerned by the department's decision on the merits in this case. And I have said as much to your soon-to-be boss, the attorney general. I frankly don't understand it. And I am

sure this case isn't going away. I mean, the Department of Justice said that they did not think venue was appropriate.

So let me just ask you, if the States refile in another venue, is the department going to oppose the States on the merits? I mean, is the department actually going to defend Joe Biden's pro-abortion regulations?

Mr. WOODWARD. Senator, thank you for the question. I have had discussions with the attorney general about this case in my role as counselor to her presently. Of course, it would be inappropriate for me to comment on those discussions.

What I can tell you, Senator, is that, if confirmed, we would look very specifically at every case to have been filed by the Biden Justice Department and ensure that those cases are appropriate and also ensure that we are taking the right track in those cases. And so I am happy to talk with you and your colleagues about that case and any other case, if confirmed.

Senator HAWLEY. As you, I hope, know, before President Biden, mifepristone, the abortion drug, had long had a series of safety protocols attached to it ever since it was first offered in the United States over 20 years ago, including requirements that a physician be the one to dispense the drug, that a physician screen for ectopic pregnancies, that a physician be present to provide emergency care if necessary. President Biden removed all of these, and now the drug is available. You don't have to be a physician to prescribe it. It can be sent through the mail. Telehealth providers from foreign countries are now providing this drug.

And it doesn't matter as a consequence what any State or voters in any State decide, the voters of my State, for example. Any limits on the drug imposed by voters of the State consistent with the *Dobbs* decision is automatically overridden by what Joe Biden's FDA decided to do. So this is a matter of extreme importance. And I just point out 70 percent of abortions now in the United States occur because of this drug, which can now be administered totally unsupervised.

Let me just ask you. Are you familiar with the Ethics and Public Policy Center's recent survey of mifepristone prescriptions, 865,000 mifepristone prescriptions over a 5-year period. Have you seen that study, Mr. Woodward?

Mr. SQUIRES. Senator, I apologize. I have not seen that study.

Senator HAWLEY. Well, let me just bring you up to speed. What the study shows is that over 10 percent of women who are prescribed this drug, again, without physician help or aid, over 10 percent of these women experience a serious adverse health event. That means an infection, hemorrhaging, a life-threatening event, sepsis that leads them to go to an emergency room. That is 22 times higher than what the FDA label currently admits is the risk of a serious adverse health event. This is the largest study of mifepristone done, I think, ever, 865,000 separate prescriptions were studied.

So my point is this. The safety needs are extremely real. They are pressing. The rights of the States to protect their citizenry, I think, is extremely well-founded and well-developed, by the way. I mean, they are seeking the right relief in the right courts. And I just hope that the Department of Justice will do—as you were say-

ing a moment ago, I hope the Department of Justice will work with these States and will also vindicate the rights of voters to decide these issues and the rights of States to protect their citizens. I just can't imagine why the department would want to defend the abortion regulations of Joe Biden, who was the most rabidly pro-abortion President in American history, very different than our current President, who has been the most pro-life President in American history.

Mr. WOODWARD. Senator, I appreciate the question. In the wake of *Dobbs*, I agree the law is quite clear, and I am going to sound like a broken record, but the President of the United States has said time and again he will follow the orders that come down from the Supreme Court.

Senator HAWLEY. Let me ask you here about one other religious liberty issue. Are you familiar with Mark Houck? Does that name ring a bell? Do you know about this case, Mr. Woodward?

Mr. SQUIRES. I am sorry, Senator, I am not familiar.

[Photograph is displayed.]

Senator HAWLEY. Well, that is all right. I think we have got a picture of Mark. Mark Houck is a pro-life demonstrator, peaceful demonstrator, a Pennsylvania man. Here he is with his family, his kids. They are at mass there. He is a faithful Catholic. Mark Houck took one of his boys, pictured here, to an abortion center to go and walk on the streets, pray, and offer any counsel to any women who might voluntarily want to receive it, pray with them, et cetera.

For this, he was arrested by the United States Department of Justice. They sent a SWAT team to his home in the early hours of the morning in rural Pennsylvania. They detained his children. They used the full SWAT regalia, including semiautomatic weapons, rifles, and so forth, to take him into custody. He was taken into custody. He was charged like a criminal under the FACE Act. He was acquitted by the jury, which is truly remarkable.

I want to emphasize the State of Pennsylvania had the opportunity to charge Houck. They didn't do it because they didn't think—liberals in Pennsylvania didn't charge him because they knew there wasn't a case. The Biden DOJ charged him anyway, treated him like a terrorist, and a jury acquitted him, thank the Lord. Now, Mr. Houck is suing the Department of Justice for what they did under the Biden Administration. So far, DOJ is opposing his suit. Doesn't this seem like something to you that should be settled? I mean, shouldn't this man have his name cleared? I want to emphasize the jury acquitted him. But shouldn't this man have his name cleared and have DOJ admit that what the Biden Administration did to him was just dead wrong?

Mr. WOODWARD. Senator, in my practice over the last 4 years, I saw firsthand how the Biden Administration weaponized the Department of Justice, and there is no place for weaponization at the Department of Justice. I can assure you that we will look at every single case, every single case, to ensure that there is no weaponization at the Department of Justice. I look forward, if confirmed, to working with Deputy Attorney General Todd Blanche, with Attorney General Pam Bondi. We will find those cases, and we will resolve them.

Senator HAWLEY. Good. I am glad to hear that. I think Mr. Houck deserves to have his name cleared. I think he deserves more than an apology for what Joe Biden did to him. He deserves recompense. He deserves restitution. And he deserves to get what you have gotten for your clients, which is an acknowledgement that what the Government did to them is wrong. What the Government did to him is wrong. It was flat-out religious persecution, nothing but that, Joe Biden trying to send a signal to every religious believer and every pro-life believer in this country, don't you dare exercise your beliefs in public, or we might come with a SWAT team and haul you off to prison. It is a disgusting abuse of the First Amendment. Thank goodness a jury acquitted him. Now he deserves to be made whole, and I hope that you will be part of that.

I see nobody else here. Are we going to let it go?

Well, they tell me that Senator Cruz is on his way, which means that I can just keep right on questioning. So what do you think, Mr. Woodward? I am sure you are really enjoying this line of questioning.

Let me ask you something different. Let me ask you about President Trump's Executive order on Title IX and men and women's sports. Something you and I talked about is the need to see that the President's Executive orders are enforced, that States are complying with them, that they are complying with Federal law. Talk to us about the importance of his order protecting women, getting biological men out of women's sports. What does the department need to do there? What do you think is the priority? And tell us why this is so significant.

Mr. WOODWARD. Thank you for the question, Senator. You know, this is a deeply personal issue to me. I have a 2-year-old daughter who has three older brothers. She can hold her own, but it is a problem. It is an issue that has to be addressed. The President has taken this head-on as an important issue in his Administration.

The Executive orders speak for themselves. And although I can't comment on pending litigation that has been brought by the Department of Justice, we have seen that the Department of Justice is enforcing the President's Executive orders. To quote the President, "We will see you in court." Don't follow the President's Executive order? We will see you in court.

Senator HAWLEY. And you would send that message to universities that are currently failing to comply, that are violating Title IX. To be clear, Title IX protects women's sports. Title IX creates the right of women to play in sports that have integrity, where they are protected from danger, where they are given the same opportunities as male athletes. These universities that are putting biological men into women's sports and women's locker rooms are flagrantly violating Title IX. So your message to those universities is, if you don't amend your ways, you can expect to face off against the Justice Department in a court of law.

Mr. WOODWARD. Senator, absolutely. I mean, it is a complicated issue. It is often attempted to make this out as an easy issue, but it is a complicated issue. There are sports for which it is advantageous, right? Men should not be competing in women's gymnastics, for example. And so this is not an issue that is easy to summarize or to make soundbites over. It is complicated, which is

why it is important that the Department of Justice is paying careful attention to what the law is and applying the facts to the law.

Senator HAWLEY. Mr. Gaiser, let me just ask you about nationwide injunctions for a moment and about the proliferation of nationwide injunctions. We have seen them explode. They were first used in the 1960's. Then they are almost never used. Of course, a nationwide injunction is when you have one individual district court that purports to bind not just the parties before the court, but purports to impose its policy, its ruling, its order on the entire country, including parties not before the court at all, parties well outside the court's geographic jurisdiction or otherwise.

Tell us about the importance of reigning in the district courts to their proper constitutional role, which does not allow any individual district court to sit in the place of the Supreme Court and make policy for the Nation. Tell us about the importance of this.

Mr. GAISER. Well, thank you very much, Senator Hawley. And as you are aware, district courts are charged with adjudicating cases and controversies. And the Supreme Court of the United States has said that that task looks to the relief sought by the parties, and its equitable authority extends to the amount of relief necessary to redress those particular injuries.

And as you are also aware, the Supreme Court is currently now considering some litigation involving that, so it would be inappropriate for me to comment on the specifics of that. But I agree with you that Article III imposes genuine limits and authorities for district courts, and it is in the text on the judicial power.

Senator HAWLEY. Setting aside the litigation currently before the Supreme Court, do you think that it is appropriate and maybe necessary for Congress to use our Article I authority to make clear that an individual district court does not have the constitutional authority to bind parties that are not before it or otherwise not within its jurisdiction? I mean, is that something that we in Congress ought to consider doing?

Mr. GAISER. Senator, I agree that Congress has an important role in setting the jurisdiction of the inferior courts that Congress creates. Those are the creature of this and the House's work. And so I think this body has an important role to play and could make a significant contribution to justice being done as opposed to what I think millions of Americans are alarmed to see, which is the weaponization of the entire justice system to oppose the agenda that they enacted by voting for elected representatives like President Trump.

Senator HAWLEY. Well, I think we are looking at something that is very much a constitutional crisis. It is a growing crisis, and it is a crisis of district court judges that are way outside the bounds of the Constitution, that are seizing power that absolutely does not belong to them. And you are right, Article I, it does give us the authority to establish those courts in the first instance, to govern those courts. And in this case, I think it is time for this body to take action to ensure that those courts stay within their proper constitutional bounds.

Senator Cruz, I could go on for another 15 minutes, but if you would like to ask questions, I am happy to recognize you. They are

really enjoying my lengthy, lengthy questions. They have been praying you would arrive.

The Chair recognizes Senator Cruz.

Senator CRUZ. I appreciate the always loquacious Senator from Missouri, and I hope you did not have to resort to your own personal poetry to fill the time.

Senator HAWLEY. That was going to be next.

Senator CRUZ. Well, then I apologize for depriving you of that particular joy.

Let me start by welcoming today's nominees. Mr. Squires, Mr. Edlow, Mr. Gaiser, Mr. Woodward, I am grateful that the President has nominated each of you to step into these critical roles at such a pivotal time for the Trump Administration.

Over the past several months, President Trump has governed with clarity, purpose, and boldness. He has issued Executive orders to do what the American people demanded at the ballot box, eliminate crime in our streets, secure the southern border, and put the Federal Government firmly back on the side of law-abiding citizens.

Under his leadership, the Department of Justice is no longer targeting political opponents. It is targeting violent criminals and criminal cartels. It is restoring order to a system that for years was being used to punish dissent and to reward lawlessness. Attorney General Pam Bondi is advancing that mission with energy and resolve.

But make no mistake, the far-left resistance is organized, lawless, and aggressive. Far-left activist groups are flooding the courts in D.C., Boston, and San Francisco with lawsuits designed not to win on the law, but to block the President's agenda through judicial activism. And too many judges are going along with it. In just the last 4 months, more nationwide injunctions have been issued by lone district judges than in the entire 20th century.

Let me repeat that. In 4 months, we have seen more nationwide injunctions than America had seen in the entire 20th century. That is not oversight. That is obstruction. That is activism. One plaintiff in one courtroom is now able to freeze Federal policy for 340 million Americans. This is not justice. It is political sabotage from the bench. And it is happening because the left can't win at the ballot box. It turns out releasing murderers, rapists, and child molesters, releasing gang members, is not a popular policy with the voters. But with left-wing radical judges, that's a different story.

That is why your nominations matter. The Administration needs serious, principled leaders, men and women who know the law, who have the backbone to carry it out in the face of political pressure. And the American people deserve a DOJ, a USCIS, and a USPTO that defends their rights, secures their communities, and follows the Constitution, not simply the edict of activist judges. Each of you has a critical role to play in that.

Mr. Woodward, you've defended clients in some of the most politically charged cases in the country. If confirmed, how will you ensure that the DOJ's Civil Division resists political pressure, not just from the outside but from within, and returns to equal enforcement of the law?

Mr. WOODWARD. Senator, thank you for the question. Thank you also for the opportunity to meet in advance of this hearing. It is

an important question, and I don't want my answer to be taken lightly, but I am not at all intimidated by political pressure. As I have demonstrated through my career, people have taken issue with lots of the work that I have done. And for me, what is important is ensuring that the law is upheld, that the Constitution is respected. And I can assure you, Senator, that if confirmed, I will make sure that the Department of Justice does just that, that we root out the weaponization that has been so long embedded therein. We will find it. We will eliminate it. It will cease to exist.

Senator CRUZ. You have seen firsthand how prosecutions can be weaponized. What safeguards do you intend to implement to prevent civil enforcement from becoming a political tool?

Mr. WOODWARD. Senator, I appreciate that question. As counselor to the Attorney General, I am already working with the Attorney General to build those safeguards in. There are hundreds and hundreds of cases that are litigated by the Department of Justice. We need to know what they are. We need to identify them. We need to be prepared to understand what the arguments are. I will work very closely with the deputies that have been confirmed by the Senate and that are acting in that capacity. We will find those cases. We will organize.

One of the reasons I would be so blessed to come to the department is to help organize that litigation. It is something that I have done in the past at my law firm and at the law firm that I worked before that. I am confident that I can do it if you give me the chance.

Senator CRUZ. The associate attorney general oversees the Civil Division, Civil Rights, Antitrust, and other major components. What is your top priority for restoring public trust in those divisions?

Mr. WOODWARD. Senator, again, I hope I am not making light of the question because the answer is easy. Follow the law.

Senator CRUZ. Mr. Gaiser, you clerked for three of the most respected constitutionalists in the Federal judiciary, Judge Edith Jones, Judge Neomi Rao, and Justice Samuel Alito. All three are friends of mine. All three I respect deeply. How did those experiences shape your legal philosophy, particularly regarding the role of the executive branch in faithfully executing the law?

Mr. GAISER. Thank you so much for that question, Senator Cruz. When you are a law clerk, your first task is to do your best to state the law in a way that the judge can use your work. And you are not the decider. You are there to do research, to provide your independent, candid, and honest view of the law. And should I be so fortunate to be confirmed as the assistant attorney general of the Office of Legal Counsel, that would be my primary aim, to always provide the best reading of the law and the best legal advice that I can give based on the questions that the Office of Legal Counsel receives.

Senator CRUZ. Thank you. And, Mr. Squires, the PTAB was created to improve patent quality and to provide a faster, cost-effective alternative to litigation. But in recent years, many small inventors and startups have expressed concern that it disproportionately favors large challengers and undermines the value of their patents, that it is effectively an arm of big tech. What is your as-

assessment of those concerns, and do you believe the system is functioning as Congress intended?

Mr. SQUIRES. Thank you for the question, Senator. I think if you look at the data, the concerns are in plain sight. The IPRs themselves have a 68 percent defect rate, if you will. If the American patent system is a factory, 68 percent of the products we put out are found effective in a later proceeding.

So the way to address it is to have patents, if I can harken back to my opening statement, born strong. We need to be able to incentivize getting the prior art in at the examination stage or closely thereafter, and having the improved quality, I think, will alleviate many concerns.

There is also a concern I have with IPRs that if, in fact, there is this prior art out there and validating patents at these great rates, is it or is it not getting back into the system and the examination on the front end so it can be applied when the applicants are asking for rights?

Senator CRUZ. Okay. And a final question to Mr. Gaiser and Mr. Woodward. I talked about the avalanche of nationwide injunctions we are seeing from individual district judges. How concerned are you about these nationwide injunctions, and what can be done to ensure that judges stay in their proper lane rather than trying to subvert the authority of the President and the will of the people who elected him?

Mr. Gaiser, we will start with you.

Mr. GAISER. Well, thank you, Senator Cruz. As Solicitor General of Ohio, I have the privilege of defending Ohio's laws against state-wide injunctions that are sometimes sought. And I always make the same argument, that courts are empowered to offer relief no broader than necessary or burdensome than necessary to redress the injury of those who are properly parties before the court. I think courts should follow that guidance, which the U.S. Supreme Court has long established, and dates back all the way to the Anglo-American legal tradition in equity.

Senator CRUZ. Mr. Woodward?

Mr. WOODWARD. Senator, I am very, very concerned. It should not be the case that a President duly elected then has to convince 600 individual judges to enforce the policy prerogatives of that Administration. This is a bipartisan problem. This is a problem that has persisted, as you observe, for some time now. It is a problem before the Supreme Court, and, of course, it is the policy of the Department of Justice not to comment on ongoing litigation. But, candidly, it is a problem I am not sure the Supreme Court will solve. You know, as I look in the Constitution, Article III doesn't seem to have any discussion of nationwide injunctions in it, and so it is a dubious one to be sure.

Let me be clear, however, is that it is not a problem I am unafraid to face. If confirmed, we will take on all of the litigation in these courts. We will defend the President's prerogatives, and, as a criminal defense attorney, I can tell you that I am used to losing in the district court. We make our record, and that is why God invented the court of appeals.

Senator CRUZ. Amen.

Let me thank each of the nominees. Thank you for being here today.

Written questions to the nominees may be submitted for the record until May 28 at 5 p.m. And with that, this hearing is adjourned.

[Whereupon, at 12:37 p.m., the hearing was adjourned.]

[Additional material submitted for the record follows.]

**Opening Statement on the Nominations of Joseph Edlow
(Director, USCIS), T. Elliot Gaiser (OLC), John Squires
(USPTO), and Stanley Woodward (Associate AG)**

Good morning. I'd like to welcome everyone to this hearing to consider the nominations of Stanley Woodward, to serve as Associate Attorney General; Elliot Gaiser, to serve as Assistant Attorney General for the Office of Legal Counsel; Joseph Edlow, to serve as the Director of U.S. Citizenship and Immigration Services; and John Squires, to serve as the Director of the U.S. Patent and Trademark Office.

I'd like to thank the family and friends of our nominees for coming today. They should be very proud of you.

Over the last several years, we've seen an unprecedented flood of illegal immigrants into our country. Millions have poured in.

Some were drawn by the promise of a better life. Some fled various forms of economic or other hardship. Some were hardened criminals and gang members. But all decided to break our laws to come here.

Rather than stop this, the Biden Administration and Democrats threw open the doors, and in doing so, openly flouted our immigration laws. The humanitarian parole statute was brazenly violated; mandatory removal language in statutes became optional; “public charge” requirements were ignored; sanctuary cities were praised as heroic rather than criminal; and most tragically, actual victims of violence by illegal immigrants were downplayed, ignored, and forgotten.

The courts contributed to this crisis as well, and often stood passively by as our immigration laws were ignored.

Now that President Trump is trying to enforce our immigration laws and carry out his campaign promise to the American people to reverse the flood of illegal immigrants, suddenly the courts have decided to step in.

Democrats encouraged this lawless behavior. The Democratic nominee for Vice President called ICE “Trump’s modern-day Gestapo,” practically inviting violence against them. According to the Department of Homeland Security, ICE officers are now facing a 413 percent increase in assaults. I suppose concerns about threats of political violence only goes one way.

I agree with my Democratic colleagues that the rule of law is a cornerstone of our Republic. But some of our nation’s most important laws are those that protect our border.

Several nominees before us today will have an important role in faithfully executing these laws, and the will of the American people expressed in our most recent national election.

Turning to the nominees, I'd like to start by introducing **Mr. Woodward** to the Committee. Mr. Woodward received his Bachelor's and Master's degrees with honors from American University, and his law degree with honors from Catholic University's Columbus School of Law.

After clerking for three different judges in the District of Columbia, he joined Akin Gump, where he practiced for 10 years. There, he handled a variety of complex litigation matters and government investigations, and was awarded for his pro bono service. His practice during this time involved many of the issues he'll oversee as Associate Attorney General.

In 2020, Mr. Woodward took a leap and co-founded his own firm. He took on many high-profile representations, and defended many clients staring down the full might of the United States government. He earned a reputation for defending his clients zealously, for considerable courtroom talent, and for poise and composure under pressure. Most importantly, he demonstrated that he would stand up for his clients, even in the face of overwhelming odds.

When someone asked him how he juggled so many prominent cases, he reportedly responded [QUOTE] I'll sleep when I'm dead. [END QUOTE]. This kind of work ethic is commendable, and will serve him well at the Department of Justice.

Mr. Woodward has the experience, legal talent, and work ethic to capably serve the American people as the Associate Attorney General. I'm confident he'll use his skills to help Attorney General Bondi implement the critical change needed at the Department.

I'll also briefly mention the other nominees before us today.

Mr. Edlow has been nominated to lead USCIS. There are few questions more important to a nation than *who* should be part of it. Mr. Edlow has a wealth of experience in immigration, and the kind of deep knowledge needed to help right the ship.

Mr. Gaiser has been nominated to lead the Office of Legal Counsel. He clerked for Judge Jones on the Fifth Circuit, Judge Rao on the DC Circuit, and for Justice Alito on the Supreme Court. Most recently, he's ably served as the Solicitor General of Ohio.

His nomination has been supported by more than 20 state attorneys general and dozens of state solicitors general. They praise his intellect and hard work. But most importantly, they say [QUOTE] above all else, Elliot is a good man. He's the son of a small-business owner, a family man, and a devoted American, as honest as the day is long. [END QUOTE]

Mr. Squires is nominated to serve as the Director of the Patent and Trademark Office. He began his career in private practice, focusing on patent litigation and technology. He went on to gain experience at major corporations and national law firms counseling on intellectual property issues, emerging technology startups, AI, blockchain, and cryptocurrencies. He's also extensively spoken on, and written about, the patent system, including before this Committee in 2007.

All of the nominees before us have unique qualifications for their roles, and I look forward to hearing from each of you today.

I'll now turn to Ranking Member Durbin for his opening remarks.

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

1. **Name:** State full name (include any former names used).

Joseph Benjamin Edlow

2. **Position:** State the position for which you have been nominated.

Director, United States Citizenship and Immigration Services

3. **Address:** List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

5900 Capital Gateway Drive, Camp Springs, Maryland

Residence is in Potomac, Maryland

4. **Birthplace:** State date and place of birth.

May 31, 1981. Baltimore, Maryland

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

Case Western Reserve University School of Law
Juris Doctor, May 2006

Brandeis University
Bachelor of Arts, May 2003

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

Senior Advisor
U.S. Citizenship and Immigration Services
5900 Capital Gateway Drive, Camp Springs, MD 20588
January 20, 2025 – Present

Visiting Fellow
Center for Renewing America
November 2024 – January 2025

Volunteer
DHS Landing Team
Trump-Vance Transition Team
November 2024 – January 20, 2025

Member, Board of Directors
National Immigration Center for Enforcement
June 2023 – January 20, 2025

Visiting Fellow & Contributor
The Heritage Foundation
214 Massachusetts Avenue, NE, Washington, DC 20002
February 2022 – October 2024

General Counsel
Montgomery County Republican Central Committee
15833 Crabbs Branch Way, Rockville, MD 20855
January 2022 – January 20, 2025

Founder/Managing Member
The Law Offices of Joseph Edlow LLC
1201 Seven Locks Road, Suite 360, Rockville, MD 20854 (mailing address)
May 2021 – January 20, 2025

Founder/Managing Member
The Edlow Group LLC
10221 River Road, #60613, Potomac, MD 20859 (mailing address)
February 2021 – January 20, 2025

Deputy Director for Policy
U.S. Citizenship and Immigration Services
5900 Capital Gateway Drive, Camp Springs, MD 20588
February 2020 – January 2021

Chief Counsel
U.S. Citizenship and Immigration Services
5900 Capital Gateway Drive, Camp Springs, MD 20588
(previously 20 Massachusetts Avenue, NW, Washington, DC 20529)
July 2019 – February 2020

Detailee
Executive Office of the President
The White House
1600 Pennsylvania Avenue, Washington, DC
April 2019 – July 2019

Deputy Assistant Attorney General
Office of Legal Policy
U.S. Department of Justice
950 Pennsylvania Avenue, NW, Washington, DC 20530
June 2018 – July 2019

Counsel (Majority)
Subcommittee on Immigration and Border Security
House Judiciary Committee
U.S. House of Representatives
2138 Rayburn House Office Building, Washington, DC 20515
February 2017 – June 2018

Professional Volunteer
Trump Transition Team, Immigration Policy
December 2016 – January 2017

Counsel
Office of Representative Raul L. Labrador (ID-1)

U.S. House of Representatives
1529 Longworth House Office Building, Washington, DC 20515
May 2015 – June 2017

Assistant Chief Counsel
Baltimore Office of the Chief Counsel
U.S. Immigration and Customs Enforcement
Fallon Federal Building, 31 Hopkins Plaza, Baltimore, MD 21201
November 2008 – May 2015

Associate Attorney
Law Offices of Scott L. Rolle
3 W. Church Street, Frederick, MD 21701
January 2007 – November 2008

Political Director
Scott Rolle for Maryland Attorney General
August 2006 – November 2006

Legal Intern
Governor's Legal Office
Office of Governor Robert Ehrlich
Shaw House, Annapolis, MD 21401
June 2005 – August 2005

Legal Extern
Chambers of the Hon. Susan K. Gauvey (D. Md)
Garmatz Federal Courthouse, 101 W. Lombard Street, Baltimore, MD 21201
June 2004 – August 2004

Assistant
Middlesex County Bar Association
40 Thorndike Street, Cambridge, MA 02141
(now 200 Tradecenter Dr, #329, Woburn, MA 01801)
June 2003 – August 2003

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different

from social security number) and type of discharge received, and whether you have registered for selective service.

I have never served in the U.S. Military.

I registered for selective service on July 14, 1999.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

DHS Outstanding Service Medal (December 2020)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

New Jersey Bar Association – never held any office.

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Supreme Court of Maryland (formerly the Court of Appeals of Maryland)
December 2006

Supreme Court of New Jersey
June 2014

Court of Appeals of New York
June 2014

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

United States Supreme Court
April 2023

United States Court of Appeals for the 2nd Circuit
December 2018

United States Court of Appeals for the 4th Circuit
October 2022

United States Court of Appeals for the 9th Circuit
March 2019

United States District Court for the District of Maryland
May 2011 (lapse from approximately 2016-2021 as I never practiced before the court. I re-registered upon returning to the private sector in 2021 and have maintained admission since.)

United States District Court for the District of Columbia
February 2022

United States District Court for the District of New Jersey
June 2014

United States District Court for the District of Nebraska
January 2022

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Congregation Har Shalom
Potomac, Maryland

- Vice President, At Large, May 2021 – April 2025
- Board Member, May 2019 – April 2020

- b. Indicate whether any of these organizations listed in response to 11 (a) above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

I have never been associated with any organization that discriminates nor

formerly discriminated on the basis of race, sex, religion, or national origin to my knowledge.

12. **Published Writings and Public Statements:**

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

See Appendix.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

See Appendix.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

See Appendix.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

See Appendix.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

See Appendix.

- f. If applicable, list all published judicial opinions that you have written, including concurrences and dissents. Supply the citations for all published judicial opinions to the Committee.

None.

13. **Public Office, Political Activities and Affiliations:**

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have never held public office nor sought such a position. In 2008, I was an unsuccessful candidate in Frederick County, Maryland, for an Alternate Delegate slot for the Republic National Convention.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

In 2006, I served as the political director on Scott Rolle's unsuccessful campaign for Attorney General of Maryland. In this role, I coordinated Mr. Rolle's meetings at campaign stops and represented Mr. Rolle and his political positions at various events. I served in this capacity from August 2006 until Election Day in November 2006.

For a few months in 2007, I was involved in a Northwest Baltimore County Republican Club. The club met once a month. I eventually left as I was no longer living in Baltimore County. I am unaware as to whether this club is still functioning today.

In January 2022, I was appointed to serve as General Counsel for the Montgomery County, Maryland, Republican Central Committee. In this role, I advised committee members on legal issues including election matters as well as campaign finance law. I assisted in the drafting of various bylaw amendments and explained the legal ramifications of the amendments and various other actions to the members of the central committee. I was most involved in 2022, stepping back in 2023 and 2024 when I engaged with the

committee on only a few items. I resigned from the position prior to January 20, 2025, as I was about to begin service in the Trump Administration.

14. **Legal Career:** Answer each part separately.

a. Describe chronologically your law practice and legal experience after graduation from law school including:

i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I have never served as a judicial clerk.

ii. whether you practiced alone, and if so, the addresses and dates;

I owned and operated a sole practice from May 2021 until January 20, 2025. The mailing address of the practice was 1201 Seven Locks Road, Rockville, Maryland 20854.

iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

Associate Attorney
Law Offices of Scott L. Rolle
January 2007 – November 2008

I served as the sole associate attorney in a two-person law firm. I represented clients in both civil and criminal matters before Maryland District and Circuit Courts.

Assistant Chief Counsel
Baltimore Office of the Chief Counsel
U.S. Immigration and Customs Enforcement
November 2008 – May 2015

I represented the Department of Homeland Security in removal/deportation proceedings before the Immigration Court located in Baltimore, Maryland. I also provided legal counsel to the Baltimore offices of Homeland Security Investigations and Enforcement and Removal Operations.

Counsel
Office of Representative Raul R. Labrador (ID-1)
U.S. House of Representatives
May 2015 – June 2017

I served as legal counsel to a member of Congress primarily on immigration policy matters. Drafted legislation and staffed the Congressman on all matters handled before the House Judiciary Committee.

Counsel (Majority)
Subcommittee on Immigration and Border Security
House Judiciary Committee
U.S. House of Representatives
February 2017 – June 2018

Served as committee counsel handling the immigration enforcement portfolio and provided counsel to Chairman Bob Goodlatte, as well as other members of the committee.

Deputy Assistant Attorney General
Office of Legal Policy
U.S. Department of Justice
June 2018 – July 2019

Served as the Department of Justice's primary point of contact for the development and execution of the Department's immigration-related regulatory agenda. Drafted briefs on immigration appellate matters before the 2nd and 9th Circuit Courts of Appeal.

Chief Counsel
U.S. Citizenship and Immigration Services
July 2019 – February 2020

Served as chief legal officer for the agency overseeing a staff of over 325 attorneys and support staff. Provided legal counsel to the Acting Director and to senior leadership of the agency.

Founder/Managing Member
The Law Offices of Joseph Edlow LLC

May 2021 – January 20, 2025

Represented private individuals and companies on administrative immigration matters including obtaining and renewing immigration benefits. Also represented clients in FOIA litigation before the U.S. District Court for the District of Columbia.

- iv. Whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have never served as a mediator or arbitrator.

- v. Whether you have held any judicial office, including positions as an administrative law judge, on any U.S. federal, state, tribal, or local court and if so, please provide the name of the court, the jurisdiction of that court, whether the position was appointed or elected, and the dates of your service.

I have never held any judicial office.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

My legal career began in a two-person private practice in Frederick, Maryland, where I served as the sole associate attorney. During the first two years of my practice, I focused on criminal litigation, including serious traffic offenses, drug matters, and assaults. I also handled some civil litigation including small contract claims and family law matters. The majority of my cases were litigated before the District Courts of Maryland and Circuit Court of Frederick County, Maryland.

After joining the ICE Office of the Principal Legal Advisor in November 2008, my practice entirely shifted to immigration law. As a trial attorney, I spent the next six and a half years litigating removal matters before the immigration court located in Baltimore, Maryland. During that time, I handled every type of immigration case within the jurisdiction of the immigration courts. I also specialized in gang matters (and was ultimately appointed the designated point of contact for all gang cases in the district), as well as national security matters. Apart from my litigation responsibilities, I routinely advised local agents with Homeland Security Investigations and officers with Enforcement and Removal Operations on criminal procedure and substantive areas of

immigration law. In addition, I was one of the trial attorneys assigned to handle HSI worksite enforcement matters, where I conducted reviews for legal sufficiency.

In May 2015, my career took a distinctive turn to policy. I was hired as counsel to Rep. Raul Labrador where I initially focused on immigration legislation and ultimately on his entire Judiciary Committee portfolio. I was subsequently hired by the House Judiciary Committee where I was responsible for all legislative and policy matters related to immigration enforcement and criminal immigration law.

Joining the Trump Administration in 2018, in the Office of Legal Policy within the Department of Justice, legislative policy knowledge served me well as I transitioned into a regulatory policy role. During this period of time, I was responsible for advancing the Department's regulatory agenda related to immigration.

In 2019, I was hired as the Chief Counsel at U.S. Citizenship and Immigration Services where I could combine all of my skillset as I oversaw a team of over 325 attorneys and staff. While never litigating personally in this role, I oversaw litigation and regulatory strategy and assisted the Acting Director in all matters related to immigration policy.

After my time managing the day-to-day operations of USCIS as the Deputy Director for Policy, where I was not in a legal role, I returned to the private sector and, along with a consulting shop, opened a small boutique law firm. I spent the last several years assisting individuals and companies in meeting their immigration-related goals. This was purely administrative law. I did not take any criminal immigration matters nor did I take any matters before the immigration courts.

From a litigation perspective, I did file several FOIA cases against various executive departments and agencies and filed an amicus brief before the U.S. Supreme Court on behalf of 31 Members of the House of Representatives. (Appendix 14(e))

- ii. Your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

As described above, as the nature of my practice changed, so too did my client base. While in private practice in 2007 and 2008, my clients consisted of Maryland residents charged with a crime and those either prosecuting or defending a family law matter (divorce, child custody, etc.) I also had several business clients who were trying to enforce payment on completed contracts.

From November 2008 until May 2015, my sole client was the Department of Homeland Security.

During my time on Capitol Hill, I served at the pleasure of my two employers, Rep. Raul Labrador and Chairman Bob Goodlatte, and did not have clients in the traditional sense. The same is true with my return to the executive branch of the federal government in June 2018, where I served at the pleasure of the President and reported to the Attorney General and then the Secretary of Homeland Security.

Since leaving the government in 2021, my client base has been primarily individuals and companies seeking immigration expertise. I also represented various nonprofits in several FOIA matters.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

- i. Indicate the percentage of your practice in:

January 2007 - November 2008

1. federal courts:
2. state courts of record: 100% (Maryland Courts)
3. other courts:
4. administrative agencies:

November 2008 – May 2015

1. federal courts: 100% (U.S. Immigration Court)
2. state courts of record:
3. other courts:
4. administrative agencies:

May 2015 – January 2021

1. federal courts: 100% (filed two appeals and oversaw litigation)
2. state courts of record:
3. other courts:
4. administrative agencies:

January 2021 – January 2025

1. federal courts: 40% (FOIA cases)
2. state courts of record:
3. other courts:
4. administrative agencies: 60% (USCIS)

- ii. Indicate the percentage of your practice in:

January 2007 – November 2008

1. civil proceedings: 50%
2. criminal proceedings: 50%

Since November 2008: 100% civil proceedings

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

In 2007 and 2008, I do not recall being the attorney of record in any criminal or civil litigation (both jury and non-jury). While I was substantially involved in numerous cases, I was always in the record as associate counsel with the founder of the law firm.

While a trial attorney with ICE OPLA, I was the attorney of record on thousands of cases before the U.S. Immigration Courts.

All FOIA cases that I filed in the past several years remain ongoing and were transferred to other attorneys on or about January 20, 2025.

- i. What percentage of these trials were:

1. jury: %
2. non-jury: 100%

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

My sole practice before the Supreme Court of the United States was counsel of record for 31 Members of the U.S. House of Representatives as *Amici Curiae* in Support of Petitioner in the matter of Washington Alliance of Technology Workers v. Department of Homeland Security, *et. al.* (No. 22-1071). The filed brief is attached in Appendix 14(e).

15. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties

whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

None of the matters with which I was personally involved would rise to the level of significant with the exception of the amicus brief filed before the Supreme Court as noted above. While I served as Chief Counsel at USCIS, I oversaw litigation activities but was not personally involved, nor do I recall the cases with any degree of specificity.

16. **Legal Activities:** Describe the most significant legal activities you have pursued including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

Apart from the activities discussed above, as part of my work under the Edlow Group LLC consulting firm, I represented NumbersUSA in its effort to educate states about the benefits of requiring mandatory E-Verify through legislative means. During this time, I testified before both the Ohio House and Senate, and met with legislators from all over the country at various events. To be clear, I was not a lobbyist in this regard but instead worked with lobbyists hired in various states to provide education and technical assistance on these matters.

During this period, I drafted an E-Verify bill for the American Legislators Exchange Council (ALEC) which was approved as model legislation. Additionally, through my work with the Heritage Foundation, I routinely assisted Heritage Action to speak with state legislators and other elected officials on what actions states could take on immigration matters.

17. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I have never taught any classes. I did, on several occasions, speak in an immigration

class at the University of Baltimore and University of Maryland Schools of Law on the topic of worksite enforcement. This was done as a favor to the professor of the class and was not compensated nor was there any follow-up after the single lecture per semester. I believe I did this about four times over the course of several years (prior to 2015).

18. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

After separating from government service in 2021, I transferred my Thrift Savings Plan into an IRA. I have no other retirement plans other than the new TSP which commenced on January 20, 2025. No employer contributions have been made to any retirement plans.

Separately, I am still awaiting payment from two clients based on work that was completed in 2024. These payments are not contingent on any promise of future work nor on any continued attorney-client relationship.

19. **Outside Commitments During Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service? If so, explain.

I officially terminated all employment positions and ended representation on all active cases prior to beginning government service on January 20, 2025, and have no plans to pursue outside employment.

20. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

Please see my OGE 278 Public Financial Disclosure Report.

21. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

Please see attached Statement of Net Worth

22. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, affiliations, pending and

categories of litigation, financial arrangements or other factors that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

In connection with the nomination process, I have consulted with the Office of Government Ethics, the Department of Homeland Security's Designated Ethics Official, and the U.S. Citizenship and Immigration Services' Office of the Chief Counsel's ethics staff to identify any potential conflicts of interest. Any potential conflicts of interest will be resolved, and I am not aware of any other potential conflicts of interest.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

Please see response above.

23. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional work load, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

The majority of my career has been dedicated to public service as I have worked in the federal government in numerous legal and policy roles. During my time in the private sector, especially in the past 4 years, I have taken on several pro bono immigration matters to assist clients without the ability to pay. I have also assisted several religious institutions in pro bono immigration matters.

FINANCIAL STATEMENT: NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.)

ASSETS			LIABILITIES		
Cash on hand and in banks		\$ 105,999	Notes payable to banks-secured		\$ 149,277
U.S. Government securities--add schedule			Notes payable to banks-unsecured		\$ 0
Listed securities--add schedule*		\$ 377,703	Notes payable to relatives		
Unlisted securities--add schedule			Notes payable to others		\$ 0
Accounts and notes receivable:			Accounts and bills due		\$ 62,672
Due from relatives and friends			Unpaid income tax		\$ 0
Due from others			Other unpaid income and interest		\$ 0
Doubtful			Real estate mortgages payable--add schedule		\$ 125,380
Real estate owned--add schedule**	1 property	\$ 645,000	Chattel mortgages and other liens payable		\$ 0
Real estate mortgages receivable			Other debts--itemize:		
Autos and other personal property		\$ 44,650	Car Lease		\$ 35,469
Cash value-life insurance		\$ 0	Car Payment		\$ 38,424
Other assets itemize:					
			Total liabilities		\$ 411,222
			Net Worth	1	\$ 762,130
Total Assets	2	\$ 173,352	Total liabilities and net worth	2	\$ 173,352
CONTINGENT LIABILITIES			GENERAL INFORMATION		
As endorser, comaker or guarantor			Are any assets pledged? (Add schedule)		
On leases or contracts			Are you defendant in any suits or legal actions?		
Legal Claims			Have you ever taken bankruptcy?		
Provision for Federal Income Tax					
Other special debt					

Appendix 21: Schedule of Listed Securities
(values on April 17, 2025)

FHLC	Fidelity MSCI Health Care Index	\$526.60
IVW	Ishares S&P 500 Growth Index	\$1,612.60
PTON	Peloton Interactive Inc	\$46.12
SPAXX	Fidelity Government Money Market	\$25,823.10 ¹
DLTNX	Doubleline Total RT Bond FD CL N	\$22,400
IEFA	Ishares Trust Core MSCI EAFE ETF	\$89,799.96
IEMG	Ishares Core MSCI Emerging Markets ETF	\$35,199.92
IVV	Ishares Core S&P 500 ETF	\$102,399.60
IWM	Ishares Russell 2000 ETF	\$70,199.95
SPAXX	Fidelity Government Money Market	\$921.26 ²
SPAXX	Fidelity Government Money Market	\$620.15 ³
SPAXX	Fidelity Government Money Market	\$1,869.51 ⁴
GAMPRB	General American Invs Co Inc PFD B	\$13,858.18

***NOTE:** This schedule was prepared as of April 17, 2025. Some items listed in this schedule are not on the OGE 278 and vice versa. Others may have had value changes in the period between filing my OGE 278 and completing this schedule. Some holdings listed in different accounts in the OGE 278 have been aggregated for this schedule.

¹ Account associated with IRA

² Account associated with Minor Child #1 Uniform Transfer to Minors

³ Account associated with Minor Child #2 Uniform Transfer to Minors

⁴ Account associated with Irrevocable Trust

**Nomination of Joseph Edlow
To be Director of the United States Citizenship and Immigration Services
Questions for the Record
May 28, 2025**

QUESTIONS FROM CHAIRMAN GRASSLEY

1. Under the Biden administration, USCIS was deluged by flood of immigration applications. Many of these applications are still pending.

- a. **As director, how would you tackle the massive USCIS caseload this administration has inherited?**

If confirmed, I will work with USCIS leadership to develop and implement a plan that will leverage an appropriate use of personnel, processes, and technology to address the current pending caseload, which is a direct result of the mismanagement of the last four years. I look forward to using all tools available to the agency to ensure efficiency and effectiveness in serving the interests of the American people in administering the lawful immigration system moving forward.

2. The Affirmative Asylum program alone has over 1 million applications pending.

- a. **As USCIS director, how would you reduce this caseload efficiently while still detecting and deterring fraud?**

As you are aware, the asylum caseload rose exponentially (over 1 million cases) in the past four years. It is incumbent upon USCIS to adjudicate those matters in a manner that puts national security and public safety at the forefront. If confirmed, my priority will always be detecting and deterring fraud in the asylum context, as well as other benefit types.

3. It is well known that certain countries are exploiting our immigration system for economic espionage, including the EB-5 program and foreign student work programs.

- a. **What measures should USCIS take to protect the United States from economic espionage and threats to our national security?**

Countering economic espionage and threats to national security require a whole of government approach. If confirmed, I will ensure that USCIS can leverage

emerging technologies and place appropriate staffing levels to focus on screening and vetting

4. In your nomination hearing, you stated that USCIS should “remove the ability for [OPT] employment authorizations for F1 students beyond the time that they that they are in school.” The INA, however, does not provide for OPT work authorization at all, whether a student is still enrolled in school or a post-graduate.

a. Do you believe USCIS should continue issuing OPT work authorizations to foreign students while they are enrolled at a university?

As I stated in the hearing, I think the way in which OPT has been handled over the last four years, culminating with the opinion of the DC Circuit Court, has been a real problem in terms of misapplication of the law. If confirmed, I look forward to working with my DHS counterparts and Congressional partners to address this issue.

5. CPT work authorizations, which permit foreign students to engage in employment that is an “integral part” of a school’s curriculum, are statutorily-suspect, especially in light of the Supreme Court’s recent rulings in *Looper Bright v. Raimondo* and *West Virginia v. EPA*.

a. As USCIS director, will you conduct a post-Chevron review of CPT’s conformity with the INA?

Although ICE, not USCIS, is responsible for administering CPT, if confirmed I will support efforts by ICE and DHS to conduct a review of CPT.

6. Even assuming that CPT is permitted under the INA, it is still being abused by unscrupulous institutions. Papermill colleges known as “Day-1 CPT” schools build a curriculum around employment to justify CPT eligibility, then impose minimal class attendance and coursework requirements so foreign “students” can work full-time. Day-1 CPT programs have been described as a “work visa in disguise.”

a. As USCIS director, will you crack down on CPT fraud and abuse?

As above, USCIS is not responsible for administering CPT, but if confirmed, I am committed to supporting a review by ICE and DHS.

7. USCIS is responsible for conducting a review of a country’s conditions to help the DHS Secretary determine whether an extension of TPS is warranted.

- a. **Will you carefully consider improvements in a country's conditions before recommending any extension of TPS?**

Yes

Senator Ricard J. Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for Joseph Benjamin Edlow
Nominee to be Director of U.S. Citizenship and Immigration Services
May 28, 2025

1. In your opening statement at your confirmation hearing, you said:

If confirmed, my vision for USCIS is simple. I will restore integrity within the legal immigration system. While the whole Department of Homeland Security is working hard to make America safe again, USCIS must play as critical a role in that mission as any other immigration enforcement agency. At its core, USCIS must be an immigration enforcement agency, an agency that is dedicated to ever evolving and innovative techniques for screening and vetting its applicant pool.

The Homeland Security Act (HSA), however, does not include language stating that USCIS is an immigration enforcement agency. Prior to the creation of the Department of Homeland Security (DHS), all immigration enforcement and services were housed under one agency at the former Immigration and Naturalization Service. The HSA intentionally split those functions into three parts and three separate agencies within DHS—one focused on border enforcement (Customs and Border Protection); one focused on interior enforcement (Immigration and Customs Enforcement); and one focused on services (U.S. Citizenship and Immigration Services). Specifically, under Sec. 451 of the HSA, the functions transferred from the INS Commissioner to the Director of USCIS were:

- (1) Adjudications of immigrant visa petitions;
- (2) Adjudications of naturalization petitions;
- (3) Adjudications of asylum and refugee applications;
- (4) Adjudications performed at service centers; and
- (5) All other adjudications performed by the Immigration and Naturalization Service.

The statute makes clear that unlike ICE and CBP, USCIS's primary mission is adjudication and processing of applications, not enforcement.

- a. Will you retract your inaccurate statement that "USCIS must be an immigration enforcement agency"?**

No. The statement was not inaccurate as the adjudication of immigration benefits is inherently an act of enforcement of the immigration laws.

- b. If confirmed, how will you ensure that USCIS performs its statutory functions?**

If confirmed, I will work with agency leadership to ensure that all statutory functions are being performed.

- c. How are this Administration's staffing cuts at USCIS going to impact the agency's statutory responsibilities of benefit adjudication?**

If confirmed, I will work with agency leadership to ensure that current USCIS workforce performs its statutory responsibilities.

2. According to various media outlets, USCIS employees have been detailed to assist ICE in carrying out enforcement actions. One of USCIS's recent press releases indicated that 450 USCIS employees have been detailed to ICE.

- a. How many USCIS staff have been detailed outside of USCIS?**

Approximately 570

- b. Of these, how many have been detailed to ICE?**

Approximately 550.

- c. What is the payroll cost on a monthly basis for 450 USCIS employees?**

It depends on their grade level and the location of the various employees. If confirmed, I would be happy to discuss this issue further with you and your staff.

3. The Antideficiency Act prohibits federal agencies from spending funds in excess of an appropriation, restricts volunteers unless authorized by law, and carries both civil or criminal penalties for violations. The vast majority of USCIS employees are funded by the Immigration Examination Fee Account (IEFA), which requires that money in that account be spent on adjudications and naturalization services. Under 286(m) of the Immigration and Nationality Act, USCIS may only use the vast majority of its funding "for providing adjudication and naturalization services[.]" This funding comes from those who pay USCIS to adjudicate applications for immigration and naturalization, including American businesses and U.S. citizens.

- a. Has ICE reimbursed the IEFA for USCIS employees who have been detailed?**

It is my understanding that they are reimbursable details and that ICE has been reimbursing USCIS.

- b. If so, please provide a copy of the reimbursement agreement.**

I am happy to work with USCIS OLA to provide this agreement.

- c. If these USCIS detailees to ICE have not been reimbursed, how are these detailees funded, since the relevant statute requires IEFA fees to be used for adjudicating benefits applications?**

It is my understanding that they are reimbursable details and that ICE has been reimbursing USCIS.

- d. If there is no reimbursement agreement, please provide an explanation of how the Trump Administration is ensuring compliance with the Antideficiency Act and INA 286(m)?**

It is my understanding that they are reimbursable details and that ICE has been reimbursing USCIS.

4. According to various news reports, DHS has spent \$200 million on an ad campaign featuring DHS Secretary Noem praising President Trump for increasing border security and threatening migrants by stating, “we will hunt you down.”

- a. Were any USCIS funds used to pay for this ad campaign?**

I am not aware of a USCIS funds used for this ad campaign.

- b. If so, how much funding was used, and please provide an explanation for how the payments complied with the Antideficiency Act and INA 286(m).**

See my previous answer.

5. What percentage of USCIS staff members have left since January 20 under so-called “voluntary” agreements, retirements, and otherwise?

Approximately 10%

6. How many USCIS employees remain?

As of May 17th, USCIS has approximately 20,667 onboard staff.

7. What percentage of the Office of Legislative Affairs (OLA) workforce, and how many OLA employees, have left since January 20?

As of May 17th, approximately 27% or 9 people.

8. Given Congress’s oversight role, with these cuts, if you are confirmed how will you ensure that response times and the quality of responses to Congress will not suffer as a result?

As a former Congressional staffer, I fully appreciate the oversight role that Congress plays and I am committed to providing quality responses.

9. How many USCIS employees are on staff and working today?

As of May 17th, USCIS currently has approximately 20,667 onboard staff.

10. How many USCIS employees are projected to be on staff at the end of May 2025, and every month thereafter through the end of this calendar year?

I am unable to speculate on this.

11. Do you have additional plans for, or have you been involved in any discussions, about reducing the USCIS workforce through another round of incentives to separate from federal service?

No.

12. Do you have any plans for, or have you been involved in any discussions about, instituting a Reduction in Force?

I was involved in some discussions previously, but I am unaware of any current discussions. If confirmed, I look forward to moving forward at the agency to implementing the President's agenda to restore integrity to the legal immigration system.

13. USCIS is 96 percent fee-funded, so the Trump Administration's efforts to slash the agency's workforce does not save taxpayer dollars. Those fees are paid by U.S. citizens, lawful permanent residents, and U.S. businesses and their beneficiaries for the adjudications of immigrant and nonimmigrant applications.

Why are you cutting staff at a fee-funded agency?

USCIS, as part of DHS, participated in a voluntary workforce transition program. If confirmed, I look forward to moving forward at the agency to implementing the President's agenda to restore integrity to the legal immigration system.

14. Do you have plans for, or have you been involved in any discussions about, reorganizing or merging USCIS into another agency within the Department of Homeland Security?

I do not have plans nor have I been in discussions regarding merging USCIS into another DHS agency.

15. When there was a hiring freeze in place at USCIS previously, the low staffing levels severely impacted processing times, leading to increased backlogs. The Homeland Security Act also states specifically that the Director of USCIS is to work "to prevent any backlog in the processing of such [immigration benefit] applications from recurring."

- a. Given the staffing cuts to USCIS since January 20, how will you avoid increased processing backlogs?**

If confirmed, I will work with USCIS leadership to develop and implement a plan that will leverage an appropriate use of personnel, processes, and technology to address the current pending caseload, which is a direct result of the mismanagement of the last four years. I look forward to using all tools available to the agency to ensure efficiency and effectiveness in serving the interests of the American people in administering the lawful immigration system moving forward.

- b. How has detailing approximately 450 USCIS employees to ICE impacted the backlog?**

I am unaware of any specific impact of USCIS details to ICE on the backlog.

- c. If there are increased processing times, how will you prevent other issues, such as the inability to use all the immigrant visa numbers in a given year?**

If confirmed, I will work with USCIS leadership to develop and implement a plan that will leverage an appropriate use of personnel, processes, and technology to address the current pending caseload, which is a direct result of the mismanagement of the last four years. I look forward to using all tools available to the agency to ensure efficiency and effectiveness in serving the interests of the American people in administering the lawful immigration system moving forward.

16. I understand that at USCIS, career officials who have been with the agency for decades are being asked to undergo invasive polygraph tests. They are being asked deeply personal questions about themselves and their families that are completely unrelated to their job functions.

- a. Are you aware of these polygraph tests being conducted?**

I am anecdotally aware that polygraphs have been conducted by the department.

- b. Why is USCIS asking career officials to undergo polygraph tests?**

To my knowledge as a Senior Advisor, I am not privy to this decision making.

17. Earlier this year, the Fifth Circuit affirmed a district court's ruling that DACA is illegal, but narrowed the nationwide injunction issued by the lower court to block processing new DACA applications only for Texas residents. This means under the current regulations, USCIS can process initial applications for DACA from around the country. USCIS has been accepting initial applications for years now, but there has been no announcement that the agency will start processing them.

- a. When will USCIS announce its plans to process and adjudicate initial DACA requests in accordance with the Fifth Circuit's ruling?**

If confirmed, I will consult with OGC and DOJ regarding DACA.

- b. When will USCIS begin to adjudicate initial applications for DACA?**

If confirmed, I will consult with OGC and DOJ regarding DACA.

- c. What agency resources, if any, is USCIS currently allocating to process initial DACA applications?**

If confirmed, I will consult with OGC and DOJ regarding DACA. Based on advice of counsel, resources will be allocated as required.

- d. What is USCIS's target goal for ensuring processing times are optimal, given that many of these individuals have been waiting for years in the processing queue?**

If confirmed, I will consult with OGC and DOJ regarding DACA.

- e. If there are no plans for processing initial DACA applications, please explain why and what legal authority permits USCIS to continue to hold these applications and not comply with the Fifth Circuit's decision?**

If confirmed, I will consult with OGC and DOJ regarding DACA.

18. During our meeting two weeks ago, you stated that you oppose the DACA program. But the President has publicly stated that he supports Dreamers and would let them stay in the United States.

Why does your position differ from that of the President?

Support for Dreamers is different than support for DACA. If confirmed, I will work with the President regarding his agenda regarding all facets of legal immigration.

19. Since January 20, USCIS has been taking on the enforcement responsibilities of ICE. For example, USCIS has prioritized enforcement activities at its field offices. These activities discourage eligible applicants from attending their own interviews. Noncitizens have been arrested at green card interviews without any advance notice that there has been a determination that they have violated the law.

Please provide any USCIS guidance as to how noncitizens are identified for arrest at USCIS interviews.

USCIS is in no way taking on the enforcement responsibilities of ICE nor have enforcement activities been prioritized. However, where law enforcement has determined that an alien should properly be detained, USCIS will continue, if I am confirmed, to work with its law enforcement partners to facilitate that arrest in a safe and secure environment.

20. You have stated that, if confirmed, you plan to deny immigration applicants who are “Anti-American.” Proposed changes to the USCIS citizenship tests reportedly include “social media vetting for anti-Americanism.”

a. Please provide the statutory authority for this change.

To my knowledge, there are no changes to the citizenship test related to social media vetting.

b. Please provide the Committee with a copy of the guidance for adjudicators who are determining what qualifies as anti-Americanism.

If confirmed, I would be happy to provide guidance. In my understanding, USCIS OLA provided Committee staff with documentation last week.

c. If confirmed, how will you make sure that USCIS denials for anti-Americanism are not in violation of the First Amendment of the Constitution?

If confirmed, I will ardently strive to ensure all adjudications are made consistent with the law and the Constitution.

21. DHS recently issued an Interim Final Rule that requires noncitizens to register with USCIS and carry proof of their registration or risk criminal prosecution. The rule went into effect on April 11 and applies to noncitizens 14 years of age or older who were not registered and fingerprinted (if required) when applying for a U.S. visa and who remain in the United States for 30 days or longer. Many undocumented immigrants want to comply with the law, have paid taxes for years, and are looking for a way to regularize their status. However, they have been confused by what will happen after they register.

a. Will registration provide noncitizens with opportunities to seek work permits or otherwise obtain status?

No, the longstanding statutory requirement for aliens to register does not provide for work authorizations. Nor is it a pathway to status.

b. What is the justification for requiring registrants to always carry physical proof of registration, especially given that registration information can be electronically available?

8 U.S.C. Section 1304(e) mandates that “Every alien...shall at all times carry with him and have in his personal possession any certificate of alien registration or alien registration receipt card issued to him...” Failure to comply with this provision is a misdemeanor criminal offense.

c. Will the agency expect all individuals in the U.S. to carry paperwork proving their status at all times?

The agency expects all aliens in the U.S. to comply with congressionally-mandated requirements. 8 U.S.C. Section 1304(e) mandates that "Every alien...shall at all times carry with him and have in his personal possession any certificate of alien registration or alien registration receipt card issued to him..." Failure to comply with this provision is a misdemeanor criminal offense.

- d. Will G-325R form deficiencies, such as presenting either "Entered Without Inspection (EWI)" or leaving the box blank as the only drop-down menu options for immigration status at last arrival, be addressed promptly?**

Yes, it is my understanding the agency is actively reviewing public comments on the interim final rule and as part of that will be making updates as necessary to the Alien Registration Rule.

- e. Can you explain how the information collected is in line with the goals of USCIS and within the scope of the information collection provided for in 8 U.S.C. § 1304(a)?**

This is a longstanding congressionally-mandated requirement that the Trump Administration is enforcing.

- f. Will USCIS share with ICE information about noncitizens who register?**

I am unaware if USCIS has shared information about aliens who have registered using the Alien Registration Tool, however it is my understanding that information about aliens who fail to complete the registration is being shared with ICE

22. Reporting indicates that DOGE staffers have been given access to sensitive USCIS data, including applicant information. The vast majority of applications received by USCIS are filed by U.S. citizens, lawful permanent residents, and American businesses seeking to sponsor a noncitizen. They are required to file detailed applications, often including sensitive information. You are prohibited by law from releasing personal information of U.S. citizens and lawful permanent residents without their consent.

- a. Why is DOGE being given access to this sensitive information?**

I'm not privy to the scope or justification of any access to sensitive information.

- b. How will USCIS protect this sensitive information, as required by law?**

I'm not privy to the scope or justification of any access to sensitive information. However, if confirmed I will work with all relevant partners to ensure sensitive information is protected under all applicable federal law.

- c. Has USCIS information been shared with and/or between the:**

i. Internal Revenue Service?

Not that I am aware of.

ii. Transportation Security Administration?

USCIS has always shared information with its DHS partners in the interest of national security and public safety pursuant to longstanding DHS policy.

iii. Social Security Administration?

My understanding is that USCIS has been sharing with SSA for several years and that that sharing continues today.

iv. Any other entities?

It is my understanding that USCIS has always shared information with its DHS partners in the interest of national security, public safety, and immigration enforcement pursuant to longstanding DHS policy.

d. What specific information has been shared with these agencies?

I am not aware of any specifics and would not want to speculate.

e. For what purpose has this information been shared?

As previously stated, I am not aware of any specifics on what information is shared and would not want to speculate but I understand the purpose to be in the interest of national security, public safety, and immigration enforcement.

f. What steps, if any, has USCIS taken to ensure compliance with the Privacy Act before actually sharing this information, including through Systems of Records Notices and Privacy Impact Statements?

It is my understanding that USCIS has a robust privacy policy and I will continue to follow them in accordance with the law.

23. When responding to a question from Senator Coons about individuals in the United States who have Temporary Protected Status (TPS), you said that those in the United States with temporary protection should apply for permanent protection, such as asylum, if eligible. According to public reporting, however, USCIS has currently paused processing many applications for lawful status, including for parolees applying for permanent status like asylum, as well as refugees and those already approved for asylum

applying for adjustment of status. As you know, the law requires refugees to apply for a green card after one year of physical presence in the United States.

a. Why has USCIS paused processing on these cases?

To my knowledge, USCIS has not paused processing of applications for aliens who have TPS.

b. When does USICS plan to resume processing?

To my knowledge, USCIS has not paused processing of applications for aliens who have TPS.

24. DHS Secretary Noem recently announced the termination of TPS for Afghan nationals. Country conditions in Afghanistan remain poor, particularly for those who served alongside U.S. troops in Afghanistan, and for women and girls.

What steps is USCIS taking to ensure that Afghan nationals who previously had TPS will not be sent back to persecution or torture in Afghanistan?

If confirmed I will continue to ensure any Afghan who seeks asylum will get a fair asylum hearing.

25. In your confirmation hearing, you said that those no longer eligible for TPS should apply for permanent protection, such as asylum, if eligible.

How will you ensure that the large volume of individuals from Afghanistan, Venezuela, Cameroon, and other nations still in crisis who no longer have TPS and who may now apply for affirmative asylum do not contribute to the USCIS affirmative asylum backlog?

If confirmed, I will consult with asylum division leadership to address this concern and to take appropriate action to ensure that all affirmative asylum cases are heard efficiently.

26. The USCIS Chief of Public Affairs, Matthew Tragesser, said with respect to TPS, “Bad actors are taking advantage of this humanitarian program. President Trump and Secretary Noem are taking decisive action to make America safe again.”

a. What evidence do you have supporting the claim that our Afghan allies are “bad actors”?

In general, Afghan nationals applying for any immigration benefit, including TPS, present unique challenges from a screening and vetting perspective due to a lack of information sharing with the Government of Afghanistan. If confirmed, I will commit to engaging with your staff to provide a briefing on this matter.

- b. What percentage of the Afghan population previously eligible for TPS were proven to be bad actors?**

See previous response. *If confirmed, I will commit to engaging with your staff to provide a briefing on this matter.*

- c. Was USCIS one of the interagency partners involved in determining that nationals from Afghanistan should no longer remain eligible for TPS designation?**

USCIS provides recommendations on all TPS matters.

27. How do you justify reductions in humanitarian protections while maintaining the United States' commitment to human rights and international obligations?

If confirmed, I commit to following the law.

28. **What steps will USCIS take to ensure that the public gets proper notice when policies are changed?** For example, the agency abruptly ended medical deferred action in 2019 without notice. USCIS also changed several USCIS forms and instructions were given to begin using them immediately without providing notice that the forms had been amended, sowing confusion.

USCIS routinely publishes notices in the Federal Register that allow the public to participate in the policy and rulemaking process. USCIS also provides notice of forms and in many cases provides grace periods. If confirmed, I commit to continue to follow those same practices.

29. Changes without notice cause chaos and uncertainty for U.S. businesses, American families, and can contribute to a spike in litigation filed against USCIS, as you saw during your last stint at USCIS.

Will USCIS undertake notice-and-comment procedure for all changes, whether substantive or procedural changes implicating and affecting access to substantive immigration benefits, to ensure compliance with the Administrative Procedure Act?

If confirmed, I will comply with all requirements of the APA.

30. The Trump Administration has announced the availability of a "Gold Card" for wealthy foreign nationals that will give them a pathway to U.S. residency—and eventually citizenship—in exchange for a \$5 million payment. The Administration said that this would be available as of last month. However, no existing laws provide for a Gold Card and any new visa program requires Congressional action.

- a. Has the Administration issued any Gold Cards? If so, how many and under what legal authority?**

I am unaware of any gold cards being issued.

b. What steps has USCIS taken to establish the Gold Card program?

This is a deliberative process, it would be inappropriate for me to comment.

c. With what other federal departments and officials (including Secretary of Commerce Howard Lutnick) and agency partners have you discussed the Gold Card process?

This is a deliberative process, it would be inappropriate for me to comment

d. What fund will the \$5 million be deposited in, as it far exceeds the cost to adjudicate the application, as required by the IEFA?

This is an ongoing deliberative process, it would be inappropriate for me to comment at this time.

e. Has USCIS created any forms for this process? If so, will USCIS publish a regulation and will the forms meet the Paperwork Reduction Act requirements?

This is an ongoing deliberative process, it would be inappropriate for me to comment at this time. Of course, we will comport with all statute and regulations.

f. Other than paying \$5 million, what other eligibility requirements must an individual establish to receive a Gold Card?

This is an ongoing deliberative process, it would be inappropriate for me to comment at this time. Of course, we will comport with all statute and regulations.

g. What type of security and vetting will applicants undergo to ensure that individuals who may pose a threat are not admitted into the United States?

If confirmed, I will commit to ensure all appropriate screening and vetting processes are implemented, in accordance with the law.

h. Commerce Secretary Howard Lutnick has said the Gold Card will be ready within weeks. How will you ensure that such an expedited process will not admit an individual who is a national security or public safety risk, and that none of the \$5 million that a Gold Card will reportedly cost will not be money made from drugs, human trafficking, or other criminal enterprises?

If confirmed, I will commit to ensure all appropriate screening and vetting processes are implemented, in accordance with the law.

i. Wired.com recently reported that the Gold Card visa is an option on the CBP Global Entry form. Can you confirm if USCIS is working on a potential Form I-140 change to account for the Gold Card Visa?

This is an ongoing deliberative process, it would be inappropriate for me to comment at this time.

- j. Will the Gold Card take immigrant visa numbers from the existing EB-5 program?**

This is an ongoing deliberative process, it would be inappropriate for me to comment at this time.

- k. How will the Gold Card visas fit into the country quotas, which are capped at seven percent per country under the INA?**

This is an ongoing deliberative process, it would be inappropriate for me to comment at this time.

- 31. DHS is reportedly considering a game show that would create a competition for citizenship.

- a. Do you support the creation of a televised game show to gain U.S. citizenship?**

I have not been involved in any plans and have no knowledge that any plans exist.

- b. How would such a game show comply with the requirements for naturalization in the INA?**

I have not been involved in any plans and have no knowledge that any plans exist.

- 32. It is not clear that every new policy or sub-regulatory policy that has been announced by USCIS since January 20, 2025 has a basis in statute or regulation.

- a. Before rolling out a new policy, does it undergo a thorough review process involving all relevant USCIS attorneys with equity interests in the policy?**

It is my understanding that all policies have been appropriately reviewed by the Office of Chief Counsel.

- b. Can you provide specific metrics that demonstrate the effectiveness of recent operational solutions? Such operational changes include recognizing only two sexes, reviewing social media accounts, and moving naturalization ceremonies away from “sanctuary cities,” among other changes.**

If confirmed, I commit to engaging with you and your staff to provide relevant information.

- 33. Does USCIS use any safeguards to prevent discriminatory practices?

Yes.

34. Are there any safeguards in place that can correct human error or errors with AI? As we witnessed with the termination of student records and revocation of visas, such errors led to individuals with minor traffic violations being caught in the Administration's dragnet, despite the fact that such violations are not grounds of inadmissibility, nor do they pose a national security risk.

If confirmed, I will work with the Chief Information Officers at USCIS and DHS to ensure appropriate safeguards are in place regarding the use of AI.

35. There has been an uptick in Requests for Evidence in employment-based cases requesting current address and biometrics collection, even when approval of the case will not grant status to the individual (for example, an I-140 Petition).

a. Please explain the sudden change in this process.

I am unaware of this. Once confirmed, I am happy to engage with your staff on specific examples.

b. Does USCIS do this because it has reason to do so, on an individualized basis, or is this now routine practice?

See my previous answer.

36. Does USCIS have plans to issue Notices to Appear or detain individuals when noncitizens appear to provide their biometrics?

I am unaware of any such plans.

37. Paul Ingrassia is the White House Liaison to DHS, of which USCIS is a component. In his prior role as White House Liaison at the Department of Justice (DOJ), Ingrassia claimed that he oversaw the selection of candidates for senior positions at the agency. Public reporting indicates that after initially serving at DOJ, Ingrassia clashed with a top DOJ aide, was locked out of his agency devices, and was ultimately reassigned to a lower-profile role at DHS.

a. Have you had any contact with Mr. Ingrassia about your candidacy for USCIS Director or any other matters?

No.

b. If confirmed, do you expect to consult Mr. Ingrassia on personnel decisions?

I will consult appropriately with the White House PPO, as necessary.

38. During the 2024 Republican presidential primary, Ingrassia published an article elevating the discredited theory that then-presidential candidate Nikki Haley was not a natural born

citizen and thus not eligible to be president.¹ He also later called Haley an “insufferable bitch.”²

- a. **Do you agree with Ingrassia’s claim about Haley’s eligibility to serve as president or vice president?**

I have not looked into the issue and therefore have no position.

- b. **Do you believe that a Trump Administration official such as Ingrassia who advances spurious legal claims and denigrates public officials should have a say in selecting personnel for senior positions at USCIS?**

If confirmed, I will work with the White House PPO.

39. Ingrassia tweeted that “illegal aliens are given more rights than American citizens.”³

What extra rights are undocumented immigrants given?

I defer to Mr. Ingrassia to explain his comments.

40. Ingrassia argued that successful immigrants who speak out need to “read the room and understand the pecking order” and need some “humility.”⁴

Should immigrants who are granted benefits or citizenship by USCIS subordinate themselves to natural born citizens?

No.

41. On his Instagram, Ingrassia posted a picture of himself with Andrew Tate, who was charged with rape and human trafficking in Romania.⁵ Ingrassia called Tate an “extraordinary human being” who embodies excellence. USCIS is charged with assisting victims of alleged human traffickers such as Andrew Tate.

Does Ingrassia’s support for Tate make you question Ingrassia’s judgment?

As previously stated, I do not know Mr. Ingrassia.

¹ Paul Ingrassia, *The Constitution Absolutely Prohibits Nikki Haley From Being President or Vice President*, SUBSTACK (Jan. 1, 2024), <https://paulingrassia.substack.com/p/the-constitution-absolutely-prohibits>.

² Paul Ingrassia (@PaulIngrassia), X (Jan. 19, 2024, 8:37 AM), X, <https://imgur.com/a/IGunT0Z>.

³ Paul Ingrassia (@PaulIngrassia), X (April 19, 2025, 5:05 PM), <https://x.com/PaulIngrassia/status/1913700436466602225>.

⁴ Paul Ingrassia (@PaulIngrassia), X (Dec. 27, 2024, 8:10 PM), <https://x.com/PaulIngrassia/status/1872812336374849614>.

⁵ Paul Ingrassia (@paulingrassia513), Instagram (July 5, 2023), <https://www.instagram.com/paulingrassia513/p/CuUm9cdOeQC/?hl=en>.

42. Ingrassia stated that American universities should be for American students only.⁶

Given that USCIS oversees F visas for foreign students, do you trust Ingrassia to help select your advisors at USCIS?

USCIS does not generally oversee F visas. I defer to ICE and the Department of State.

⁶ Paul Ingrassia (@PaulIngrassia), X (Nov. 18, 2024, 4:58 PM), <https://x.com/PaulIngrassia/status/1858630814445310202>.

Questions for the Record from Senator Alex Padilla
Senate Judiciary Committee
“Nominations”
May 28, 2025

Questions for Joseph Edlow:

1. Can you please detail what Department of Government Efficiency (DOGE) staff were doing within the SAVE database?

In my current role as senior advisor, I was not privy to this information.

- a. Can you commit that USCIS will continue to review and monitor all the user access, usage, and other relevant data related to the SAVE database to ensure that the individuals' data is not compromised?

If confirmed, I will commit to ensuring USCIS continues to monitor access and usage of SAVE going forward.

2. Can you explain why DOGE and the United States Citizenship and Immigration Services (USCIS) would consider reducing staff from an agency that isn't funded by taxpayer dollars, but instead has a budget that is more than 95 percent fee based?

Regardless of the manner in which funds come into the agency, it is incumbent upon the agency to act as good fiscal stewards of that agency. USCIS, as part of DHS, participated in a voluntary workforce transition programs including, VERA and VSIP and employees were able to avail themselves of these departure programs.

3. Do you agree that the SAVE database, as it currently exists, is not a standalone tool for determining a voter's eligibility?

SAVE is an important tool that is available to states for them to determine voter eligibility.

4. Mr. Edlow, what level of access to the SAVE database was provided to DOGE staff?

As Senior Advisor, I was not privy to the level of access provided.

What precautions, if any, were taken to ensure the integrity of the SAVE database was not compromised?

I was not privy.

5. If confirmed as the Director of USCIS, will you commit that going forward USCIS will review and monitor all the user access, usage, and other relevant data related by all personnel to the SAVE database to ensure that the individuals' data is not compromised?

USCIS already has safeguards in place to ensure that SAVE is used appropriately and only by those with a need-to-know. If confirmed, I will commit to ensuring USCIS continues to monitor access and usage of SAVE going forward.

6. USCIS has now announced that users can search the database using an individual's Social Security Number and date of birth. What categories of information are being shared by USCIS with the Social Security Administration?

If confirmed, I would be happy to schedule a briefing with you and your staff to provide information on the updates to the SAVE System as well as a demonstration of the tool.

7. Does USCIS plan to segregate that data from searches that are conducted using an Alien Registration Number?

If confirmed, I would be happy to schedule a briefing with you and your staff to provide information on the updates to the SAVE System as well as a demonstration of the tool.

8. Can you describe the testing USCIS has done to confirm accuracy of this expanded system?

If confirmed, I would be happy to schedule a briefing with you and your staff to provide information on the updates to the SAVE System as well as a demonstration of the tool.

- a. What is your accuracy rate?

If confirmed, I would be happy to schedule a briefing with you and your staff to provide information on the updates to the SAVE System as well as a demonstration of the tool.

9. Is it possible to determine what percentage of U.S. citizens could be falsely identified as non-citizens in this new system?

If confirmed, I would be happy to schedule a briefing with you and your staff to provide information on the updates to the SAVE System as well as a demonstration of the tool.

10. There are well known issues with the SAVE database being used as a standalone tool for determining voter eligibility. How will USCIS work to educate state and local election officials on the potential for false positives that can occur when using the system in the context of verifying voter eligibility?

If confirmed, I would be happy to schedule a briefing with you and your staff to provide information on the updates to the SAVE System as well as a demonstration of the tool.

11. Does USCIS have agreements in place with states to notify individuals they will remove from voter lists as a result of the information found in the SAVE database?

If confirmed, I would be happy to schedule a briefing with you and your staff to provide information on the updates to the SAVE System as well as a demonstration of the tool.

12. If confirmed as the Director of USCIS, how do you plan to fund the SAVE database now that it is free to government agencies at the federal, state, and local level?

If confirmed, I would be happy to schedule a briefing with you and your staff to provide information on the updates to the SAVE System as well as a demonstration of the tool.

- a. What steps will be taken to ensure the database has the infrastructure to support this level of use?

If confirmed, I would be happy to schedule a briefing with you and your staff to provide information on the updates to the SAVE System as well as a demonstration of the tool.

13. I understand the current USCIS backlog to be more than 10 million cases – if USCIS reduces its workforce, what is your plan to ensure that the backlogs will be properly addressed and reduced?

If confirmed, I will work with USCIS leadership to develop and implement a plan that will leverage an appropriate use of personnel, processes, and technology to address the current pending caseload, which is a direct result of the mismanagement of the last four years. I look forward to using all tools available to the agency to ensure efficiency and effectiveness in serving the interests of the American people in administering the lawful immigration system moving forward.

14. Please provide the data on the following:

- a. Size of workforce reductions at USCIS;

Approximately 1,800 employees opted to participate in the department's voluntary workforce transition program.

- b. The number of staff that have been detailed or reassigned to immigration enforcement;

Approximately 550.

- c. How many USCIS staff have had to sign the voluntary resignation agreements;

It is my understanding that staff did not sign an agreement.

- d. How many staff have had to sign voluntary retirement agreements.

It is my understanding that staff did not sign an agreement.

15. What is your plan to ensure that I, along with my fellow colleagues, will receive timely and substantive responses to our inquiries?

As I stated during our meeting, if confirmed I will commit to ensuring timely responses to inquiries.

16. What is your policy on the use of AI in determining immigration cases, in particular, for complex cases?

If confirmed, I will work with the Chief Information Officer at USCIS and DHS to ensure appropriate safeguards are in place regarding the use of AI.

17. What is USCIS's policy on the use of AI tools across immigration agencies?

I am unaware of a specific USCIS policy on the use of AI tools across immigration agencies. If confirmed, I will work with the Chief Information Officer at USCIS and DHS to ensure appropriate safeguards are in place regarding the use of AI.

- a. What is USCIS's policy of the use of AI tools to ensure that they will not violate an individual's rights?

If confirmed, I will work with the Chief Information Officer at USCIS and DHS to ensure appropriate safeguards are in place regarding the use of AI.

18. What is USCIS's current policy on information sharing with ICE for immigration enforcement?

It is my understanding that USCIS has a longstanding policy of sharing information with ICE for immigration enforcement. I look forward to continuing that partnership.

19. What is your plan for the Optical Practical Training (OPT) if confirmed?

If confirmed, I look forward to working with my DHS counterparts and Congressional partners to review the program.

20. What is your plan for USCIS's current lack of translation services which impact the ability for people to access information on their cases?

It is my understanding that translation services are available.

- a. How do you plan to guide USCIS in order to navigate the lack of translation services?

It is my understanding that translation services are available.

21. Do you agree that USCIS's main mission is to oversee the adjudication of immigration applications?

Yes.

22. Across agencies, employees are being asked to take polygraph tests, have you taken one or will you be taking one if you are confirmed as Director of USCIS?

I have not taken one. I cannot speak to whether I will be asked to take one in the future.

- a. Which employees are selected to take polygraph tests within USCIS?

I am unaware.

- b. What are the questions asked on USCIS's polygraph tests?

I am unaware of a USCIS-specific polygraph test.

- c. If you have not already, will you – as an example – submit to taking a polygraph test?

If requested to take a polygraph, I cannot imagine why I would not submit to a polygraph.

- 23. Did USCIS divulge any funds from its Innovations in Citizenship Preparation Program (IEPA) for purposes other than citizenship and naturalization application services?

I am unaware of any decisions pertaining to this program.

- 24. USCIS's has a current policy to monitor the social media accounts of noncitizens for "anti-American" activity.

- a. Please define what USCIS identifies as "anti-American" activity.

It is my understanding that this refers to activity that would undermine U.S. national security and public safety.

- b. What policy and/or training materials have been distributed regarding the screening for "anti-American" activity?

I am not privy to the specifics of that training.

- c. Have you received any training on this policy?

No.

- 25. What is the current USCIS policy for the Fraud Detection and National Security Directorate (FDNSD)?

FDNS safeguards the integrity of the nation's lawful immigration system by leading agency efforts to combat fraud, detect national security and public safety threats, and maximize law enforcement and Intelligence Community partnerships.

- a. Which agencies is USCIS currently working with for FDNSD?

FDNS is a vital part of USCIS and works with partners across the federal government.

- b. How many USCIS staff members are assigned or have been reassigned to work on FDNSD?

As of May 29, 2025 there are currently 1,679 employees hired permanently to work in FDNS.

**Nomination of Joseph Edlow to be Director of
U.S. Citizenship and Immigration Services
Questions for the Record
Submitted May 28, 2025**

QUESTIONS FROM SENATOR COONS

1. At any point during the process that led to your nomination, did you have any discussions with anyone—including but not limited to individuals at the White House, at the Department of Homeland Security, or at outside groups—about your loyalty to President Trump? If so, please elaborate.

No.

2. If President Trump asked you to do something you judged to be illegal or unethical, would you resign? Please answer yes or no.

It would be inappropriate to speculate on hypotheticals.

If you would not resign, what would you do?

It would be inappropriate to speculate on hypotheticals.

3. Is there ever a circumstance when an executive branch agency may choose not to comply with a federal court order, until such time as that order is stayed or vacated by a higher court?

As I stated in the hearing, I would seek the advice of the chief counsel if this situation ever were to arise.

4. What is the remedy if the President violates his constitutional duty to faithfully execute the laws?

While I do not expect this situation to occur, I am uncertain that the remedy is within the purview of USCIS.

5. As the Director of U.S. Citizenship and Immigration Services (USCIS), when is it appropriate to refuse to follow a directive from the President?

President Trump follows the law and has repeatedly stated as such. I don't anticipate a situation implied in this question from occurring.

6. How would you respond to the President calling on USCIS via social media, a press conference, or other means, to revoke the immigration status of an individual where that action was not justified by the facts and the law?

If confirmed, I will faithfully enforce the Immigration and Nationality Act and the Constitution.

7. Do you agree with USCIS' mission statement, updated in 2022, that reads, "USCIS upholds America's promise as a nation of welcome and possibility with fairness, integrity, and respect for all we serve?" If not, why not?

I agree that fairness and integrity are critical components of the USCIS mission and have been lacking for the past 4 years. If confirmed, my focus and attention will be on screening and vetting and restoring integrity.

Should you be confirmed, do you intend to change the mission statement? Please explain your answer.

If confirmed, my focus will be on restoring integrity to the immigration system and not on mission statements. The agency should be judged by its actions, not by meaningless words.

8. Do you agree that legal vetted immigration has substantial benefits to our economy and national security? Please explain.

I believe that legal vetted immigration is critical to our national security and should supplement, not supplant, our economy.

9. Do you agree that attracting international talent is a critical component of our global competition with China, especially with regard to development of superior artificial intelligence?

I believe that the INA provides adequate mechanisms to attract international talent and ensure American competitiveness and I look forward to following the INA, as prescribed by Congress to make America great again.

- a. If so, please explain. If not, why not?

See previous answer.

- b. Should you be confirmed, what would you do as USCIS Director to support attracting international talent necessary to compete with China on AI and other areas?

If confirmed, I will faithfully execute the laws passed by Congress.

- 10. In your view, would it ever be appropriate for the USCIS Director to add burdens to an immigration benefit application process for the purpose of reducing legal immigration?

No. I do not see requirements set by Congress or prudent screening and vetting as burdensome.

Should you be confirmed, do you commit to not imposing burdens for this purpose?

I do not see requirements set by Congress or prudent screening and vetting as burdensome.

- 11. In June 2024, President Trump said, “What I want to do and what I will do is, you graduate from a college, I think you should get automatically, as part of your diploma, a green card to be able to stay in this country. And that includes junior colleges, too.” He described people who “desperately wanted to stay here” and “they can’t” and so they go back to India or China to create companies “employing thousands and thousands of people,” when “it could have been done here.” He noted that “you need a pool of people to work for your companies. You have great companies and they have to be smart people. . . . You have to be able to recruit these people and keep the people. . . . Somebody graduates at the top of the class, they can’t even make a deal with a company because they don’t think they’re going to be able to stay in the country. That is going to end on day one.”

- a. Do you agree with President Trump’s statements? If so, please explain. To the extent you do not agree with any of them, please explain why not.

If confirmed, I will commit to following the law.

- b. As Director of USCIS, would you support and advocate within the administration for legislation to provide graduates of U.S. universities green cards consistent with President Trump’s statements? If not, why not?

If confirmed, I will work with the President to advance his legislative agenda.

- c. As Director of USCIS, would you pursue administrative policies that would make it easier for international graduates to stay and work here, consistent with President Trump's statements? If not, why not?

If confirmed, I will work with the President to advance his legislative agenda.

12. During your confirmation hearing, you indicated that if you were confirmed, you would seek to end the Optional Practical Training (OPT) program insofar as it allows foreign graduates to work in the U.S. for a limited time after completing their studies.

- Please clarify your testimony and whether this is in fact your intent. Insofar as you indicated you would pursue not just regulatory but also sub-regulatory means to modify OPT, please specify the sub-regulatory means you were referring to.

If confirmed, I look forward to working with my DHS counterparts and Congressional partners to review the program.

- Do you agree that ending OPT insofar as it allows for work after the completion of studies would significantly reduce the incentives of top talent overseas to come study in the United States? Please explain your answer.

I have not studied the issue outside of the lens of immigration law. I cannot speculate on foreign students purpose for coming to the U.S. for education.

- What would be your plan to address the hundreds of thousands of current OPT participants and international students who relied on prior agency practice when making educational and career decisions?

If confirmed, I look forward to working with my DHS counterparts and Congressional partners to review the program.

- How can you reconcile your position on OPT with President Trump's stated intention to ensure that international students are able to stay and work here after graduation?

If confirmed, I commit to advancing President Trump's legislative agenda. I believe we should examine it to ensure it aligns with current statute. I support President Trump's stated intention of ensuring that international students are able to avail themselves of all pathways in the INA. OPT is not in the INA, which is a separate consideration.

13. In 2020 and 2021, over 80,000 employment-based green cards went to waste because they were not adjudicated in time. This engendered bipartisan concern.

- a. Will you make it a priority to ensure that no green cards authorized by Congress go to waste because of a failure to adjudicate the green cards in time? If not, why not?

If confirmed, I will commit to ensuring the agency meets the congressionally-mandated requirements of the legal immigration system.

- b. I appreciated your testimony about finding efficiencies in how green cards are adjudicated. Please elaborate on what steps you plan to take to ensure that green cards do not go to waste.

If confirmed, I plan on prioritizing efforts to modernize our systems both for vetting and screening purposes, but also to allow attorneys to more seamlessly transmit forms. USCIS needs to emerge from the Twentieth Century and end its reliance on paper forms. This includes technology known as PDF Intake where forms can be scanned in and the information electronically collected for a more effective and efficient adjudication and an easier user experience.

14. I am greatly concerned about the impacts of this administration's actions to end Temporary Protected Status (TPS) and other temporary forms of status that were providing hundreds of thousands, if not millions, of noncitizens with work authorization in this country. Delaware and states across the country have an acute need for workers in a number of industries and I believe these actions will have an extremely negative impact.

- a. Do you agree that hundreds of thousands of people losing work authorization at the same time would have negative effects on our economy? Please explain.

If confirmed, my duty is to the constitution and the law and to ensure immigration laws are faithfully executed. I have not studied the economics related to TPS determinations.

- b. Will you make it a priority of USCIS to expedite pathways that would allow people who have lost work authorization to find other forms of work authorization that they may be eligible for?

If confirmed, my duty is to the constitution and the law and to ensure immigration laws are faithfully executed.

15. As USCIS Director, would you make TPS determinations based solely on documented country conditions and statutory criteria, or would you consider broader immigration policy goals?

The USCIS director does not make determinations, USCIS' role is to provide recommendations to the Secretary.

16. Do you believe that Afghans who directly supported the United States' mission, such as by working with our armed forces in Afghanistan, generally would have a well-founded fear of persecution if sent back to Afghanistan?

Without knowing the specifics of each case, I cannot speculate whether each individual has a well-founded fear of persecution.

- Would you make it a priority to ensure that Afghans living here still in limbo have their applications for asylum or other forms of permanent status adjudicated as soon as possible?

If confirmed I will continue to ensure any Afghan who seeks asylum will get a fair asylum hearing or a fair adjudication on any other applicable application for status or relief.

17. Businesses in Delaware and my constituents often contend with exorbitant USCIS processing backlogs that make it difficult to plan, whether for the businesses, the employees, or the customers that the businesses serve.

- a. Do you agree that reducing USCIS processing backlogs should be an important benchmark and goal for the agency? Please explain your answer.

Yes. As I stated at the hearing, the ramifications of backlogs at the agency are far-reaching and have serious national security and public safety ramifications. If confirmed, I will work with USCIS leadership to develop and implement a plan that will leverage an appropriate use of personnel, processes, and technology to address the current pending caseload, which is a direct result of the mismanagement of the last four years. I look forward to using all tools available to the agency to ensure efficiency and effectiveness in serving the interests of the American people in administering the lawful immigration system moving forward.

- b. How has your experience working in business immigration informed your understanding of the impact of these processing backlogs on American businesses?

As stated during the hearing, I've had the privilege of serving in the private sector, and I've seen the need to modernize forms in a way that I never really understood before. If confirmed, I plan on prioritizing efforts to modernize our systems both for vetting and screening purposes, but also to allow attorneys to more seamlessly transmit forms. USCIS needs to emerge from the Twentieth Century and end its reliance on paper forms.

- c. What do you plan to do to address these backlogs as USCIS Director?

If confirmed, I will work with USCIS leadership to develop and implement a plan that will leverage an appropriate use of personnel, processes, and technology to address the current pending caseload, which is a direct result of the mismanagement of the last four years. I look forward to using all tools available to the agency to ensure efficiency and effectiveness in serving the interests of the American people in administering the lawful immigration system moving forward.

18. On November 20, 2024, Elon Musk wrote on X that “Legal immigration to America is ridiculously slow & difficult, even for super talented people. Needs to be fixed.”

- a. Do you agree with this statement? If so, please explain. If not, please explain why not.

Leveraging new technology and an empowered workforce will enable us to get to where we need to be.

- b. What do you plan to do as USCIS Director to make legal immigration less difficult, apart from what you described in answer to the preceding question regarding addressing processing backlogs?

I don't see the requirements set by Congress or prudent screening and vetting standards as burdens.

19. Elon Musk has also said legal immigration should be “greatly expanded.”

- Do you agree or do you think it should be reduced? Please explain.

I would refer back to Section 203 and 204 of the INA. If those are amended, I will commit to following them, if confirmed.

- How would you support expanding legal immigration as Director?

I would refer back to Section 203 and 204 of the INA. If those are amended, I will commit to following them, if confirmed.

20. In April 2025, approximately 20,000 USCIS staff received emails informing them that if they do not retire, they will be fired. USCIS is already struggling with lengthy backlogs in processing immigration applications, leaving individuals in limbo regarding their ability to work and be reunited with family members.

- Do you think a reduction in staff capacity to process applications will increase the existing backlog? To what extent?

If confirmed, I am committed to focus on existing the pending caseload to ensure cases are handled and adjudicated in a timely manner.

21. How would you handle situations where executive branch priorities conflict with congressional intent as expressed in immigration statutes?

If confirmed, I intend to faithfully follow the law and the Constitution.

22. I am greatly concerned by indications that the protections of the *Privacy Act* may not have been followed throughout the federal government as data is being shared with the Department of Government Efficiency or other entities.

- Please describe your understanding of the *Privacy Act* and its importance.

My understanding is that The Privacy Act governs and sets the relevant parameters on how federal agencies collect, maintain, use, and share personal identifiable information. My understanding that, as defined in the statute, it only applies to United States Citizens and Lawful Permanent Residents

- Do you commit to ensuring that the *Privacy Act* is scrupulously followed by USCIS?

Absolutely.

23. I am concerned by how it appears senior administration officials have conducted official business on personal devices or on commercial messaging applications in ways that violate executive branch responsibilities under the *Freedom of Information Act* and *Presidential Records Act*. I am especially concerned by indications that conversations may have occurred concerning classified information on devices not cleared for such use. Do you commit to ensuring that you will not conduct official business in such ways that fail to comply with the *Freedom of Information Act*, *Presidential Records Act*, or safeguarding the sensitivity of classified information?

Yes.

**Senate Judiciary Committee
Hearing on the Nomination of Joseph Benjamin Edlow
to be Director of United States Citizenship and Immigration Services
May 21, 2025
Questions for the Record
Senator Amy Klobuchar**

Secretary Noem recently announced that the Department of Homeland Security intends to terminate Temporary Protected Status for our Afghan allies who came to the United States after the Taliban took over, which was based on U.S. Citizenship and Immigration Services review of country conditions.

I've led the effort to provide a pathway to permanent status for the thousands Afghan allies who stood shoulder to shoulder with us in Afghanistan. We know that people who helped the U.S. mission in Afghanistan are being actively hunted by the Taliban.

- If confirmed, what will you do to ensure that our Afghan allies who supported U.S. soldiers are not forced to return to Afghanistan where they face political persecution?

Yes, if confirmed I will continue to ensure any Afghan who seeks asylum will get a fair asylum hearing or a fair decision on the merits of a special immigrant visa.

Questions for the Record

Sen. Adam Schiff (CA)

Joseph Benjamin Edlow, Nominee to be Director of the United States Citizenship and Immigration Services (USCIS)

1. Secretary of Homeland Security Kristi Noem recently announced the termination of Temporary Protected Status (TPS) for people from Afghanistan after alleging that conditions on the ground have improved and that it is no longer dangerous for those who worked for or assisted the U.S. government during the war in Afghanistan to return. Veterans across the country have decried the termination of TPS for Afghans and an international watchdog issued a report in 2025 saying the situation in Afghanistan has worsened, rather than improved.

- a. Will you ensure that Afghan immigrants who assisted the United States government, including the U.S. military, will not be sent back to Afghanistan, where they risk persecution or torture?

If confirmed I will continue to ensure any Afghan who seeks asylum will get a fair asylum hearing.

2. While the Administration has repeatedly claimed to only target undocumented immigrants with criminal records for deportation, DHS recently announced that it is requiring noncitizens to register with USCIS and carry proof of their registration at all times. Under this process, undocumented immigrants will face an impossible choice: register with the federal government and face likely detention and deportation; or fail to register and face possible criminal prosecution and time in federal prison, followed by deportation.

- a. Will the administration protect undocumented farmworkers without a criminal history who register with USCIS from detention and deportation?

The requirement for aliens to register is a long-standing Congressionally-mandated requirement. Questions on detentions and deportations should be directed to ICE.

3. Whistleblowers play a critical role in calling out waste, fraud, and abuse across government. If confirmed, do you commit to protecting and in no way adversely affecting, or retaliating against, the employment of any employees who report internal waste, fraud and abuse of authority by the Trump Administration, including any activity that may involve you, through the proper channels to DOJ management, to the DOJ Inspector General, and to Congress?

Yes.

4. USCIS has deployed employees to assist ICE with its enforcement and removal operations, shifting valuable resources away from USCIS's mission to uphold "America's promise as a nation of welcome and possibility with fairness, integrity, and respect for all we serve."

- a. How is shifting USCIS employees' time and attention away from the agency's core mission an efficient use of agency resources?

Respectfully, USCIS has not shifted employee time or attention away from the USCIS core mission. Under the original 2003 USCIS delegation of authority from DHS, USCIS was expressly provided authority to, among other things:

- *administer the immigration laws,*
- *investigate civil and criminal violations of the immigration laws,*
- *place aliens in removal proceedings by issuance of a Notice to Appear,*
and
- *other functions or duties as the Secretary may direct.*

USCIS employees have been, and will continue in the future to, follow all applicable laws and guidance to fulfill USCIS' entire mission.

5. Yes or no, do you believe it would ever be appropriate to ignore or contravene a district court order or opinion because you believe the Supreme Court will ultimately reverse the lower court's decision?

I do not anticipate this situation. However, if confirmed, in responding to any court order, I will always seek the advice of counsel.

**Senator Peter Welch
Senate Judiciary Committee
Written Questions for Joseph Edlow
Hearing on “Nominations”
Wednesday, May 21, 2025**

1. Please detail your involvement in Project 2025.

I, along with many others, contributed to the USCIS portion of the DHS chapter in the Mandate for Leadership 2025. I intend to work with Secretary Noem and the department in achieving President Trump's agenda to Make America Safe Again.

2. What steps will you take to ensure USCIS reduces the net backlog of over 4 million cases and process new applications in a timely, secure, and even-handed manner, despite reductions in force that have taken place over the last five months?

If confirmed, I will work with USCIS leadership to develop and implement a plan that will leverage an appropriate use of personnel, processes, and technology to address the current pending caseload, which is a direct result of the mismanagement of the last four years. I look forward to using all tools available to the agency to ensure efficiency and effectiveness in serving the interests of the American people in administering the lawful immigration system moving forward.

3. Do you believe USCIS employees should be temporarily assigned to assist other entities within the Department of Homeland Security (DHS)?

If confirmed, in the interest of national security and public safety, I would be happy to continue the longstanding practice of having USCIS employees assist in department-wide efforts to support President Trump's agenda.

4. How will you ensure USCIS's resources are directed towards core functions, such as employment authorization, and not diverted elsewhere?

If confirmed, I will ensure that USCIS resources are used appropriately for core functions.

5. Pursuant to P.L. 117-103, Congress has directed USCIS to make publicly available an online dashboard detailing the number of forms received, processed, approved, denied, and pending by month, along with the average processing time and the number of forms pending for more than six months for all USCIS forms. That directive requires the agency

to update the dashboard monthly. Will you commit to complying with Congress' directive and making that information publicly available each month?

Yes.

6. Will you commit to not using USCIS offices for enforcement and/or removal actions targeting individuals lawfully in the United States where the enforcement and/or removal is based on activities that are protected by the First Amendment?

Yes, I commit to not using USICS offices for enforcement or removal actions based on First Amendment protected activities.

**Nomination of Joseph Edlow
To be Director of United States Citizenship and Immigration Services
Questions for the Record
Submitted May 28, 2025**

QUESTIONS FROM SENATOR WHITEHOUSE

Please answer each question and sub-question individually and as specifically as possible.

1. If President Trump or anyone at the Department of Homeland Security asks you to engage in conduct that violates the law or your ethical obligations, what will you do?

I do not anticipate this situation. However, if confirmed, in responding to any court order, I will always seek the advice of counsel.

2. What is predication? In what circumstances is it appropriate to open an investigation or pursue enforcement actions without predication?

While I cannot speculate, I cannot imagine a situation where, if confirmed, I would pursue actions without predication.

3. Has President Trump or any member of his team asked you to commit to pursue or facilitate certain investigations, arrests, or enforcement actions? If yes, please describe.

No.

4. Has President Trump or any member of his team asked you to commit to refrain from facilitating certain investigations, arrests, or enforcement actions? If yes, please describe.

No.

5. Have you had any discussions with any member of the Trump administration concerning personnel at the Office to which you've been nominated? If yes, please describe with specificity.

Yes, I have spoken with Department leadership commending the hardworking employees at the agency. I have also provided feedback on possible political appointees to serve in the agency.

6. How do you plan to cut immigration backlogs and processing times?

If confirmed, I will work with USCIS leadership to develop and implement a plan that will leverage an appropriate use of personnel, processes, and technology to address the current pending caseload, which is a direct result of the mismanagement of the last four years. I look forward to using all tools available

to the agency to ensure efficiency and effectiveness in serving the interests of the American people in administering the lawful immigration system moving forward.

7. Under what circumstances, if any, could a federal government official legally defy a court order issued in a case to which the official or the government was a party?

It would be inappropriate for me to speculate on hypotheticals.

8. What are the obligations of the Department of Homeland Security, to the greatest extent possible, to ensure executive branch compliance with a court order?

I defer to the DHS Office of General Counsel.

9. What would be the appropriate action for a court to take in the event that the government or a public official defied a court order?

It is inappropriate for me to speculate as to any action that a judge should or should not take in enforcing compliance.

10. Was the U.S. Capitol attacked by a violent mob on January 6, 2021? Were violent rioters who were convicted of assaulting police officers on January 6 political prisoners?

I condemn any acts of violence. Like all Americans who saw the events of January 6, 2021, it is clear that there was violence on that day. I have not studied the details of any of the cases of those convicted for actions taken on that day and it would be inappropriate for me to provide an opinion.

11. Did Joe Biden win the 2020 presidential election?

Joseph R. Biden served as the 46th President of the United States of America.

12. Does the 22nd Amendment permit a president to be elected more than twice?

No.

13. Do you believe birthright citizenship should be abolished? Explain.

It would be inappropriate to comment on an issue that is involved in ongoing litigation.

14. Do you believe that migrant children should be indefinitely detained?

I defer to ICE and the Department of Health and Human Services.

15. Do you intend to implement Project 2025's recommendations for USCIS? Explain which recommendations and how they will be implemented.

I intend to work with Secretary Noem and the department in achieving President Trump's agenda to Make America Safe Again.

16. Will you commit to resuming and protecting DACA?

If confirmed, I will consult with OGC and DOJ regarding DACA.

17. Is First Amendment protected speech a basis for deportation or the revocation of a visa?

I defer to the DHS Office of General Counsel, ICE, and the Department of State

18. Is criticism of a government or government actions basis for deportation or revocation of a visa?

I defer to the DHS Office of General Counsel, ICE, and the Department of State

19. What steps will you take to ensure that everyone's First Amendment rights are protected and not used as means to target immigrants?

I defer to ICE.

**Nomination of Joseph Benjamin Edlow to be
Director of the United States Citizenship and Immigration Services
Questions for the Record
Submitted May 28, 2025**

QUESTIONS FROM SENATOR CORY A. BOOKER

1. In the few months since President Trump took office, his policies have already increased processing times for the forms United States Citizenship and Immigration Services (USCIS) reviews. Between January 31 and February 28, 2025, median processing times increased for half of the most common forms processed by USCIS.¹ Citizens and noncitizens alike in New Jersey and around the country face unnecessary delays that will prevent them from seeing their families or obtaining work authorizations.

- a. If confirmed, what measures will you take to decrease processing times? Please provide specific examples.

If confirmed, I will work with USCIS leadership to develop and implement a plan that will leverage an appropriate use of personnel, processes, and technology to address the current pending caseload, which is a direct result of the mismanagement of the last four years. I look forward to using all tools available to the agency to ensure efficiency and effectiveness in serving the interests of the American people in administering the lawful immigration system moving forward.

2. USCIS published two notices in the Federal Register, on March 3 and March 5, announcing the agencies intent to collect additional information like social media handles not only from the applicants, but also beneficiaries, and their family members.²

- a. Please provide the specific statutory restrictions related to an applicant's speech that makes them ineligible for an immigration benefit?

To my knowledge, USCIS has reviewed statutory authority and can confirm that it does have the authority to collect this information to assess all elements of the discretionary factors of eligibility of benefits being requested.

¹ Cecilia Esterline, *Chaos, Confusion, and Uncertainty: Legal Immigration Under the Trump Administration*, NISKANEN CENTER (Apr. 24, 2025), <https://www.niskanencenter.org/chaos-confusion-and-uncertainty-legal-immigration-under-the-trump-administration/>.

² Agency Information Collection Activities; New Collection: Generic Clearance for the Collection of Social Media Identifier(s) on Immigration Forms, 90 Fed. Reg. 11324 (Mar. 5, 2025); Agency Information Collection Activities; New Collection: Generic Clearance for the Collection of Certain Information on Immigration Forms, 90 Fed. Reg. 11054 (Mar. 3, 2025).

- b. Will an applicant's disagreement with, or opposition to, President Trump or any of his policies, be disqualifying? To the extent that it will be a case-by-case determination, could this be a factor when considering an application?

If confirmed, I will work to ensure that adjudications are made in compliance with the INA and the Constitution.

- c. How will you ensure that additional data collection won't slow down the already overlong processing times?

If confirmed, I will work to ensure that adjudications are made in compliance with the INA and the Constitution.

- 3. Like many other federal agencies, USCIS's staff has been severely reduced the last several months. President Trump terminated nearly 50 USCIS in February, and recent reports indicate that 20,000 staff—up to 80 percent of the agency's workforce—have been “encouraged” to accept early retirement offers or risk termination.³

- a. Where do the majority of USCIS operating funds originate?

The majority of USCIS funds originate from fees.

- b. Because the majority of USCIS's operating costs are fee-funded, won't cutting USCIS staff decrease the fees collected?

No.

- c. What are the potential impacts of staffing reductions on agency morale?

If confirmed, I commit to engaging directly with employees and leadership to improve morale. I am confident employee morale will increase by freeing them up to do the job they have not been allowed to do the last four years.

- d. If a significant number of USCIS staff resign or are dismissed, how will you ensure that applicants who are eligible for a protection or benefit receive their documents in a timely manner?

If confirmed, I will work to ensure applications and benefits are correctly and fairly adjudicated in a timely manner.

³ Nicolae Viorel Butler, *USCIS Staff Cuts Threaten to Worsen Immigration Backlogs*, MIGRANT INSIDER (Apr. 16, 2025), <https://migrantinsider.com/p/uscis-staff-cuts-threaten-to-worsen>.

4. On March 21, the Department of Homeland Security put all staff from the USCIS Ombudsman office on administrative leave. This office was established by Congress in the Homeland Security Act of 2002 and helps resolve issues with cases in USCIS, identifying patterns of issues, and recommending improvements to benefit processing. Just last year, the office made recommendations to improve the collection of biometric data from asylum applicants; improve USCIS's ability to receive and process mail and paper documents; and create a more accurate reporting system for processing times.

- a. How will USCIS study problems within the agency and make recommendations for improvements without the Ombudsman office? Please list and describe the measures you will take to fulfill the responsibilities?

My understanding is that there is an ombudsman and, if confirmed, I look forward to working with the ombudsman as required by statute.

5. In March 2025, the State Department cancelled thousands of visas for international students in the United States. Some of these visas were cancelled because the students had a minor traffic violation. Notably, a minor traffic violation is not grounds for inadmissibility because it does not present a national security risk.

- a. Were you involved in any conversations about the decision to cancel these visas? If so, please detail the extent of your involvement, including with whom you had any conversations concerning the potential visa cancellations?

No.

- b. Do you agree that it appears that the visa cancellations for minor violations that pose no national security risk were pretextual and used to justify the cancellations?

I am not aware of the specifics of any of these cases and therefore am unable to comment.

- c. Do you agree that minor traffic violations are not grounds for cancelling visas? Will you ensure that USCIS does not terminate visas without cause in the future?

USCIS has no authority to terminate visas.

6. In March 2025, CBS News reported that officials at USCIS had been asked to volunteer for a 60-day detail to help Immigration and Customs Enforcement (ICE) operations.⁴
- a. How many USCIS officers have been detailed to ICE since the beginning of the President Trump's term?

Approximately 550.

- b. Have USCIS staff details to ICE impacted USCIS processing times? If so, please detail the extent of the impact.

I am not aware of any impact.

- c. Please detail the training received by USCIS employees who were detailed to ICE.

I defer to ICE on the training they provided.

- d. As you know, a majority of USCIS employees are funded by the Immigration Examination Fee Account, which requires that money is spent on adjudications and naturalization services, not immigration enforcement. Has ICE reimbursed the Immigration Examination Fee Account for all USCIS details?

It is my understanding that they are reimbursable details and that ICE has been reimbursing USCIS.

⁴ Camilo Montoya-Galvez, *Legal Immigration Agency Employees Asked to Volunteer to Help ICE Operations*, CBS NEWS (Mar. 8, 2025) <https://www.cbsnews.com/news/legal-immigration-agency-employees-asked-volunteer-help-ice-operations/>.

**MEMORANDUM OF UNDERSTANDING
BETWEEN
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
AND
U.S. CITIZENSHIP AND IMMIGRATION SERVICES
BOTH COMPONENTS OF THE DEPARTMENT OF HOMELAND SECURITY**

I. THE PARTIES

This Memorandum of Understanding (MOU) is entered into by and between U.S. Immigration and U.S. Customs Enforcement (ICE) and U.S. Citizenship and Immigration Services (USCIS), both components of the Department of Homeland Security (DHS), (herein after the parties), to establish a framework for collaboration and cooperation in managing immigration enforcement efforts, resource sharing, operational coordination, and reimbursement from ICE to USCIS.

II. AUTHORITY

1. 5 U.S.C. §3341 Details; within Executive or military departments
2. 31 U.S.C. §§ 1535-1536

This MOU is authorized under The Economy Act, 31 U.S.C. §§ 1535-1536, which authorizes ICE to reimburse USCIS for the actual costs of USCIS support to ICE as described herein, and USCIS to accept such reimbursement.

III. THE PURPOSE

The purpose of this MOU is as follows:

1. To enhance coordination between ICE and USCIS to further joint mission needs.
2. To strengthen the identification, arrest, and removal processes for illegal aliens.
3. To facilitate the allocation and support of USCIS personnel in key ICE operational areas.

IV. RESPONSIBILITIES OF PARTIES

Each party shall undertake the following responsibilities:

A. USCIS will

1. Deploy up to 1,000 USCIS personnel to support ICE operations across the United States.
2. Assign individual personnel to a 60-day detail as described below.
3. Coordinate with ICE on data sharing and case processing.

B. ICE will

1. Provide operational guidance, training, and operational supervision for deployed USCIS personnel.
2. Allocate necessary resources to facilitate USCIS personnel integration, including equipment, training, and access to (to include vetting) ICE systems and files where necessary.
3. Ensure continuous communication and coordination between USCIS and ICE offices.

4. Ensure personnel are strategically placed to maximize efficiency and minimize travel expenses.

C. COSTS

Both parties agree to cost share as follows:

1. ICE will reimburse USCIS for the follow activities (Reimbursable Activities):
 - a. Processing aliens and issuing immigration charging documents that are outside of USCIS authorities.
 - b. Managing budget and contracts for immigration enforcement programs.
 - c. Supporting Enforcement and Removal Operations (ERO) field offices in oversight and communication efforts including supporting ICE call center needs.
 - d. Supporting Detained/Alternatives to Detention/Non-Detained Docket/Bond Management.
 - e. Supporting flight removal operations.
 - f. Assisting in the management of detained and non-detained dockets.
 - g. Supporting in retrieval, preparation, and shipment of A-files in support of ICE operations.
 - h. Maintain open communication for referring removable cases, including recent addresses, for lead generation related to ICE operations at large.
 - i. ICE is to pay for all premium pay expenses incurred by USCIS performing reimbursable activities under this MOU.
 - j. Serve any charging documents including but not limited to notices to appear, credible fear/reasonable fear decision, expedited removal orders.

D. Personnel Records and Administration:

The parties will document in further amendments personnel and administrative information.

E. Travel

ICE will pay all travel expenses incurred by USCIS for employees performing reimbursable activities under this MOU.

F. Duration of Services

Services to be provided in no more than 60-day increments. Parties may extend services in 60-day or less increments only upon mutual written consent.

G. Payment

Payment and reimbursement will be documented through an Inter Agency Agreement (IAA). Reimbursement will be made monthly following the effective date of this agreement and will continue monthly thereafter until the termination of the MOU.

V. OTHER PROVISIONS**A. Severability**

Nothing in this MOU shall be construed in a fashion that conflicts with law, regulation, or directive of the Department of Homeland Security. If a term of this MOU is inconsistent with such authority, that term shall be invalid to the extent of the inconsistency. The remainder of that term and all other terms of this MOU or any annex shall remain in effect.

B. Rights and Benefits

Nothing in this MOU is intended to diminish or otherwise affect the authority of any agency to carry out its statutory, regulatory, or other official functions, nor is it intended to create any right or benefit, substantive or procedural, enforceable by law by any party against the United States, its agencies or offices, state agencies or officers carrying out programs authorized under federal law, or any other person.

C. Disagreements

Should disagreements arise in the interpretation of the provisions of this MOU, or amendments and/or revisions thereto, that cannot be resolved at the operating level, the area(s) of disagreement shall be stated in writing by each Party and presented to the other Party for consideration. If agreement on interpretation is not reached within 30 days, the Parties shall forward the written presentation of the disagreement to respective higher-level officials for appropriate resolution.

D. Effective Period of Agreement and Termination

This MOU is effective on the date of final signing by both Parties and will be incorporated into an IAA signed by an authorized representative of the Office of the Chief Financial Officer. Either Party may terminate this MOU 60 days after written notice to the other party. Unless otherwise extended in writing by the Parties, this agreement shall terminate and or renew each Fiscal Year not to exceed December 31, 2025.

E. Funding

This MOU is not legally binding and does not create any contractual obligations. It serves as a statement of intent to foster cooperation. This MOU does not authorize a transfer of funds or otherwise create a financial obligation between the Parties. Once signed, this MOU shall be incorporated into an IAA, which will form the basis of the reimbursable agreement between USCIS and ICE. No provision of this MOU shall be interpreted to require obligation or payment of funds in violation of the Anti-Deficiency Act, 31 U.S.C. §§ 1341-1519.

F. No Private Right or Cause of Action

This MOU is an agreement between the Parties. It does not create or confer any right or benefit, of any kind, either substantive or procedural, that may be enforceable by any third party against the Parties, the United States, or the officers, employees, agents, or associated personnel thereof.

Nothing in this MOU is intended to restrict the authority of either Party to act as provided by law, statute, or 10 regulation, or to restrict any Party from administering or enforcing any laws within its authority or jurisdiction

VI. AMENDMENTS

Any amendments to this MOU must be made in writing and signed by authorized representatives of both parties.

VII. POINTS OF CONTACT

Each party shall provide to the other party, and update as necessary, a list of contact information for staff authorized to implement this MOU and coordinate further operations details. At time of signature, each party has identified the following positions as the primary points of contact for the named subject areas:

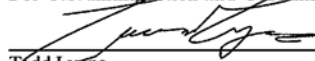
For ICE ERO Ralph Ferguson, Assistant Director, Ralph.Ferguson@ice.dhs.gov, (202) 809-6048

For USCIS James Robinson, Chief of Staff, james.e.robinson@uscis.dhs.gov, mobile: (802) 540 5768.

VIII. SIGNATURES

IN WITNESS WHEREOF, the undersigned, duly authorized representatives, have signed this MOU as of the date indicated below:

For U.S. Immigration and Customs Enforcement:


 Todd Lyons
 Acting Executive Associate Director

02/28/2025
 Date

For U.S. Citizenship and Immigration Services:


 Kika Scott
 Senior Official Performing the Duties of the Director

 Date

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Operational Guidance on Antisemitism in Social Media

Per the decision memo, an alien endorsing, espousing, promoting, or supporting antisemitic terrorism, antisemitic terrorist organizations, or antisemitic ideologies should be considered an overwhelmingly negative factor in any USCIS discretionary analysis when adjudicating immigration benefit requests.

As stated in EO 13899, according to the non-legally binding working definition of anti-Semitism adopted on May 26, 2016, by the International Holocaust Remembrance Alliance (IHRA), "Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities."

"Contemporary Examples of Anti-Semitism" identified by the IHRA include (but are not limited to):

- Calling for, aiding, or justifying the killing or harming of Jews (often in the name of a radical ideology or an extremist view of religion).
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
- Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.
- Applying double standards by requiring of the State of Israel a behavior not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the state of Israel.

Note: Criticism of Israel similar to that leveled against any other country (e.g., the actions of the Israeli government), in general, should not be regarded as antisemitic.

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May 21, 2025

The Honorable John Thune
United States Senate
Washington, DC 20510

The Honorable Chuck Schumer
United States Senate
Washington, DC 20510

Dear Members of the United States Senate,

On behalf of a coalition dedicated to upholding the rule of law, national security, and American sovereignty, we write to express our strong support for the nomination of Joseph Edlow as Director of U.S. Citizenship and Immigration Services (USCIS). His extensive experience, proven leadership, and commitment to a lawful and orderly immigration system make him the ideal candidate to lead USCIS at this critical juncture.

Our dear friend Joe has a distinguished record of public service in immigration policy and enforcement. As Acting Director of USCIS at the end of the first Trump administration, he successfully managed the agency through unprecedented challenges, including a fiscal crisis and the operational disruptions caused by the COVID-19 pandemic. His leadership ensured the agency continued to safeguard the integrity of our legal immigration system while protecting American interests. His prior roles as USCIS Chief Counsel and Deputy Director for Policy further demonstrate his deep understanding of the agency's operations, from adjudicating immigration benefits to strengthening fraud detection and national security protocols.

Before his tenure at USCIS, Mr. Edlow served in key positions at the Department of Justice's Office of Legal Policy and as counsel to the House Judiciary Committee's Immigration and Border Security Subcommittee. These roles equipped him with a comprehensive perspective on immigration law and policy, enabling him to navigate complex legislative and regulatory landscapes effectively. His early career as an Assistant Chief Counsel with U.S. Immigration and Customs Enforcement (ICE) underscores his commitment to enforcing our nation's immigration laws with fairness and rigor.

The Edlow nomination comes at a pivotal moment for USCIS, which faces significant challenges, including backlogs, inefficiencies, and the need for enhanced security measures. His proven track record suggests he is uniquely qualified to address these issues. We are confident that he will prioritize automating and digitizing administrative processes, reducing delays, and ensuring that USCIS operates with transparency and accountability.

Moreover, Mr. Edlow's alignment with America First principles—emphasizing the rule of law, protecting American workers, and national sovereignty—positions him to restore public trust in our immigration system. His contributions to the Heritage Foundation's Border Security and

Immigration Center, as well as other coalition groups, reflect his dedication to policies that prioritize American citizens while ensuring a fair and manageable legal immigration framework. We believe his leadership will ensure that USCIS upholds its mission to protect Americans, secure the homeland, and honor our values.

We urge the Senate to confirm Joseph Edlow as Director of USCIS without delay. His expertise, integrity, and unwavering commitment to a secure and efficient immigration system make him the right leader to guide USCIS in serving the American people.

Thank you for your consideration. Please do not hesitate to contact any group below if you require further information or wish to discuss Mr. Edlow's qualifications.

Sincerely,

Ryan Walker
Executive Vice-President
Heritage Action for America

RJ Hauman
President
National Immigration Center for Enforcement

Mike Howell
President
The Oversight Project

Rosemary Jenks
Policy Director
Immigration Accountability Project

Wade Miller
Executive Director
Citizens for Renewing America

Julie Kirchner
Executive Director
Federation for American Immigration Reform

Kevin Lynn
Founder
U.S. Tech Workers

Roy Beck

Co-CEO & Founder
NumbersUSA

Frank Russo
Director
CPAC Center for Combatting Human Trafficking

Don Rosenberg
Founder
Advocates for Victims of Illegal Alien Crime

Stacie Rumenap
President
Stop Child Predators

CC:
The Honorable Dick Durbin, Chair
The Honorable Lindsey Graham, Ranking Member
Senate Judiciary Committee

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY
QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

1. **Name:** State full name (include any former names used).

Thomas Elliot Gaiser
2. **Position:** State the position for which you have been nominated.

Assistant Attorney General, Office of Legal Counsel, U.S. Department of Justice
3. **Address:** List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Ohio Attorney General
Office of the Solicitor General
30 East Broad Street
Columbus, OH 43215

Residence: Powell, OH
4. **Birthplace:** State date and place of birth.

1989, Parma, OH
5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

The University of Chicago Law School, 2014 – 2016, J.D. (June 2016)

The Ohio State University, Moritz College of Law, 2013 – 2014 (first year J.D. coursework, no degree received)

Hillsdale College, 2008 – 2012, B.A., *magna cum laude* (June 2012)

Cuyahoga Community College, 2007 – 2008 (dual-enrollment credit, no degree received)
6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises,

partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

November 2023 – Present
Ohio Attorney General
Office of the Solicitor General
30 East Broad Street
Columbus, OH 43215
Solicitor General

August 2023 – Present
The Ohio State University, Moritz College of Law
55 W 12th Avenue
Columbus, OH 43210
Lecturer in Law

November 2022 – November 2023
Jones Day
325 John H. McConnell Boulevard, # 600
Columbus, OH 43215
Associate

July 2021 – July 2022
Supreme Court of the United States
One First Street NE
Washington, DC 20543
Law Clerk to the Honorable Samuel A. Alito

August 2018 – July 2019
Boyden Gray, PLLC
800 Connecticut Avenue NW
Washington, DC 20006
Associate

April 2019 – August 2019
United States Circuit Court for the District of Columbia
333 Constitution Avenue NW
Washington, DC 20001
Law Clerk to the Honorable Neomi Rao

October 2017 – March 2019
Gibson Dunn
1700 M Street, NW
Washington, DC 20036
Associate

August 2016 – September 2017
United States Circuit Court for the Fifth Circuit
515 Rusk Street
Houston, TX 77002
Law Clerk to the Honorable Edith Jones

University of Chicago, Classics Department
1010 E. 59th Street
Chicago, IL 60637
Teaching Assistant

August 2015 – September 2015
Office of the Solicitor General of Ohio
30 East Broad Street
Columbus, OH 43215
Appeals Section Law Clerk

May 2015 – August 2015
Cleary Gottlieb Steen & Hamilton LLP
2112 Pennsylvania Avenue NW
Washington, DC 20037
Summer Associate

June 2014 – August 2014
United States Circuit Court for the Sixth Circuit
100 E. Fifth Street
Cincinnati, OH 45202
Extern to the Honorable Alice M. Batchelder

June 2013 – August 2013
The Heritage Foundation
214 Massachusetts Avenue NE
Washington DC 20002
Graduate Fellow

January 2013 – May 2013
The Heritage Foundation
214 Massachusetts Avenue NE
Washington, DC 20002
Intern

October 2012 – November 2012
Romney Readiness Project, Inc.
330 C. Street SW
Washington, DC 20201
Intern

June 2012 – March 2013
 Altus Technologies Corporation
 6100 Oak Tree Boulevard,
 Suite 200
 Independence, OH 44131
 Communications Coordinator

Uncompensated Affiliations:

January 2023 – April 2025
 Forge Leadership Network
 707 Miamisburg Centerville Road
 Dayton, OH 45459
 Board Member

January 2020 – Present
 Hillsdale College Alumni Association
 33 East Broad Street
 Hillsdale, MI 49242
 Board Member

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the U.S. Military. I have registered for the Selective Service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

The Club for Growth Foundation Fellowship, Jan. 2025 – Dec. 2025

The Heritage Foundation's Distinguished Intern Alumni Award, 2024

Public Interest Fellowship Antonin Scalia Fellowship, 2019 – 2020

Claremont Institute John Marshall Fellowship, Aug. 2016

University of Chicago Law School Bradley Foundation Fellowship, Aug. 2015 – June 2016

Alliance Defending Freedom Blackstone Legal Fellowship, June – Aug. 2014

Hillsdale College Political Economy Departmental Honors, May 2012

Hillsdale College Speech Studies Departmental Honors, June 2012

Hillsdale College Dow Journalism Program, 2011 – 2012

Hillsdale College Edward Everett Prize in Oratory, 2010

Hillsdale College Pi Kappa Delta Debate Honorary, 2009 – 2012

Hillsdale College Mu Alpha Music Honorary, 2009 – 2012

Hillsdale College Dean's List, Jan. 2009 – June 2012

Hillsdale College Bach Endowment Cello Scholarship, Aug. 2008 – June 2012

Hillsdale College Presidential Scholarship, Aug. 2008 – June 2012

Cuyahoga Community College Student Leadership Award, May 2008

Cuyahoga Community College History Honorary Award, May 2008

American Legion Buckeye Boy's State, June 2006

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Bar Association, The Ohio State University Moritz College of Law, Student Representative, Jan. 2013 – May 2014

Ohio State Bar Association, Member, 2022 – Present

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Ohio, December 2016

District of Columbia, April 2018

My membership with the District of Columbia lapsed during my clerkship at the Supreme Court when I was not practicing law, but I resumed active membership in January 2023.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse

in membership. Give the same information for administrative bodies that require special admission to practice.

Supreme Court of the United States, August 19, 2024

State of Ohio, December 16, 2020

District of Columbia, April 9, 2018

U.S. Court of Appeals for the D.C. Circuit, January 11, 2024

U.S. Court of Appeals for the First Circuit, February 7, 2025

U.S. Court of Appeals for the Fourth Circuit, August 15, 2024

U.S. Court of Appeals for the Fifth Circuit, December 29, 2023

U.S. Court of Appeals for the Sixth Circuit, November 21, 2023

U.S. Court of Appeals for the Seventh Circuit, May 18, 2018

U.S. Court of Appeals for the Seventh Circuit, March 22, 2024

U.S. Court of Appeals for the Tenth Circuit, July 30, 2024

U.S. Court of Appeals for the Eleventh Circuit, January 26, 2024

U.S. District Court for the Southern District of Ohio, July 11, 2023

U.S. District Court for the Eastern District of Michigan, July 27, 2020

U.S. District Court for the District of North Dakota, August 20, 2024

U.S. District Court for the District of Columbia, August 3, 2020

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

American Compass, June 2020 – Present

Hillsdale College Alumni Association, January 2020 – Present

Teneo, March 2017 – Present

The Edmund Burke Society, December 2014 – Present

The Federalist Society, September 2013 – Present

- b. Indicate whether any of these organizations listed in response to 11 (a) above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To my knowledge, none of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion, or national origin either through formal memberships requirements or the practical implication of membership policies.

12. **Published Writings and Public Statements:**

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

I have done my best to identify all books, articles, letters to the editor, editorial pieces and other published material, including through a review of my personal files and searches of publicly available electronic databased. Despite my searches, there may be other materials that I have been unable to identify, find, or remember. I have located the following.

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<http://pjmedia.com/election/2016/03/10/the-contested-convention-cartel-crumbles-what-michigan-said-about-ohio-and-florida/>.

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Elliot Gaiser, Let Silent Cal Stand (Oct. 20, 2011).

Elliot Gaiser, Trump's China tax is a bad idea (Aug. 19, 2011), <http://dailycaller.com/2011/08/19/trumps-china-tax-is-a-bad-idea/>.

Elliot Gaiser, Food police are stifling free speech in the name of 'freedom' (Aug. 2, 2011), <http://dailycaller.com/2011/08/02/the-food-police-are-stifling-free-speech-in-the-name-of-freedom/>.

Elliot Gaiser, Preliminary Yeas and Nays on debt deal (Aug. 1, 2011), <http://dailycaller.com/2011/08/01/preliminary-yays-and-nays-on-debt-deal/>.

Elliot Gaiser, Second Amendment battle lines drawn over Oslo massacre (Jul. 26,

2011), <http://dailycaller.com/2011/07/26/second-amendment-battle-lines-drawn-over-oslo-massacre/>.

Elliot Gaiser, Long-term trends: delayed retirement, youth unemployment (Jul. 22, 2011), <http://dailycaller.com/2011/07/22/long-term-trends-delayed-retirement-youth-unemployment/>.

Elliot Gaiser, Choosing Friends With Principles (Apr. 28, 2011), Hillsdale Collegian Vol. 134 No. 24 April 28, 2011 – Hillsdale College.

Elliot Gaiser, Predictions from CPAC Don't Work (Mar. 10, 2011), Hillsdale Collegian Vol. 134 No. 18 March 10, 2011 – Hillsdale College.

Elliot Gaiser, Hillsdale College Republicans President Quotes Morton Blackwell's Theory on winning the Senate (Oct. 12, 2010). Copy unavailable.

Elliot Gaiser, College Repubs Will Defend the Great Republic (Feb. 11, 2010), Hillsdale Collegian Vol. 133 No. 16 February 11, 2010 – Hillsdale College.

Elliot Gaiser, Relay for Life: to fund or not to fund? (Sept. 16, 2010), Hillsdale Collegian Vol. 134 No. 2 September 16, 2010 – Hillsdale College.

Elliot Gaiser, GOP Must Return To Fundamental Roots (Nov. 5, 2009), Hillsdale Collegian Vol. 133 No. 8 November 5, 2009 – Hillsdale College.

Elliot Gaiser, How To Lose A War (Oct. 1, 2009), Hillsdale Collegian Vol. 133 No. 4 October 1, 2009 – Hillsdale College.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

To the best of my knowledge, I have not prepared or contributed to any reports, memoranda, or policy statements for any organization.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

To the best of my knowledge, I have not offered testimony, official statements, or other communications related to matters of public policy or legal interpretation to public bodies or public officials.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

I have done my best to identify transcripts or recordings of all speeches or talks delivered, including through a review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials I have been unable to identify, find, or remember. I have located the following:

April 4, 2025: Fireside Chat with Justice DeWine, Federalist Society Ohio Lawyers Chapter, Columbus, OH. Recording available at <https://www.youtube.com/watch?v=ZLolvUribPY>.

March 13, 2025: Panel: Solicitor General Roadshow, Yale Law School, New Haven, CT. I discussed my journey to being appointed Solicitor General of Ohio, as well as the benefits of public service in state government. I have no notes, transcript, or recording. The address of Yale Law School is 127 Wall St, New Haven, CT 06511.

March 12, 2025: Panel: Solicitor General Roadshow, Columbia Law School, New York, NY. I discussed my journey to being appointed Solicitor General of Ohio, as well as the benefits of public service in state government. I have no notes, transcript, or recording. The address of Columbia Law School is 435 W 116th St, New York, NY 10027.

January 9, 2025: Panel: fireside chat with trailblazers, The Heritage Foundation: Awakening Conference, Sea Island, GA 31561. I discussed my general duties as a Solicitor General and the importance of the separation of powers and federalism to the preservation of individual liberty. I have no notes, transcript, or recording. The address of the Heritage Foundation is 214 Massachusetts Ave NE, Washington D.C. 20001.

December 9, 2024: Speech: Intern Alumni Award Acceptance, The Heritage Foundation, Washington, DC. Notes supplied.

November 8, 2024: Remarks: Elliot Gaiser at NLC, Washington, DC 20009. Recording available at <https://www.youtube.com/shorts/altbjRWnY20>.

November 14, 2024: Panel; Practice Groups: Special Solicitude—Lawsuits Against the Executive Branch and Their Futures, The Federalist Society National

Lawyers Conference, Washington, DC. Recording available at https://www.youtube.com/watch?v=7sr19xA2C_Y.

November 13, 2024: Georgetown Law School, Daniel Webster Debate: Nationwide Injunctions Debate, Washington, DC 20001. Recording available at <https://www.youtube.com/watch?v=t9EtqNE7Pwk>.

October 16, 2024 Panel: Fireside Chat with Solicitors General T. Elliot Gaiser and Eric Wessan: Preserving Judicial Independence in a Time of Political Division, Washington, DC. Recording available at <https://fedsoc.org/conferences/preserving-judicial-independence-in-a-time-of-political-division-1/#agenda-item-panel>.

October 9, 2024: Panel: How to Make Originalist Arguments in Ohio, Dayton Lawyers Chapter Inaugural Event, Dayton, OH. I discussed originalism and how background principles of the rule of law depend on laws being read in accord with their original public meaning. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street Northwest Suite 300, Washington, DC 20006.

August 14, 2024: Panel: Paul Ray & Elliot Gaiser, *West Virginia v. EPA*, Two Years Later: Updates on the Major Questions Doctrine. Recording available at: <https://fedsoc.org/events/west-virginia-v-epa-two-years-later-updates-on-the-major-questions-doctrine>. The address of the Federalist Society is 1776 I Street Northwest Suite 300 Washington, DC 20006.

August, 16, 2024: Panel: State Government Service, Leesburg, VA. I discussed why I decided to leave private practice for public service in state government as Ohio Solicitor General. I have no notes, transcript, or recording.

July 2024: Remarks: How to Lead by Following, Lewis Center, OH. I discussed leadership and principles of integrity and character. Notes supplied.

July 25, 2024: Speech: 2024 Supreme Court Review feat. Elliot Gaiser, Nashville Lawyers Chapter, Nashville, TN. I discussed the facts and holdings of several cases from the previous Supreme Court term. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street Northwest Suite 300 Washington, DC 20006.

July 9, 2024: Panel: *Utah v. Su*: Are DOL (and SEC) regulations that encourage ESG investing lawful? Recording available at <https://fedsoc.org/events/utah-v-su-are-dol-and-sec-regulations-that-encourage-esg-investing-lawful>.

April 19, 2024: Panel: State Laws to Protect Children, Vail, CO. I discussed laws in Ohio and the Northwest Ordinance. I have no notes, transcript, or recording.

The address of Alliance Defending Freedom is 15100 N. 90th Street Scottsdale, AZ 85260.

April 3, 2024: Remarks: Fruit of the Spirit and the Practice of Law, Luncheon with Solicitor General of Ohio Elliot Gaiser, Central Ohio Christian Legal Society, Columbus, OH. I talked about how Galatians 5:22-23 says there is no law against love, joy, peace, patients, kindness, meekness, and self-control. I have no notes, transcript, or recording. The address of the Central Ohio Christian Legal Society is 8001 Braddock Road Suite 302, Springfield, VA 22151.

March 18, 2024: Panel: Appellate Advocacy and School Choice: A Solicitor General Panel, Capital University Law School, Columbus, OH. I discussed strategies I use to litigate appellate cases, including brief writing, oral argument preparation, and adapting to the questions of judges. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street Northwest Suite 300 Washington, DC 20006.

February 15, 2025: Reception/CLE Presentation: "New Year, New Solicitor General," Republican National Lawyers Association, Columbus, OH 43215. I discussed the legal precedents shaping future decisions in the judiciary and of the Supreme Court of the United States. I have no notes, transcript, or recording. The address of the Republican National Lawyers Association is Post Office Box 18965, Washington, DC 20003.

February 6, 2024: Panel: A Conversation with Attorney General Yost and Solicitor General Gaiser of Ohio, Hillsdale College Federalist Society, Hillsdale, MI. I discussed how pursuing conservative aims means abiding by principles. I have no notes, transcript, or recording, but press coverage can be found here: <https://hillsdalecollegian.com/2024/02/ohio-attorney-general-and-solicitor-general-visit-campus-speak-on-wielding-political-power/>.

November 14, 2023: Remarks: Supreme Court docket review, University of Michigan, Ann Arbor, MI. I discussed recent cases pending at the Supreme Court. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street Northwest Suite 300 Washington, DC 20006.

July 2023: Remarks: dinnertime speech to Forge Leadership Network Alumni on leadership, Lewis Center, OH. I discussed the leadership in the founding era of the United States. I have no notes, transcript, or recording. The address of the Forge Leadership Network is 707 Miamisburg-Centerville Rd., Dayton, OH 45459.

June 28, 2023: Panel: Corporate Speech & the First Amendment, The Federalist Society, Washington, DC. Recording available at: <https://fedsoc.org/conferences/2023-freedom-of-thought-conference?#agenda-item-panel-3-corporate-speech-and-the-first-amendment>.

May 25, 2023: Remarks: Cryptocurrency and the Major Questions Doctrine,

Federalist Society Little Rock Lawyers Chapter, Little Rock, AR. I discussed Supreme Court Jurisprudence. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street Northwest Suite 300 Washington, DC 20006 United States.

March 11, 2023: Remarks: Forge Leadership Network Fundraising Banquet, Dayton, OH. Notes supplied.

February 22, 2023: Panel: From SCOTUS to Bitcoin: Elliot and Alexandra Gaiser, University of Houston Federalist Society, Houston, TX. I discussed my career in the law. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street Northwest Suite 300 Washington, DC 20006.

September 8, 2022: Remarks: Morning Story, Adairsville, GA. I described my work as a Supreme Court law clerk. I have no notes, transcript, or recording. The address of the Barnsley Resort is 597 Barnsley Gardens Rd NW, Adairsville, GA 30103.

August 22, 2022: Panel: A Conversation with Two Recent Supreme Court Clerks, Hillsdale College Federalist Society. I discussed my work as a Supreme Court law clerk. I have no notes, transcript, or recording, but press coverage can be found here: <https://hillsdalecollegian.com/2022/09/former-scotus-clerks-address-prospective-lawyers/>.

September 9, 2021: How to decide whether to go to law school, Washington, DC. I discussed some of the things a student might consider before deciding to go to law school. I have no notes, transcript, or recording. The address of the Coolidge House is 3425 Prospect Street, N.W., Washington, DC 20007.

May 21, 2021: Speech: the Rule of Law and the Role of a Lawyer. I discussed the purpose of the law. I have no notes, transcript, or recording, but press coverage can be found here: <https://forgeleadership-media.s3.us-east-2.amazonaws.com/wp-content/uploads/2021/09/02163025/2021-Summer-Newsletter-For-Website-1.pdf>.

May 6, 2020: Podcast (Moderator): Deep Dive Episode 110 – Community Reinvestment Act: Remedy or Relic? Regulatory Transparency Project Teleforum. Recording available at: <https://fedsoc.org/events/community-reinvestment-act-remedy-or-relic>.

April 22, 2020: Webinar, Community Conversation with Rep. Jena Powell. I discussed issues on civil liberties. Recording available at: <https://www.facebook.com/votejenapowell/videos/community-conversation-with-t-elliott-gaiser/520516531901336/>.

January 5, 2018: Speech: reflection on the rule of law, Washington, DC. Manuscript supplied.

July 2016: Speech: Four Flavors of Conservatism, Forge Leadership Network Circleville, OH. I discussed conservative values. I have no notes, transcript, or recording. The address of the Forge Leadership Network Alumni is 707 Miamisburg-Centerville Rd., Dayton, OH 45459.

February 1, 2016: Caucus speech for Ted Cruz for President, Des Moines, Iowa. I spoke at an Iowa Caucus as a volunteer for Ted Cruz for President. Notes attached.

October 20, 2015: "In the world but not of it, of the law but not under it" Reflections on law, vocation, and Christianity, Belmont, NC. Manuscript supplied.

June 2013: Remarks: Home School Commencement ceremony emcee, Cleveland, OH. I discussed the importance of human character and humility. I have no notes, transcript, or recording.

July 2012: Remarks: Marriage Rally, Cleveland, OH. Remarks supplied.

June 2012: Remarks: Home School Commencement ceremony emcee, Cleveland, OH. I discussed the importance of not despising the day of small beginnings. I have no notes, transcript, or recording.

March 2012: Remarks: Should Christians be Patriots, Hillsdale, MI. I argued that Christian duty to love others extends to their fellow citizens and their country. I have no notes, transcript, or recording. The address of Hillsdale College, 33 East College St, Hillsdale MI 49242.

February 20, 2011: Abraham Lincoln: a man and a leader of men, Hillsdale, MI. I discussed lessons of leadership from Abraham Lincoln's speeches and life. I have no notes, transcript, or recording. The address of the Hillsdale College is 33 East College St, Hillsdale MI 49242.

April 15, 2010: Remarks: Hudsonville Tea Party, Hudsonville, MI. Remarks supplied.

January 2010 – May 2013: I self-published a student podcast featuring interviews by me with guests discussing topics such as filmmaking, classical music, taxes, writing, and political issues. I have not been able to locate notes, transcripts, or recordings.

August 2009 – May 2012: WCSR, Inc, I worked as a radio technician and DJ and occasionally read news, sports, and weather on nights and weekends while in college. I have not been able to locate notes, transcripts, or recordings. The address of the WCSR, Inc. is 170 North West Street, Hillsdale, MI 49242.

2009 – 2012: Edward Everett Oratory Competition. I competed in the Hillsdale College campus-wide speech competition all four years of college. I have not

been able to locate notes, transcripts, or recordings. The address of Hillsdale College is 33 East College St. Hillsdale, MI 49242.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

Olivia Pero, *Alumnus Argues Before SCOTUS*, THE COLLEGIAN, Mar. 20, 2025, <https://hillsdalecollegian.com/2025/03/alumnus-argues-before-scotus/>.

Victoria Ryan, *U.S. Supreme Court examines a prisoner's right to a jury trial in specific exhaustion cases* (Mar 3, 2025), <https://michiganadvance.com/2025/03/03/u-s-supreme-court-examines-a-prisoners-right-to-a-jury-trial-in-specific-exhaustion-cases/>.

WORLD Radio, *The World and Everything in It: January 16, 2025*, WORLD (Jan. 16, 2025), <https://wng.org/podcasts/the-world-and-everything-in-it-january-16-2025-1736967796>.

Hugh Hewitt, *The Most Impressive Resume Hugh Hewitt Has Seven in Decades*, THE HUGH HEWITT SHOW (Dec. 16, 2024), <https://www.youtube.com/watch?v=66y2j2EwjQg>.

Audrey Streb, *Ohio's Solicitor General Credits Heritage Internship for His Conservative Principles*, THE DAILY SIGNAL (Dec. 18, 2024), <https://www.dailysignal.com/2024/12/18/ohio-solicitor-general-credits-heritage-internship-for-conservatism/>.

Emily Schutte, *Hillsdale Alumnus Appointed Next Solicitor General In Ohio*, THE COLLEGIAN (Oct 26, 2023) <https://hillsdalecollegian.com/2023/10/hillsdale-alumnus-appointed-next-solicitor-general-in-ohio/>.

Doug Goodnough, *Supreme Assignment*, HILLSDALE COLLEGE (Aug. 2022), <https://www.hillsdale.edu/hillsdale-blog/hillsdale-alumni-newsletter/supreme-assignment/>.

Olivia Pero, Q&A: Former SCOTUS Clerks Elliot Gaiser '12 and Garrett West '15, THE COLLEGIAN (Sept. 1, 2022), <https://hillsdalecollegian.com/2022/09/qa-former-scotus-clerks-elliott-gaiser-12-and-garrett-west-15/>.

Ronald Pestrutto, *Kelly Scott Franklin, & Elliot Gaiser*, RADIO FREE HILLSDALE HOUR (June 10, 2021), <https://podcast.hillsdale.edu/ronald-pestrutto-kelly-scott-franklin-elliott-gaiser/>.

What's the Res - Season 2, Episode 42 - Comprehending the Welfare State: February 2020 PF with Elliot Gaiser, WHAT'S THE RES (Feb. 7, 2020),

<https://podcasts.apple.com/us/podcast/whats-the-res-season-2-episode-42-comprehending/id1451466361?i=1000464930979>

Elliot Gaiser: Pre-Law, BEYOND THE BUBBLE (Nov. 4, 2019), <https://podcasts.apple.com/us/podcast/elliott-gaiser-pre-law/id1454002914?i=1000455911101>.

Elliot Gaiser: Stacy on the Right with Stacy Washington (2020) (discussed the doctrine of third-party standing at issue in *June Medical v. Louisiana*)

Katarzyna Ignatik, *Liberal Arts and Politics in the "Real World"*, HILLSDALE COLLEGE (Apr. 16, 2025), <https://www.hillsdale.edu/hillsdale-blog/after-hillsdale/liberal-arts-politics-real-world/>.

Scott McClellan, 'Man of the Mind Elliot Gaiser' Seeks Truth in Law and Politics After Hillsdale, THE COLLEGIAN (Nov. 16, 2017), <https://hillsdalecollegian.com/2017/11/elliott-gaiser-law-politics-hillsdale>.

- f. If applicable, list all published judicial opinions that you have written, including concurrences and dissents. Supply the citations for all published judicial opinions to the Committee.

I have not written any judicial opinions, concurrences, or dissents.

13. Public Office, Political Activities and Affiliations:

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have not run for public office.

I was appointed Solicitor General of Ohio by Ohio Attorney General Dave Yost.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I consider myself a member of the Republican Party and have volunteered on several political campaigns.

November 2022: Legal War Room Volunteer, Ohio Republican Party. I was

tasked with monitoring legal complaints that arose during the campaign and election.

October 2020 – December 2020: Senior Associate Counsel, Donald J. Trump for President, Inc. I worked on the campaign through my role as an Associate at Boyden Gray PLLC. I was tasked with supervising and monitoring appellate litigation during the campaign and election.

December 2015 – May 2016: Volunteer, Ted Cruz for President. I volunteered on the campaign by knocking on doors, phone-banking and conducting other general volunteer activities; I also attended campaign rallies in Iowa and Indiana.

September 2012 – October 2012: Volunteer, Mitt Romney for President. I volunteered on the campaign by knocking on doors, phone-banking and conducting other general volunteer activities.

April 2012: Volunteer, Rick Santorum for President. I volunteered on the campaign by knocking on doors, phone-banking and conducting other general volunteer activities.

October 2010: Volunteer, John Kasich for Governor. I volunteered on the campaign by conducting research, advance work, knocking on doors, phone-banking and conducting other general volunteer activities.

October 2010: Volunteer, Rob Portman for Senate. I volunteered on the campaign by conducting research, advance work, knocking on doors, phone-banking and conducting other general volunteer activities.

October 2010: Volunteer, Mike DeWine for Attorney General. I volunteered on the campaign by conducting research, advance work, knocking on doors, phone-banking and conducting other general volunteer activities.

October 2010 – November 2010: Volunteer, Jon Husted for Secretary of State. I volunteered on the campaign by conducting research, advance work, knocking on doors, phone-banking and conducting other general volunteer activities.

September 2008 – November 2008: Volunteer, Michigan Republican Party. I volunteered on the campaign by knocking on doors, phone-banking and conducting other general volunteer activities.

January 2008 – March 2008: Volunteer, Mike Huckabee for President. I volunteered on the campaign by knocking on doors, phone-banking and conducting other general volunteer activities.

October 2007 – November 2007: Volunteer, Trey Grayson for Kentucky Secretary of State. I volunteered on the campaign by knocking on doors, phone-banking and conducting other general volunteer activities.

October 2006 – November 2006: Volunteer, Mike DeWine for Senate. I volunteered on the campaign by knocking on doors, phone-banking and conducting other general volunteer activities.

September 2006 – October 2006: Volunteer, Josh Mandel for State Representative. I volunteered on the campaign by knocking on doors, phone-banking and conducting other general volunteer activities.

October 2005 – November 2005: Volunteer, Jerry Kilgore for Virginia Governor. I volunteered on the campaign by knocking on doors, phone-banking and conducting other general volunteer activities.

August 2004 – November 2004: Volunteer, George W. Bush for President/Ohio Republican Party. I volunteered on the campaign by knocking on doors, phone-banking and conducting other general volunteer activities.

14. **Legal Career:** Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

August 2016 – September 2017
U.S. Court of Appeals for the Fifth Circuit
Judge Edith H. Jones

April 2019 – August 2019
U.S. Court of Appeals for the D.C. Circuit
Judge Neomi Rao

July 2021 – July 2022
Supreme Court of the United States
Justice Samuel A. Alito

- ii. whether you practiced alone, and if so, the addresses and dates;

I have never practiced law alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

August 2015 – September 2015

Office of the Solicitor General of Ohio
30 East Broad Street
Columbus, OH 43215
Appeals Section Law Clerk

October 2017 – March 2019
Gibson Dunn
1700 M Street, NW
Washington, DC 20036
Associate

August 2018 – July 2019
Boyden Gray, PLLC
800 Connecticut Avenue NW
Washington, DC 20006
Associate

November 2022 – November 2023
Jones Day
325 John H. McConnell Blvd., #600
Columbus, OH 43215
Associate

November 2023 – Present
Ohio Attorney General
Office of the Solicitor General
30 East Broad Street
Columbus, OH 43215
Solicitor General

- iv. Whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator.

- v. Whether you have held any judicial office, including positions as an administrative law judge, on any U.S. federal, state, tribal, or local court and if so, please provide the name of the court, the jurisdiction of that court, whether the position was appointed or elected, and the dates of your service.

I have not held any judicial office.

- b. Describe:

- i. the general character of your law practice and indicate by date when its

character has changed over the years.

My law practice has focused on litigation, with a specific focus on issues and appeals. I have also practiced in the areas of administrative and regulatory litigation and counseling.

- ii. Your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

I have been privileged to serve a wide variety of clients, from indigent individuals represented in a pro bono capacity to some of the world's largest corporations, to the elected officers and administrative agencies of a sovereign state.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

The overwhelming majority of my practice has focused on litigation or the anticipation of litigation. As a junior associate after my first clerkship, I helped prepare my law partners for court and second-chaired several appellate cases. I also worked on a large class action defense, white collar investigations, and a federal antitrust trial. As I became more senior, I managed several case teams that included trial court work, though I have not personally argued in a trial court. I also drafted and appeared on pleadings in trial, appellate, and Supreme Court cases. Later in my career, I argued an appellate case in a court-appointed pro bono capacity. When Attorney General Yost appointed me Solicitor General in November 2023, I became the chief appellate attorney for the state of Ohio and have appeared in court frequently since.

Currently as Ohio Solicitor General, I initiate, direct, supervise, and manage the state's highest profile appellate litigation efforts. This includes many multistate litigation efforts that originated within my office. I have argued one case in the Supreme Court of the United States and have filed many amicus briefs in that court. I also appear frequently and argue cases on behalf of parties as amicus in the U.S. Court of Appeals, including three arguments before the en banc U.S. Court of Appeals for the Sixth Circuit. I have also argued four times before the Supreme Court of Ohio representing state agencies and the Attorney General. I have also argued and appeared in several cases in the Ohio District Courts of Appeals. None of my cases were before juries.

- i. Indicate the percentage of your practice in:

1. federal courts: 65%
2. state courts of record: 30%
3. other courts: 0%

4. administrative agencies: 5%

ii. Indicate the percentage of your practice in:

1. civil proceedings: 85%
2. criminal proceedings: 15%

d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have not personally tried any cases to verdict, judgment, or final decision. However, I have worked on or managed case teams that have tried cases to judgment.

i. What percentage of these trials were:

1. jury: 0%
2. non-jury: 100%

e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have argued one case before the Supreme Court of the United States in *Ames v. Ohio Department of Youth Services*. I sought and received an administrative stay from the Supreme Court in *Brown v. Yost* as counsel of record. As of Friday, April 22nd of 2025, the Supreme Court denied the stay petition. I have filed multiple petitions for certiorari and amicus briefs in support of parties before the Court.

Ames v. Ohio Department of Youth Services (Feb. 26, 2025), Supreme Court of the United States,
https://www.supremecourt.gov/oral_arguments/argument_transcripts/2024/23-1039_1an2.pdf

Brown v. Yost (Oct. 30, 2024), U.S. Court of Appeals for the Sixth Circuit (stay denied),
 Application for Stay,
https://www.supremecourt.gov/DocketPDF/24/24A970/355215/20250409185611703_Brown%20Stay%20Application.pdf (Application for stay)

Reply in support of application for stay,
https://www.supremecourt.gov/DocketPDF/24/24A970/355872/20250417125813801_Reply%20ISO%20Stay%20App.pdf

National Republican Senatorial Committee v. Federal Election Commission (Jan. 6, 2025), Amici Curiae in support of the petitioners, https://www.supremecourt.gov/DocketPDF/24/24-621/336622/20250106142621600_NRSC%20Amicus.pdf.

Free Speech Coalition v. Ken Paxton (Nov. 2, 2024), Amici Curiae in support of the respondent, https://www.supremecourt.gov/DocketPDF/23/23-1122/332564/20241122130546193_FSC%20Amicus.pdf.

Perttu v. Richards (Dec. 9, 2024), Amici Curiae in support of the petitioner, https://www.supremecourt.gov/DocketPDF/23/23-1324/334624/20241209131016608_Perttu%20Amicus%20FILING.pdf.

Cool v. Jackson (Dec. 30, 2024), Petition for writ of certiorari, https://www.supremecourt.gov/DocketPDF/24/24-695/335959/20241224103359284_Jackson%20Cert%20Petition.pdf.

Reply in Support of Petition for writ of certiorari, https://www.supremecourt.gov/DocketPDF/24/24-695/342595/20250212133749948_Jackson%20Cert%20Reply.pdf (Reply in support of petition for writ of certiorari)

Ohio v. Environmental Protection Agency (Oct. 18, 2024), Petition for writ of certiorari, https://www.supremecourt.gov/DocketPDF/24/24-450/328616/20241018110002068_FIP%20Cert%20Petition_Final.pdf.

Reply brief in support of petition for writ of certiorari, https://www.supremecourt.gov/DocketPDF/24/24-450/335813/20241223113434034_FIP%20Cert%20Reply.pdf.

Reply brief in support of petition for writ of certiorari, https://www.supremecourt.gov/DocketPDF/24/24-13/326624/20240923140519786_Tailpipe%20Cert%20Reply.pdf.

Ohio Department of Rehabilitation and Correction v. Ayers (Nov. 25, 2024), Petition for writ of certiorari: https://www.supremecourt.gov/DocketPDF/24/24-584/332698/20241125134357806_Ayers%20Cert%20Petition.pdf.

Davis v. Smith (Oct. 10, 2024), Petition for writ of certiorari, https://www.supremecourt.gov/DocketPDF/24/24-421/326912/20241010113250860_Smith%20Cert%20Petition.pdf.

Reply brief for writ of certiorari, https://www.supremecourt.gov/DocketPDF/24/24-421/326912/20241010113250860_Smith%20Cert%20Reply.pdf.

[421/332826/20241126141040762_Smith%20Cert%20Reply.pdf](#).

Catholic Charities Bureau, Inc. v. Wisconsin Labor & Industry Review Commission (Aug. 9, 2024), Amici Curiae in support of the petitioners, https://www.supremecourt.gov/DocketPDF/24/24-154/341773/20250203142200230_Catholic%20Charities%20Amicus.pdf

Ocean State Tactical LLC v. Rhode Island (Sept. 5, 2024), Amici Curiae in support of the petitioners, https://www.supremecourt.gov/DocketPDF/24/24-131/325212/20240905141317075_OST%20Amicus.pdf

Students for Fair Admissions, Inc. v. Presidents and Fellows of Harvard College (Mar. 26, 2021), Amici Curiae in support of the petitioners, https://www.supremecourt.gov/DocketPDF/20/20-1199/173121/20210326144324529_SFPA%20v%20Harvard%20Brief%20of%20Economists%20as%20Amici%20Curiae%20in%20Support%20of%20Petitioners.pdf

June Medical Services L.L.C. v. Russo (Dec. 31, 2019), Amici Curiae in support of Rebekah Gee (Respondent, Rebekah Gee, replaced during litigation), https://www.supremecourt.gov/DocketPDF/18/18-1323/127140/20191231111040123_Prolife%20African%20American%20Organizations%20Amicus%20Brief%20TO%20FILE.pdf

Seila Law L.L.C. v. Consumer Financial Protection Bureau (Dec. 16, 2019), Amici Curiae in support of the petitioner, https://www.supremecourt.gov/DocketPDF/19/19-7/125765/20191216194948892_19-7%20-%20TSAC%20Brief%20of%20State%20Nat%20Bank%20et%20al.pdf

The First Presbyterian Church U.S.A. of Tulsa, Oklahoma, and James D. Miller v. Doe (Nov. 19, 2018) Amici Curiae in support of the petitioners, https://www.supremecourt.gov/DocketPDF/18/18-500/72581/20181119153541225_First%20Presbyterian%20-%20Becket.pdf

FCA US LLC and Harman International Industries, Inc. v. Flynn (Sept. 26, 2018), Petition for a writ of certiorari, https://www.supremecourt.gov/DocketPDF/18/18-398/64913/20180926133540192_FCA%20Petition%20FINAL.pdf

Reply brief for petitioners, https://www.supremecourt.gov/DocketPDF/18/18-398/74813/20181211145125531_Flynn%20Cert%20Reply%20TO%20PRINT%20R.pdf

Sause v. Bauer (Feb. 6, 2018), Reply brief in support of petition for writ of certiorari, <https://www.supremecourt.gov/DocketPDF/17/17->

742/34533/20180206140412011_17-642%20Sause%20v.%20Bauer_%20Reply%20Brief.pdf

15. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

1. Ames v. Ohio Department of Youth Services (Feb. 26, 2025), Supreme Court of the United States

I defended the Ohio Department of Youth Services against claims that it discriminated on the basis of sexual orientation in violation of Title VII of the Civil Rights Act when it did not promote and later demoted an unclassified employee. The trial court and court of appeals both concluded that after discovery, the plaintiff failed to provide sufficient evidence to raise a prima facie inference of discrimination to survive summary judgment. I argued that judgment was correct.

Supreme Court of the United States: Chief Justice John Roberts, Justice Clarence Thomas, Justice Samuel Alito, Justice Sonya Sotomayor, Justice Elena Kagan, Justice Neil Gorsuch, Justice Brett Kavanaugh, Justice Amy Coney Barrett, Justice Ketanji Jackson

Co-Counsel for Respondents:

Michael Jason Hendershot
Samuel Peterson
Ohio Attorney General's Office
30 E. Broad Street, 17th Floor
Columbus, OH 43215
(614) 466 8980

Counsel for Petitioner:

Xiao Wang
University of Virginia School of Law
Supreme Court Litigation Clinic
580 Massie Road
Charlottesville, VA 22903
(434) 924 8956

Sarah M. Harris - Brief amicus curiae of United States in support of vacatur filed.
Acting Solicitor General
United States Department of Justice
950 Pennsylvania Ave, NW

Washington, DC 20530
(202) 514 2217

William Alan Jacobson - Brief amicus curiae of The Equal Protection Project
filed.
Counsel of Record
18 Maple Ave #280
Barrington, RI 02806
(401) 246 4192

Jeffrey Daniel Jennings - Brief amicus curiae of Pacific Legal Foundation filed.
Counsel of Record
Pacific Legal Foundation
3100 Clarendon Blvd
Suite 100
Arlington, VA 22201
(202) 888 6881

Alexsis Marie Johnson - Brief amici curiae of NAACP Legal Defense &
Educational Fund filed.
Counsel of Record
NAACP Legal Defense & Educational Fund, Inc.
40 Rector Street, 5th Floor
New York, NY 10006
(212) 965 2200

Robert Scott Mantell - Brief amicus curiae of Massachusetts Chapter of the
National Organization for Women filed.
Counsel of Record
Law Office of Robert S. Mantell
47 Liberty Ave.
Somerville, MA 02144
(617) 470 1033

Thomas Ryan McCarthy - Brief amicus curiae of American Alliance for Equal
Rights filed.
Counsel of Record
Consovoy McCarthy PLLC
1600 Wilson Boulevard
Suite 700
Arlington, VA 22209
(703) 243 9423

Christopher E. Mills - Brief amicus curiae of America First Legal Foundation
filed.
Counsel of Record

Spero Law LLC
557 East Bay Street #22251
Charleston, SC 29413
(843) 606 0640

Nadia Ann Sarkis - Brief amici curiae of Local Government Legal Center, et al. filed.
Counsel of Record
Miller Barondess, LLP
2121 Avenue of the Stars
Ste. 2600
Los Angeles, CA 90067
(310) 552 4400

Eric Schnapper - Brief amicus curiae of The National Employment of Lawyers Association filed.
Counsel of Record
Univ. of Washington School of Law
P.O. Box 353020
Seattle, WA 98195
(206) 616 3167

William E. Trachman - Brief amicus curiae of Josh Young filed.
Counsel of Record
Mountain States Legal Foundation
2596 South Lewis Way
Lakewood, CO 80227
(303) 292 2021

Zachary D. Tripp - Brief amici curiae of Professors Katie Eyer, et al. filed.
Counsel of Record
Weil, Gotshal & Manges LLP
2001 M Street NW
Washington, DC 20036
(202) 682 7000

2. *Moe v. Yost* (Sept. 11, 2024), Tenth District Court of Appeals & Supreme Court of Ohio

I defended and continue to defend Ohio's law against surgical and chemical interventions intended to transition the sex or gender of a child against a lawsuit alleging the law violates the Ohio constitution. The Franklin County Court of Common Pleas held a five day trial and concluded that the law is constitutional. Plaintiffs appealed to the Tenth District Court of Common pleas, which expedited briefing and argument. The Tenth District reversed, holding that the law violated the Ohio Constitution, and denied a stay of its judgment. I filed a notice of appeal

and motion for stay, which remains pending with the Supreme Court of Ohio, and I intend to seek discretionary jurisdiction in Ohio's High Court.

Court of Appeals of Ohio, Tenth Appellate District
Judge Carly Edelstein, Michael C. Mentel, Julia L. Dorrian
Supreme Court of Ohio

Chief Justice Sharon Kennedy, Justice Jennifer Brunner, Justice Patrick Fischer,
Justice Patrick DeWine, Justice Joseph Deters, Justice Daniel Hawkins, Justice
Meagan Shanahan

Counsel for Appellants:
David J. Carey
Carlen Zhang-D'Souza
ACLU of Ohio Foundation
1108 City Park Ave., Ste. 203
Columbus, Ohio 43206
(614) 586 1972

Freda J. Levenson
Amy Gilbert
ACLU of Ohio Foundation
4506 Chester Ave.
Cleveland, Ohio 44103

Chase Strangio
Harper Seldin
Leslie Cooper
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004

Miranda Hooker
Jordan Bock
Goodwin Procter LLP
100 Northern Ave.
Boston, MA 02210

Counsel for Appellees:
Dave Yost
T. Elliot Gaiser
Erik Clark
Stephen P. Carney
Amanda Narog
Ohio Attorney General's Office
30 E. Broad Street, 17th Floor

Columbus, OH 43215
(614) 466 8980

Amicus Curiae – Independent Women’s Forum:

Andrew D. McCartney
James S. Kresge
Benjamin M. Flowers
Ashbrook Byrne Kresge LLC
PO Box 8248
Cincinnati, OH 45249
(513) 201 5775

Sylvia May Mailman
Independent Women’s Law Center
1802 Vernon Street NW, Ste. 1027
Washington, DC 20009
(202) 807 9986

3. *Brown v. Yost* (Oct. 30, 2024), U.S. Court of Appeals for the Sixth Circuit (stay denied)

Ohio law requires requiring proponents of a ballot initiative to submit a proposed summary of the initiative that will be affixed to the top of official petitions to the Attorney General to ensure that summary is fair and truthful before such official petitions will be circulated to Ohio voters. Plaintiffs sued, alleging that the fair-and-truthful requirement restricts private speech in violation of the First Amendment. While the trial court initially disagreed, a panel reversed 2-1, and I sought and was granted en banc review. The en banc court concluded that plaintiff’s request for a preliminary injunction for the 2024 election was moot, and remanded. Plaintiffs filed an amended complaint and obtained a preliminary injunction, but the district court stayed its injunction. The Sixth Circuit vacated the stay 2-1, but I sought emergency relief from the Supreme Court and Justice Kavanaugh granted an administrative stay, but the full court denied the stay.

Chief Judge Sutton, Judge Moore, Judge Clay, Judge Griffin, Judge Kethldge, Judge Stranch, Judge Thapar, Judge Bush, Judge Larsen, Judge Nalbadian, Judge Readler, Judge Murphy, Judge Davis, Judge Mathis, Judge Bloomekatz, and Judge Ritz.

Supreme Court of the United States: Chief Justice Roberts, Justice Thomas, Justice Alito, Justice, Sotomayor, Justice Kagan, Justice Gorsuch, Justice Kavanaugh, Justice Barrett, and Justice Jackson.

Counsel for Respondents-Appellants (Cynthia Brown, Carlos Buford, Jenny Sue Rowe, Mark R. Brown, William Powell):

Mark R. Brown, Professor of Law
303 E. Broad Street, Columbus, OH 43215
(614) 236 6590

Kelsi Brown Corkran
Institute for Constitutional Advocacy and Protection
600 New Jersey Avenue, N.W. Washington, DC 20001
(202) 716 7102

Elizabeth Cruikshank
Institute for Constitutional Advocacy and Protection
600 New Jersey Avenue, N.W., Washington, DC 20001
(202) 662 9042

Alexandra R. Lichtenstein
Institute for Constitutional Advocacy and Protection
600 New Jersey Avenue, N.W., Washington, DC 20001
(757) 581 1046

William Powell
600 New Jersey Avenue, N.W., Washington, DC 20001
(814) 282 4789

Oliver B. Hall
Center for Competitive Democracy
P.O. Box 21090, Washington, DC 20009
(202) 248 9294

Counsel for Petitioner-Appellee (David Yost, Ohio Attorney General):

T. Elliot Gaiser
Office of the Attorney General of Ohio
30 E. Broad Street, 17th Floor, Columbus, OH 43215
(614) 466 8980

Katie Rose Talley, Deputy Solicitor General
Office of the Attorney General of Ohio
30 E. Broad Street, 17th Floor, Columbus, OH 43215
(614) 466 8980

Amici Curiae in support of Appellants (filed in Sixth Circuit):

Direct Democracy Scholars
Represented by:

Tobias S. Loss-Eaton
Sidley Austin LLP
1501 K Street, N.W., Suite 600, Washington, DC 20005
(202) 736 8000

Stephen Chang, Madison Ferraro, Naomi Igra
Sidley Austin LLP
555 California Street, Suite 2000, San Francisco, CA 94104
(415) 772 1200

Initiative and Referendum Institute

Represented by same Sidley Austin team as above

Citizens in Charge, Inc.

Represented by same Sidley Austin team as above

Amici Curiae in support of Petitioner-Appellee:
R. Trent McCotter, *Counsel of Record*
Separation of Powers Clinic, Columbus School of Law
3600 John McCormack Rd. NE
Washington, DC 20064
(202) 706 5488

Alan Michael Hurst, *Counsel of Record*
Idaho Office of the Attorney General
700 W. Jefferson Street
Boise, ID 83720
(208) 999 0910

Benjamin Michael Flowers, *Counsel of Record*
Ashbrook Byrne Kresge Flowers LLC
P.O. Box 8248
Cincinnati, OH 45249
(614) 705 6603

4. *OPAWL v. Yost*, U.S. Court of Appeals for the Sixth Circuit (stay granted)

Ohio's General Assembly adopted a law restricting noncitizens from spending or contributing money to influence ballot issue campaigns in Ohio. Plaintiffs sued, alleging violations of the First Amendment, and obtained a preliminary injunction against enforcing the foreign-money ban in the 2024 election at least with respect to lawful permanent residents. I appealed and sought a stay of the preliminary injunction pending appeal, and the Sixth Circuit granted a stay in a 2-1 decision that concluded Ohio is likely to prevail in showing its ban on foreign money is narrowly tailored to advance a compelling state interest.

Judges Thapar, McKeague, and Davis (stay stage)

For Plaintiffs-Appellees Cross-Appellants (Elisa Bredendiek, Elisabeth C. Frost, John Gerrath, Northeast Ohio Coalition for the Homeless, OPAWL - Building AAPI Feminist Leadership, Peter Quilligan):

Elisabeth C. Frost
 Elias Law Group
 250 Massachusetts Avenue, N.W., Suite 400
 Washington, DC 20001
 (202) 968 4513

Charles Benjamin Cooper
 Cooper & Elliott
 305 W. Nationwide Boulevard
 Columbus, OH 43215
 (614) 481 6000

Jyoti Jasrasaria
 Jasrasaria Law
 341 S. Third Street, Suite 300
 Columbus, OH 43215
 (614) 503 7131

Kaela Jean King
 Cooper & Elliott
 305 W. Nationwide Boulevard
 Columbus, OH 43215
 (614) 481 6000

For Defendants-Appellants Cross-Appellees (Frank LaRose, in his official capacity as Ohio Secretary of State; Dave Yost, in his official capacity as Ohio Attorney General):

Thomas Elliot Gaiser
 Office of the Attorney General of Ohio
 30 E. Broad Street, 17th Floor
 Columbus, OH 43215
 (614) 466 8980

Michael Jason Hendershot
 Office of the Attorney General –
 30 E. Broad Street, 25th Floor
 Columbus, OH 43215

Amici Curiae:
 Ohio Education Association

Jason Walta
 National Education Association
 1201 16th Street, N.W.
 Washington, DC 20036
 (202) 822 7035

Philip A. Hostak
 National Education Association
 1201 16th Street, N.W.

Washington, DC 20036
(202) 822 7035

Nathan Johnson
Ohio Environmental Council
1145 Chesapeake Avenue, Suite 1
Columbus, OH 43212-2286
(614) 487 5841

5. *Cincinnati v. State*, First District Court of Appeals State of Ohio

Ohio Revised Code 9.68 provides that the hundreds of cities and towns within the state may not adopt restrictions on firearms that conflict with federal or state restrictions on firearms, ensuring that citizens do not face a patchwork of firearms regulations when they travel throughout the state. The City of Cincinnati sued, alleging that the Ohio statute violates the Ohio Constitution's reservation of home rule power to municipalities. The trial court entered an injunction in favor of the city, and Ohio appealed. I argued before the court of appeals that Ohio law is constitutional, and the First District Court of Appeals agreed, reversing the injunction.

First District Court of Appeals: Judges Bergeon, Zayas, Crouse

Counsel for Plaintiffs-Appellees: City of Cincinnati, Aftab Pureval (Mayor of Cincinnati), and Jan-Michele Kearney (Vice Mayor of Cincinnati)

Emily Smart Woerner, City Solicitor
Shuva J. Paul, Assistant City Solicitor
Scott M. Heenan, Assistant City Solicitor
Office of the City Solicitor
City of Cincinnati Law Department
801 Plum Street, Room 214
Cincinnati, Ohio 45202
(513) 352 3334

Counsel for Defendant-Appellant: State of Ohio

Dave Yost, Attorney General of Ohio
T. Elliott Gaiser, Solicitor General
Elizabeth H. Smith, Assistant Attorney General
James P. Reising, Assistant Attorney General
Stephen P. Tabatowski, Assistant Attorney General
Office of the Ohio Attorney General
Constitutional Offices Section
30 East Broad Street, 17th Floor
Columbus, Ohio 43215
(614) 466-2872

6. *Center for Media & Democracy v. Yost* (Jan. 8, 2025), Supreme Court of Ohio

A nonprofit organization sued the Attorney General under the public records law of Ohio, and obtained a broad discovery order sweeping in hundreds of people and potentially hundreds of thousands of pages of documents. I represented the Attorney General before the Supreme Court of Ohio, arguing that overbroad discovery orders violate the Ohio Rules of Civil Procedure and the separation of powers principles in the Ohio constitution. The case remains pending.

Supreme Court of Ohio: Chief Justice Kennedy, Justice Fischer, Justice DeWine, Justice Brunner, Justice Deters, Justice Hawkins, Justice

For Appellees (Center for Media and Democracy, David Armiak):

Frederick M. Gittes
Jeffrey P. Vardaro
The Gittes Law Group
723 Oak Street
Columbus, OH 43205
(614) 222 4735

For Appellant:

Thomas Elliot Gaiser, Ohio Solicitor General
Michael J. Hendershot, Chief Deputy Solicitor General
Julie Pfeiffer, Section Chief – Constitutional Offices
Ann Yackshaw, Assistant Attorney General
Office of the Ohio Attorney General
30 E. Broad Street, 17th Floor
Columbus, OH 43215
(614) 466 8980

Amici Curiae for Appellant (States of Utah, Alabama, Alaska, Arkansas, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Oklahoma, South Carolina, Texas, and Virginia):

Former Counsel: Melissa A. Holyoak, Christopher A. Bates
Current Counsel: Stanford E. Purser (PHV-27628-2024), Utah Solicitor General
Office of the Utah Attorney General
160 E. 300 S., 5th Floor, P.O. Box 140858
Salt Lake City, UT 84114-0858
(801) 366-0533

Amici Curiae for Appellees (League of Women Voters of Ohio, The Marshall Project, Ohio NOW Education and Legal Fund):

Madeline J. Rettig, Counsel of Record
John S. Marshall
Marshall Forman & Schlein LLC
250 Civic Center Dr., Suite 480

Columbus, OH 43215
(614) 463-9790

Louis A. Jacobs, Of Counsel
177 19th St., Apt. 9C
Oakland, CA 94612
(614) 203-1255

7. *Davis v. Jenkins* (Aug. 20, 2024), U.S. Court of Appeals for the Sixth Circuit (en banc)

In 1984, a Butler County, Ohio court tried and convicted Von Clark Davis of aggravated murder of his girlfriend, with a capital specification for a prior conviction of purposeful killing his wife. Forty years later, Davis sought habeas review of the third death sentence for this conviction. The Sixth Circuit granted habeas release in a 2-1 decision, but the en banc court granted review. I argued before the en banc court that habeas relief should be denied, and the Sixth Circuit agreed.

U.S. Court of Appeals for the Sixth Circuit (en banc): Chief Judge Sutton, Judge Moore, Judge Cole, Judge Clay, Judge Gibbons, Judge Griffin, Judge Kethledge, Judge Stranch, Judge Thapar, Judge Bush, Judge Larsen, Judge Nalbandian, Judge Readler, Judge Davis, Judge Mathis

For Petitioner–Appellant (Von Clark Davis):

Erin G. Barnhart
Jordan S. Berman
Office of the Federal Public Defender for the Southern District of Ohio
10 W. Broad St., Suite 1020
Columbus, OH 43215
(614) 469 2999

For Respondent–Appellee (Charlotte Jenkins, Warden):

T. Elliot Gaiser
Michael J. Hendershot
Jana M. Bosch
Stephen E. Maher
Office of the Ohio Attorney General
30 East Broad Street, 17th Floor
Columbus, Ohio 43215
(614) 466 8980

8. *Defending Education v. Olentangy Independent School District* (Mar. 19, 2025), U.S. Court of Appeals for the Sixth Circuit (en banc) (SUTTON, Chief Judge; BATHCELDER, MOORE, CLAY, GRIFFIN, KETHLEDGE, STRANCH, THAPAR, BUSH, LARSEN, NALBANDIAN, READLER, MURPHY, DAVIS,

MATHIS, BLOOMEKATZ, & RITZ)

I argued as amicus on behalf of Ohio and 22 other states supporting plaintiff parents' organization request for a preliminary injunction against the school's preferred pronoun mandate. I argued that the First Amendment prevents a school from threatening discipline against a student simply for knowingly using a pronoun inconsistent with another student's gender identity, in accord with deeply held beliefs.

U.S. Court of Appeals for the Sixth Circuit: Chief Judge Sutton, Judge Moore, Judge Clay, Judge Griffin, Judge Kethledge, Judge Stranch, Judge Thapar, Judge Bush, Judge Larsen, Judge Nalbadian, Judge Readler, Judge Murphy, Judge Davis, Judge Mathis, Judge Bloomekatz, and Judge Ritz.

For Appellants (Parents Defending Education):

John Michael Connolly
James Hasson
Taylor A.R. Meehan
Cameron Thomas Norris
Consovoy McCarthy
1600 Wilson Boulevard, Suite 700
Arlington, VA 22209
(703) 243 9423

Emmett Robinson
Robinson Law Firm
6600 Lorain Avenue, Suite 731
Cleveland, OH 44102
(216) 505 6900

For Appellees (Olentangy Local School District Board of Education, et al.):

Bartholomew Thomas Freeze
Genevieve Marie Hoffman
Freund, Freeze & Arnold
88 E. Broad Street, Suite 875
Columbus, OH 43215
(614) 827 7300

Christopher J.C. Herbert
Goodwin Procter
100 Northern Avenue
Boston, MA 02210
(617) 570 1000

Sandra R. McIntosh, Jessica Kathryn Philemond, Mitchell Stith
Scott Scriven LLP

250 E. Broad Street, Suite 900
Columbus, OH 43215
(614) 222 8686

Jaime Santos
Goodwin Procter
1900 N Street, N.W.
Washington, DC 20036
(202) 346 4000

Amici Curiae for Appellants (select list includes):
States of Alabama, Alaska, Florida, Georgia, Idaho, Indiana, Iowa, Kansas,
Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, North Dakota,
Ohio, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West
Virginia

Thomas Elliot Gaiser
Katie Rose Talley
Office of the Attorney General (OH)
30 E. Broad Street, 17th Floor, Columbus, OH 43215

Joseph R. Sate
Office of the Attorney General (SC)
P.O. Box 11549, Columbia, SC 29211
(614) 466 8980, (803) 734 3371

Alliance Defending Freedom:
John J. Bursch
440 First Street NW, Suite 600
Washington, DC 20001
(616) 450 4235

Tyson Charles Langhofer
Mathew Hoffmann
44180 Riverside Parkway
Lansdowne, VA 20176
(571) 707 4655

Advancing American Freedom, and affiliate groups (e.g., American Principles
Project; Eagle Forum; AFA Action; American Association of Senior Citizens;
American Values; Americans for Limited Government; Catholics Count Center
for Political Renewal; Center for Urban Renewal and Education (CURE);
International Conference of Evangelical Chaplain Endorsers; James Dobson
Family Institute; JCCWatch.org; Tim Jones, Former Speaker, Missouri House,
Chairman, Missouri Center-Right Coalition; Louisiana Family Forum; Men and
Women for a Representative Democracy in America, Inc; National Apostolic

Christian Leadership Conference; National Association of Parents (d/b/a "ParentsUSA"); National Center for Public Policy Research; New Jersey Family Foundation; Project 21 Black Leadership Network; Setting Things Right; 60 Plus Association; Paul Stam, Former Speaker Pro Tempore, North Carolina House; Stand for Georgia Values Action; The Family Foundation of Virginia; Tradition, Family, Property, Inc.; Wisconsin Family Action, Inc.; Women for Democracy in America, Inc.; Yankee Institute; Young America's Foundation; and Young Conservatives of Texas):

John Marc Wheat
801 Pennsylvania Avenue, Suite 930,
Washington, DC 20004
(202) 780 4848

Jewish Coalition for Religious Liberty, Coalition for Jewish Values, American Hindu Association, etc.

Kayla Toney
First Liberty Institute
1331 Pennsylvania Avenue NW, Suite 1410
Washington, DC 20004

Amici Curiae for Appellees (select list includes):
American Civil Liberties Union Foundation:
David Joseph Carey
1108 City Park Avenue, Suite 203
Columbus, OH 43206
(614) 586 1972

Amy Gilbert, Freda Levenson
4506 Chester Avenue,
Cleveland, OH 44103
(614) 586 1972

Vera Eidelman, Ben Wizner
125 Broad Street
New York, NY 10004
(212) 549 2500

Ohio School Boards Association, Ohio Association of School Business Officials
Scott C. Peters, Sherrie Clayborne Massey, Daniel Shisler
Peters Kalail & Markakis
5005 Rockside Road, Suite 300
Cleveland, OH 44131

GLBTQ Legal Advocates & Defenders (GLAD)

Karen Loewy
 Lambda Legal Defense & Education Fund
 815 16th Street N.W. Suite 4140,
 Washington, DC 20002
 (202) 804 6245

Lambda Legal
 Karen Loewy
 Lambda Legal Defense & Education Fund
 815 16th Street N.W. Suite 4140,
 Washington, DC 20002
 (202) 804 6245

Equality Ohio
 Mark P. Herron
 5001 Mayfield Road Suite 318, Lyndhurst, OH 44124
 (216) 280 2828
 Paul Giorgianni
 Giorgianni Law
 1538 Arlington Avenue
 Columbus, OH 43212
 (614) 205 5550

9. *Walmart v. King* (N.D. Georgia)

I appeared as counsel on the papers on behalf of Walmart in the district court. After I withdrew from the representation due to my appointment as Solicitor General of Ohio, the district court granted summary judgment for Walmart, concluding that the multilevel protection from removal present for certain Administrative Law Judges violate Article II.

United States District Court for the Southern District of Georgia, Statesboro
 Division: Chief Judge J. Randall Hall

Counsel for Plaintiff Walmart Inc.:
 Hashim M. Mooppan (Pro Hac Vice)
 Jones Day
 51 Louisiana Avenue, NW
 Washington, District of Columbia 20001
 (202) 879 3744

Joseph E. Finley
 Jones Day – Atlanta Office
 1420 Peachtree Street, NE, Suite 800
 Atlanta, Georgia 30309-3053
 (404) 581 8409

Thomas Elliot Gaiser (Pro Hac Vice; Terminated December 8, 2023)
Office of the Ohio Attorney General
30 East Broad Street, 17th Floor
Columbus, Ohio 43215
(614) 466 8980

Counsel for Defendants (All Terminated as of March 25, 2024):

Jean King, in her official capacity as Chief Administrative Law Judge of the
Office of the Chief Administrative Hearing Officer

James McHenry, in his official capacity as Chief Administrative Hearing Officer

Merrick B. Garland, in his official capacity as Attorney General of the United
States

Tae D. Johnson, in his official capacity as Senior Official Performing the Duties of
the Director of the United States Immigration and Customs Enforcement
United States of America

Kuntal Cholera
Civil Division
United States Department of Justice
1100 L Street, NW, Suite 12306
Washington, District of Columbia 20005
(202) 662 5134

Otto Woelke Leithart
United States Attorney's Office – Savannah Division
22 Barnard Street, Suite 300
P.O. Box 8970
Savannah, Georgia 31401
(912) 652 4422

10. *Students For Fair Admissions v. Harvard*, *Supreme Court of the United States*
(March 26, 2021)

I represented a group of economists as amici in support of certiorari. The brief
argued that the discovery record and econometrics models in the case showed that
the Harvard admissions process was heavily affected by racial tips to discriminate
against white and Asian applicants.

Supreme Court of the United States: Chief Justice Roberts, Justice Thomas,
Justice Alito, Justice Sotomayor, Justice Kagan, Justice Gorsuch, Justice
Kavanaugh, Justice Barrett, Justice Jackson

For Petitioner (Students for Fair Admissions, Inc.):

Cameron Thomas Norris
Consovoy McCarthy PLLC
1600 Wilson Blvd., Ste 700
Arlington, VA 22209
(703) 243 9423

For Respondent (President and Fellows of Harvard College):

Seth P. Waxman
Wilmer Cutler Pickering Hale and Dorr LLP
2100 Pennsylvania Ave NW
Washington, DC 20037
(202) 663 6800

For Respondent (University of North Carolina, et al.):

Ryan Young Park
North Carolina Department of Justice
P.O. Box 629
Raleigh, NC 27602
(919) 716 6400

For Respondent Intervenors (Cecilia Polanco, et al.):

David G. Hinojosa
Lawyers' Committee for Civil Rights Under Law
1500 K Street NW, Suite 900
Washington, DC 20005
(202) 662 8600

Amici Curiae for Petitioner (Selected):

America First Legal Foundation:
Jonathan F. Mitchell, Mitchell Law PLLC
111 Congress Avenue, Suite 400
Austin, TX 78701
(512) 686 3940

Pacific Legal Foundation, Reason Foundation, Center for Equal Opportunity, et al.:

Wencong Fa
Pacific Legal Foundation
555 Capitol Mall, Suite 1290
Sacramento, CA 95814
(916) 419 7111

Hamilton Lincoln Law Institute:
Theodore Harold Frank
1629 K Street NW, Suite 300

Washington, DC 20006
703) 203 3848

Veterans for Fairness and Merit:
Gene Clayton Schaerr
Schaerr | Jaffe
1717 K Street NW, Suite 900
Washington, DC 20006
(202) 787 1060

Brief of Economists
C. Boyden Gray
T. Elliot Gaiser
Boyden Gray PLLC
800 Connecticut Ave NW
Washington, DC 20006
(202) 955 0620

Amici Curiae for Respondents (Selected):
American Civil Liberties Union:
Sarah Ann Hinger
125 Broad St.
New York, NY 10004
(212) 519 7882

NAACP Legal Defense & Educational Fund (on behalf of Harvard student groups):
Micheale N. Turnage Young
700 14th Street NW, 6th Floor
Washington, DC 20005
(202) 216 5567

Asian Americans Advancing Justice and affiliated groups:
Roberto A. Rivera-Soto
Ballard Spahr LLP
700 East Gate Dr., Suite 330
Cherry Hill, NJ 08054
(856) 761 3416

Association of American Medical Colleges et al.:
Jonathan Saul Franklin
Norton Rose Fulbright US LLP
799 9th Street NW, Suite 1000
Washington, DC 20001
(202) 662 0466

United States (as amicus):
Elizabeth B. Prelogar, Solicitor General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
(202) 514 2217

Georgetown University, et al.:
Crystal Nix-Hines
Quinn Emanuel Urquhart & Sullivan, LLP
865 S. Figueroa Street, 10th Floor
Los Angeles, CA 90017
(213) 443 3000

Applied Materials, Inc., Microsoft Corp., LinkedIn, etc.:
Mark Simon Davies
Orrick, Herrington & Sutcliffe LLP
1152 15th Street NW
Washington, DC 20005
(202) 339 8631

16. **Legal Activities:** Describe the most significant legal activities you have pursued including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

I have not acted as a lobbyist or engaged in lobbying activities on behalf of clients.

As Solicitor General of Ohio, I have served as a member of the Attorney General's senior executive staff and advised him and my fellow senior staff on critical legal matters affecting the state of Ohio. I have also advised the staff of Ohio agencies and other state-wide elected officers regarding litigation and constitutional interpretation. In my capacity as Solicitor General of Ohio, I am responsible for managing the Attorney General's Opinions Unit and reviewing all Advisory Opinions issued by the Attorney General to authorized requesters.

As an Associate at Jones Day, I advised partners and clients regarding legal risks and litigation strategies.

As an Associate at Boyden Gray, I provided confidential legal advice to firm clients, including confidential clients, regarding legal and regulatory risks and obligations. I also assisted Boyden Gray with establishing a reputational recovery practice. This includes representing a public figure seeking a confidential settlement related to reputation.

As a senior associate counsel to President Trump's 2020 reelection campaign, I advised the campaign general counsel on the status of various election-related litigation and appellate matters.

17. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I assisted Professor Clifford Ando with his Roman Law course as a teaching assistant at the University of Chicago Classics Department during the Spring 2016 quarter.

I assisted Chief Judge Jeffrey Sutton with his Appellate Advocacy class at The Ohio State University Moritz College of Law during the Fall 2023 and Spring 2024 semesters.

I co-taught a one-week, one-credit seminar at Hillsdale College entitled "Constitutional Interpretation" in August 2022.

18. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I have contributed to retirement plans organized under Section 401(k) sponsored by Gibson Dunn, Boyden Gray PLLC, and Jones Day. I have contributed to the OPERS pension program sponsored by the State of Ohio.

19. **Outside Commitments During Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service? If so, explain.

I do not have any plans to pursue outside employment.

20. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

Please see my OGE-278 as provided by the Office of Government Ethics.

21. **Statement of Net Worth:** Please complete the attached financial net worth statement in

detail (add schedules as called for).

See attached Net Worth Statement.

22. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, affiliations, pending and categories of litigation, financial arrangements or other factors that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

None.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If confirmed, I will continue to consult with the Department of Justice's ethics office and will recuse myself from any matter in which recusal is required, including matters in which my wife is involved as an attorney.

- 23. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional work load, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

Throughout my legal career, I have been committed to public service and pro bono work, both through service as a law clerk to the federal judiciary, pro bono representations in private practice, and as the chief appellate lawyer for my home state. Since my appointment as Solicitor General of the state of Ohio, I have not engaged in the practice of law outside of my employment.

FINANCIAL STATEMENT: NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.)

ASSETS			LIABILITIES		
Cash on hand and in banks	81	939	Notes payable to banks-secured		
U.S. Government securities-add			Notes payable to banks-unsecured		
Listed securities-add schedule*			Notes payable to relatives		
Unlisted securities--add schedule			Notes payable to others		
Accounts and notes receivable:			Accounts and bills due		
Due from relatives and friends			Unpaid income tax		
Due from others			Other unpaid income and interest		
Doubtful			Real estate mortgages payable-add schedule	1	505 10
Real estate owned-add schedule**	2	262 800	Chattel mortgages and other liens payable		
Real estate mortgages receivable			Other debts-itemize:		
Autos and other personal property	49	500	CarMax Auto Finance	20	895
Cash value-life insurance					
Other assets itemize:					
Schwab Individual Account	206	935			
ADP retirement Account	65	985	Total liabilities	1	525 99
Schwab Retirement Account	16	187			
Fidelity Retirement Account	26	449			
OPERS Retirement Account	21	718			
Colorado Retirement Account	19	373			
Akin Retirement Account	64	830			
River Retirement Account	47	640			

Strive Retirement Account	18	011			
Thrift Savings Plan Account	33	531			
Bitcoin Holdings	227	423 (est.)			
Schwab Individual 529	46	603			
Schwab Individual 529	57	412			
WeFunder Account (Levels)	1	000			
River Financial Inc. (Common Shares)	199	687 (est.)			
HSA	2	001			
			Net Worth	1,922	42
Total Assets	3,44	425	Total liabilities and net worth	448	42
CONTINGENT LIABILITIES			GENERAL		
As endorser, comaker or guarantor			Are any assets pledged? (Add schedule)		No
On leases or contracts			Are you defendant in any suits or legal actions?		No
Legal Claims			Have you ever taken bankruptcy?		No
Provision for Federal Income Tax					
Other special debt					

Listed Securities

Amazon.com Inc 28,521.60
 Apple Inc 9738.96
 Berkshire Hathaway 25776.85
 Fidelity Contrafund 7452.71
 iShares Broad USD High Yield Corporate Bond ETF 81.54
 iShares Core Dividend 5950.88
 iShares Core S&P MID CAP 3850.44
 iShares CORE MSCI 6278.74
 iShares MSCI EAFE ETF 6511.38
 iShares Russell 2000 4859.39
 JONES DAY 2050 FUND 26449
 Matthew 25 4265.01
 Schwab S&P 500 Index 12053.14

SCHWAB US Dividend 5629.57
 Schwab US Tips ETF 62.07
 SELECT STR Financial 1634.35
 SPDR FUND Consumer 5306.32
 T Rowe Price Blue Chip 13,074.58
 Vanguard DIVIDEND 12836.18
 Vanguard Growth ETF 176.73
 Vanguard Industrials 6756.25
 Vanguard Mid-Cap ETF 101.30
 Vanguard Russell 2000 ETF 162.81
 Vanguard Russell 2000 Value ETF 100.60
 Vanguard Short-Term Corp Bd Idx ETF 61.03
 Vanguard S&P 500 ETF 41411.27
 Vanguard Target Retirement 2055 Fund 16488.56
 Vanguard US Total Bond Market Index ETF 60.74
 Vanguard Value ETF 5323.67
 VGRD FTSE ALL WRLD EX US 6515.39

Real Estate Owned

Personal Residence 1,100,000
 Investment Property 1,162,800
 Total Real Estate Owned 2,262,800

Real Estate Mortgages Payable

Personal Residence – Mortgage 700,837.35
 Investment Property – Mortgage 804,265.85
 Total Real Estate mortgages Payable: 1,505,103.20

Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for T. Elliot Gaiser
Nominee to be Assistant Attorney General for the Office of Legal Counsel
May 28, 2025

1. The Trump Administration recently formally accepted a \$400 million luxury private jet from the royal family of Qatar.

This gift clearly violates both the Constitution and statutory foreign gift provisions enacted by Congress. Despite the obvious legal and ethical issues presented by a foreign nation offering President Trump a gift worth hundreds of millions of dollars, the Justice Department apparently signed off on such a transaction.

According to public reporting, Attorney General Bondi—in consultation with the Office of Legal Counsel—provided a memo to the White House Counsel’s Office deeming this gift, quote, “legally permissible.”

- a. **Do you agree with Attorney General Bondi that it is legal for the Administration to accept this gift?**

Response: Because I am not part of the Department, I have not reviewed the referenced memorandum of Attorney General Bondi. I strongly support Attorney General Bondi’s leadership of the Department.

- b. **Does the plain text of the Constitution permit such a gift?**

Response: Because I am not part of the Department, I have not reviewed this matter.

- c. **If confirmed, will you commit to providing the Committee with the memorandum the Justice Department produced to the White House Counsel’s Office concluding that acceptance of a \$400 million private jet from Qatar is legally permissible?**

Response: If confirmed, I commit to working to ensure that the Department provides timely and substantive responses to oversight requests from both the majority and minority members of the Committee, consistent with any applicable constitutional, statutory, and regulatory limits on what information the Department should disclose.

2. Pursuant to its constitutional oversight role, the Senate Judiciary Committee has a long history of seeking greater Office of Legal Counsel (OLC) transparency that spans across Assistant Attorneys General and administrations.

During President George W. Bush's Administration, this Committee made bipartisan requests to declassify and access OLC opinions on warrantless wiretapping and preventive detention of enemy combatants. During the Obama Administration, we engaged in similar efforts to obtain memos addressing drone strikes on U.S. citizens overseas.

OLC is also responsible for the infamous, so-called "torture memos." The Committee could not appreciate the full impact of those memos until years after the fact when they were finally disclosed.

a. If confirmed, will you commit to making OLC's opinions more transparent?

Response: If confirmed, I commit to working to ensure that the Department provides timely and substantive responses to oversight requests from both the majority and minority members of the Committee, consistent with any applicable constitutional, statutory, and regulatory limits on what information the Department should disclose.

b. For those that cannot be made public because they include classified or law enforcement-sensitive information, will you commit to providing them to this Committee?

Response: See Question #2(a).

3. On multiple occasions, President Trump has made public comments suggesting that he would like to imprison United States citizens abroad. In discussing one proposal to send convicted U.S. citizens to a prison in El Salvador, President Trump stated: "I'd do it in a heartbeat." He further stated that he has directed the Justice Department to consider the legality of such proposals.

a. Do the Constitution or U.S. law allow for the deportation of U.S. citizens?

Response: I am not at the Department and, thus, have not been involved in the referenced matter to have sufficient information to comment on this question.

b. Do the Constitution or U.S. law allow U.S. citizens to be imprisoned in a foreign country?

Response: Any American who travels abroad is subject to the laws of the country they are visiting. If they violate the local laws of the country they are visiting, they are subject to the local laws and criminal procedures of that specific country.

4. According to testimony she gave the January 6 Select Committee, former White House Press Secretary Kayleigh McEnany stated that, following the 2020 presidential election, you advised her that Vice President Mike Pence had the power to refuse to recognize

electors from some states. She further testified that “before nearly every television appearance that was campaign-related, I would call Elliot, and he would give me the lay of the land as to what was going on.” According to public reporting, you sent McEnany a draft of a speech that was later incorporated into a speech from President Trump in which he falsely asserted that he won the 2020 election.

a. Did President Trump win the 2020 election? Please respond “yes” or “no.”

Response: Former President Joseph Biden was certified as the winner of the 2020 presidential election and sworn in as the forty-sixth President on January 20, 2021.

b. Do you still maintain that the Vice President has the power to refuse to recognize electors? If so, did Vice President Harris have the power to refuse to certify her election loss in January 2025?

Response: I was retained to provide legal advice to President Trump’s 2020 campaign. My ethical duties as an attorney include a duty of confidentiality regarding the advice I provided to a former client.

c. At any point, did you discuss with John Eastman the possibility of Vice President Pence refusing to recognize electors on January 6, 2021, or the legality of such action? Did you discuss with Eastman any other options for overturning the results of the 2020 election?

Response: See my response to Question #4(b).

d. Do you condemn all individuals who illegally entered the Capitol on January 6, 2021, including rioters who violently assaulted law enforcement officers?

Response: Some individuals among the many thousands who demonstrated on January 6, 2021, reportedly engaged in acts of property destruction and violence. I unequivocally condemn all violence.

e. Do you believe such individuals who served prison time and were subsequently pardoned by President Trump deserve financial reparations from the federal government?

Response: I am not at the Department and do not have specific information about the pardons sufficient to comment. Financial compensation for injuries caused by federal government employees in connection with their official duties should be determined by a court consistent with the facts and the law of each case.

5. On multiple occasions, President Trump has suggested that he may seek a third term as president.

Does the Constitution allow Donald Trump to serve three terms as president?

Response: The Twenty-Second Amendment to the United States Constitution speaks for itself.

6. In 2016, you authored an op-ed arguing that an incident in which the spouse of a Kansas Supreme Court Justice engaged in political fundraising “undermined the integrity of the court.” You further argued that the Justice in question should be removed from office.

a. Do you believe that it would similarly undermine the integrity of the U.S. Supreme Court if a Justice’s spouse engaged in political fundraising?

Response: I believe that all judges should at all times abide by their ethical duties.

b. Should U.S. Supreme Court Justices be removed from office when their spouses engage in political fundraising?

Response: See my response to Question #6(a).

7. In 2011, you published a piece in which you criticized Donald Trump’s proposal to impose a 25 percent tariff on Chinese products as “a bad idea.” Specifically, you wrote that “a tax on Chinese imports would make everything more expensive” and that “[i]t won’t be the wealthy CEOs who are downsized, laid off or demoted in pay.” You further lamented that “an immediate increase in the cost of everything would bring new instability to the stock market, affecting our already-languishing retirement funds.” In addition, you wrote, “If you think China threatens us now, wait until the world’s most populous country faces U.S.-imposed economic destruction via a trade war.” Finally, you noted: “[T]he 34 percent tariffs brought by the Smoot-Hawley Act didn’t help Americans compete. They prolonged the Great Depression.”

a. Given these prior criticisms, do you support President Trump’s current tariff policy?

Response: I understand that the Department of Justice is involved in pending litigation involving tariffs. While I am not now at the Department of Justice, the Department of Justice speaks on pending cases through its filings. As a nominee, it would be inappropriate for me to now opine on pending litigation in which the Department is currently involved.

b. When you wrote that “[i]t won’t be the wealthy CEOs who are downsized, laid off or demoted in pay” due to tariffs, who were you suggesting would likely be downsized, laid off, or demoted in pay?

Response: I understand that the Department of Justice is involved in pending litigation involving tariffs. While I am not now at the Department of Justice, the Department of Justice speaks on pending cases through its filings. As a nominee, it would be inappropriate for me to now opine on pending litigation in which the Department is currently involved.

Nomination of T. Elliot Gaiser
To be Assistant Attorney General for the Office of Legal Counsel
Questions for the Record
Submitted May 28, 2025

QUESTIONS FROM SENATOR WHITEHOUSE

Please answer each question and sub-question individually and as specifically as possible. Some Department of Justice nominees have on occasion attempted to refuse to answer this Committee's questions because they have not studied the relevant issue closely or not formed an opinion. If confirmed, your job as head of OLC would be to form opinions on legal issues after studying the facts and the law. In addition, as an executive branch nominee as opposed to judicial nominee, you are not prohibited from opining on issues likely to come before you. Thus, to help us fulfill our constitutional duty to advise the President on your nomination, please study the below issues closely before providing complete answers.

1. Have you had any discussions with any member of the Trump administration concerning personnel at the Office to which you've been nominated? If yes, please describe with specificity.

Response: After my nomination to serve as Assistant Attorney General for the Office of Legal Counsel at the U.S. Department of Justice, I spoke with Deputy Assistant Attorney General Lanora Pettit regarding the current personnel serving in the Office of Legal Counsel, as well as the organizational chart.

2. Was the U.S. Capitol attacked by a violent mob on January 6, 2021?

Response: Some individuals among the many thousands who demonstrated on January 6, 2021, reportedly engaged in acts of property destruction and violence. I unequivocally condemn all violence.

3. Were violent rioters who were convicted of assaulting police officers on January 6 political prisoners?

Response: I was not an attorney at the Department and, therefore, was not involved in the prosecutions that you reference.

4. Did Joe Biden win the 2020 presidential election?

Response: Former President Joseph Biden was certified as the winner of the 2020 presidential election and sworn in as the forty-sixth President on January 21, 2021.

5. Your Senate Judiciary Questionnaire states that in 2017 you joined the Teneo Network.

- a. In your own words, what is the Teneo Network?

Response: The Teneo Network is a national network for likeminded conservatives.

b. How did you first hear about the Teneo Network?

Response: I heard about the Teneo Network from Alexandra Gaiser.

c. Why did you join the Teneo Network?

Response: I wanted to connect with likeminded conservatives and other professionals.

6. It has been reported that this Administration has “sidelined” the Office of Legal Counsel by initially refusing to permit OLC to review proposed executive orders for form and legality and, when it has submitted those orders for review, “that consultation is far more limited than in the past.”¹

a. To your knowledge, are OLC career attorneys reviewing and approving draft executive orders for form and legality?

Response: I am not in the Department and do not have knowledge about this matter.

b. What is your understanding of the role of OLC under this Administration?

Response: By delegation, OLC exercises the Attorney General’s authority under the Judiciary Act of 1789 to provide the President and executive agencies with advice on questions of law.

7. In the past, OLC has issued secret opinions that were so shoddily reasoned and results-oriented they had to be withdrawn when they came to light. If confirmed, will you countenance such opinions from OLC? What will you do to prevent the Office from issuing these sorts of opinions to rubber-stamp Trump administration actions?

Response: I am not in the Department and do not have insight in the drafting of OLC’s opinions.

8. OLC officials have repeatedly testified to Congress that “the Fourteenth Amendment . . . place[s] the right to citizenship based on birth within the jurisdiction of the United States beyond question” and that “[a]ny restriction on that right contradicts both the Fourteenth

¹ Charlie Savage, *Trump Sidelines Justice Dept. Legal Office, Eroding Another Check on His Power*, N.Y. Times (Apr. 4, 2025), <https://www.nytimes.com/2025/04/04/us/politics/trump-office-of-legal-counsel-doj.html>.

Amendment and the underlying principle that the amendment safeguards.”² Do you agree with this position? If not, why? If confirmed, would you overturn this position?

Response: I understand that the Department of Justice is involved in pending litigation involving the meaning of the relevant provisions of the Fourteenth Amendment. While I am not now at the Department of Justice, the Department of Justice speaks on pending cases through its filings. As a nominee, it would be inappropriate for me to comment on pending litigation in which the Department is currently involved.

9. OLC’s “long held” position is that “the suggestion that the President has a constitutional power to decline to spend appropriated funds . . . is supported by neither reason nor precedent.”³ Do you agree with this position? If not, why? If confirmed, would you overturn this position?

Response: If I am confirmed, and a question arises that implicates a past OLC opinion, I will carefully evaluate the law and afford past opinions respectful consideration.

10. As of 2023, OLC’s position was that “The Executive Branch should . . . presume that congressional agents are acting pursuant to their constitutional authority and in good faith when evaluating the constitutionality of committee requests for information.”⁴ Do you agree with this position? If not, why? If confirmed, would you overturn this position?

Response: I do not currently work in the Department of Justice. If confirmed, I will carefully consider this question if that question arises.

11. Do you believe the president can suspend habeas corpus without congressional authorization?

Response: The President is bound by the terms of his oath, the Constitution, and applicable law.

12. Under what circumstances, if any, could a federal government official legally defy a court order issued in a case to which the official or the government was a party?

Response: Parties who are dissatisfied with a court order have the option to appeal the order to a higher court, up to and including the Supreme Court, and including the option to seek a stay of the court’s order or an injunction pending appeal.

² *Citizenship Reform Act of 1997; and Voter Eligibility Verification Act: Hearing Before the Subcommittee on Immigration and Claims of the House Committee on the Judiciary*, at 19 (June 25, 1997) (statement of Walter Dellinger).

³ *Presidential Authority to Impound Funds Appropriated for Assistance to Federally Impacted Schools*, 1 Op. O.L.C. Supp. 303, 309 (Dec. 1, 1969); *The President’s Veto Power*, 12 Op. O.L.C. 128, 166 (July 8, 1988).

⁴ *Ways and Means Committee’s Request for the Former President’s Tax Returns and Related Tax Information Pursuant to 26 U.S.C. § 6103(f)(1)*, 45 Op. O.L.C. ___, at *22 (July 30, 2021).

13. Must President Trump abide by lower court orders applicable to the federal government?

Response: Please see response to Question #12.

14. Does the 22nd Amendment permit a president to be elected more than twice?

Response: The text of the Twenty-Second Amendment to the United States Constitution speaks for itself.

15. Justice Kavanaugh's concurrence in *Dobbs v. Jackson Women's Health Organization* stated that "the constitutional right to interstate travel" would prohibit a state from barring "a resident of that State from traveling to another State to obtain an abortion." Do you agree with these statements? If not, why?

Response: As Solicitor General of Ohio, I am currently counsel in litigation involving Ohio laws that affect abortion, so it would not be appropriate for me to comment.

16. Under *Trump v. United States*, do you believe that a President would be immune from criminal prosecution for taking a bribe in exchange for issuing a pardon?

Response: I cannot address a hypothetical scenario without studying the specific facts and circumstances of the case. The application of Presidential immunity to potential scenarios involving the Pardon Power is discussed in both Chief Justice Roberts' opinion for the Court and the concurring opinion of Justice Barrett in *Trump v. United States*.

17. Under *Trump v. United States*, do you believe that presidential immunity from criminal prosecution extends to any executive branch official other than the President?

Response: I have not researched or studied this question in detail, and I have not formed an opinion on the potential immunity from criminal prosecution for official acts of officers of the Executive Branch other than the President. I am aware of Supreme Court decisions discussing the immunity from civil liability for official acts of Executive Branch officials other than the President.

18. Can the President indefinitely opt not to enforce a federal law that the Supreme Court has held is constitutional?

Response: The President is bound by the terms of his oath, the Constitution, and applicable law.

19. What obligation is imposed on the President by the Constitution's requirement that he or she "take Care that the Laws be faithfully executed"?

Response: The President is bound by the terms of his oath, the Constitution, and applicable law.

20. Do you agree with the following written testimony from former Assistant Attorney General for OLC Christopher Schroeder to the Judiciary Courts Subcommittee?

- a. "In cases where the government is a party, the final judgment of an Article III court, including a district court, is binding on the government."

Response: Any order or judgment is binding on the parties according to its terms.

- b. "As the Reagan Memo explains, the policy of the Executive Branch is to comply with information requests from Congress to the fullest extent consistent with the Executive Branch's constitutional and statutory obligations."

Response: I believe the Executive Branch should work with Congress to accommodate information requests to the fullest extent consistent with constitutional and statutory obligations.

- c. "Although certain confidential information may be withheld initially as the accommodation process proceeds, the fact that the information falls within a category over which the President might assert executive privilege does not excuse agencies from engaging in good faith in an accommodation process regarding the congressional request."

Response: I agree that agencies and Congress should engage in an accommodation process in good faith, consistent with constitutional and statutory obligations and duties of confidentiality.

21. As AAG for OLC, will you advise the executive branch that it has an obligation to accommodate requests from members of Congress who are not committee or subcommittee chairs?

Response: Section 1-8.210 of the Justice Manual instructs the Department to use its "best efforts" to respond to Congressional inquiries and expressly states: "[b]ecause it is important that the Department provide timely responses to congressional inquiries when possible, components should make it a priority to assist OLA in this regard." If confirmed, I will, as appropriate, foster Departmental compliance with Section 1-8.210.

22. Former White House Press Secretary Kayleigh McEnany testified to the House Select Committee to Investigate the January 6th Attack on the U.S. Capitol that you advised her that, "based on [your] own research," the Vice President of the United States had a "substantive" role in the certification of electors on January 6th, 2021.⁵

⁵ *Deposition of Kayleigh McEnany*, SELECT COMMITTEE TO INVESTIGATE THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL, (Jan. 12, 2022), <https://www.govinfo.gov/content/pkg/GPO-J6-TRANSCRIPT-CTRL0000036621/pdf/GPO-J6-TRANSCRIPT-CTRL0000036621.pdf>.

- a. Have you ever had an attorney-client relationship with Ms. McEnany?

Response: I was retained to provide legal advice to President Trump's 2020 campaign. The campaign, Donald J. Trump For President, was my client.

- b. If so, did Ms. McEnany's testimony to the Select Committee waive that privilege?

Response: The campaign, Donald J. Trump For President, was my client. Under the Rules of Professional Conduct, only a client may waive attorney-client privilege, absent certain limited exceptions.

- c. Ms. McEnany testified that, when she spoke to you, "it was not to provide legal advice to the President. It was to get information that I could be asked about in a cable television hit, not legal matters that I would go explore with White House counsel," and that she "would purely go to [you] for advice on . . . my TV appearances." Do you dispute Ms. McEnany's characterization of your conversations?

Response: I understand that Ms. McEnany provided testimony under oath, and that testimony speaks for itself.

- d. Did Ms. McEnany tell the truth when she testified that you advised her that the Vice President has a "substantive" role in the certification of electors?

Response: I understand that Ms. McEnany provided testimony under oath, and that testimony speaks for itself.

- e. Do you believe that Vice President Mike Pence had the authority to recognize "alternate" electors on January 6th, 2021?

Response: I was retained to provide legal advice to President Trump's 2020 campaign. My ethical duties as an attorney include a duty of confidentiality regarding the advice I provided to a former client.

23. In April 2016, you wrote, "When Trump is wounded, he lashes out . . . at women."

- a. What about President Trump motivated you to write this statement?

Response: In 2016, I initially supported a different candidate for the Republican nomination.

- b. Do you still believe this statement is true?

Response: No. Like millions of other Americans, I have seen President Trump's courage and capacity to deliver results for the country and champion all Americans, including the forgotten men and women of America.

- c. Do you regret writing this statement?

Response: I admire President Trump's courage and leadership and am honored by his trust in me by nominating me for Assistant Attorney General for the Office of Legal Counsel.

- d. Have you apologized to President Trump or anyone in the White House or Department of Justice for this statement?

Response: No.

24. In April 2016, you wrote, "Trump is nothing if not stale. He represents America's not-so-distant Wolf-of-Wall-Street past . . . Both his hairstyle and slogan, 'make America great again,' rely on hopeless nostalgia for a plastic and chrome world that no longer exists."

- a. What about President Trump motivated you to write this statement?

Response: In 2016, I initially supported a different candidate for the Republican nomination.

- b. Do you still believe this statement is true?

Response: No. Like millions of other Americans, I have seen President Trump's unmatched grit and determination in the face of unprecedented weaponization of the justice system against him. He is driven to serve the American people and never give up on all that this great country can be.

- c. Do you regret writing this statement?

Response: I admire President Trump's courage and leadership and am honored by his trust in me by nominating me for Assistant Attorney General for the Office of Legal Counsel.

- d. Have you apologized to President Trump or anyone in the White House or Department of Justice for this statement?

Response: No.

25. In April 2016, you wrote, "Trump and the concept of discipline have never come within miles of each other."

- a. What about President Trump motivated you to write this statement?

Response: In 2016, I initially supported a different candidate for the Republican nomination.

- b. Do you still believe this statement is true?

Response: No. Like millions of other Americans, I have seen his disciplined, single-minded determination to put the interests of the American people first.

- c. Do you regret writing this statement?

Response: I admire President Trump's courage and leadership and am honored by his trust in me by nominating me for Assistant Attorney General for the Office of Legal Counsel.

- d. Have you apologized to President Trump or anyone in the White House or Department of Justice for this statement?

Response: No.

26. In January 2016, you called Donald Trump a "would-be Caesar."

- a. What about President Trump motivated you to write this statement?

Response: In 2016, I initially supported a different candidate for the Republican nomination.

- b. Do you still believe this statement is true?

Response: No. Like millions of other Americans, I have seen President Trump's courage and capacity to deliver results for the country and champion all Americans, including the forgotten men and women of America.

- c. Do you regret writing this statement?

Response: I admire President Trump's courage and leadership and am honored by his trust in me by nominating me for Assistant Attorney General for the Office of Legal Counsel.

- d. Have you apologized to President Trump or anyone in the White House or Department of Justice for this statement?

Response: No.

27. In January 2016, you wrote, "For someone who wants to project strength, he has an astonishing weakness for flattery, falling for Vladimir Putin after a few coquettish bats of the eyelashes from the Russian thug."

- a. What about President Trump motivated you to write this statement?

Response: In 2016, I initially supported a different candidate for the Republican nomination.

- b. Do you still believe this statement is true?

Response: No. Like millions of other Americans, I have seen President Trump's courage. I also admire his strength in defending American interests abroad.

- c. Do you regret writing this statement?

Response: I admire President Trump's courage and leadership and am honored by his trust in me by nominating me for Assistant Attorney General for the Office of Legal Counsel.

- d. Have you apologized to President Trump or anyone in the White House or Department of Justice for this statement?

Response: No.

Senate Judiciary Committee
Hearing on the Nomination of Thomas Elliot Gaiser
to be Assistant Attorney General for the Office of Legal Counsel
May 21, 2025
Questions for the Record
Senator Amy Klobuchar

1. The job of the Office of Legal Counsel (OLC) is to provide impartial and independent legal advice to the executive branch. Its guiding principle makes clear: "OLC must always give candid, independent, and principled advice - even when that advice is inconsistent with the aims of policymakers."

- If the law conflicts with the policy preferences of the President, how will you ensure that OLC's work product conforms with the law?

Response: If confirmed, I always will follow the Constitution and applicable law in my work.

- If confirmed, what steps will you take to ensure that the Office of Legal Counsel is insulated from political pressure from the White House?

Response: The Department's investigative and prosecutorial decisions should be based on the facts, the applicable law and policies, the admissible evidence, and the Principles of Federal Prosecution (Justice Manual §9-27.000).

2. In his book Jack Goldsmith, who led OLC under George W. Bush, writes that the Office of Legal Counsel has a tradition akin to *stare decisis* regarding prior opinions from the Office. He wrote: "If OLC overruled every prior decision its leader disagreed with, its decisions would be more the whim of individuals than the command of impersonal laws."

- If confirmed, do you commit to abide by OLC's tradition of treating prior decisions as precedent akin to *stare decisis* and under what circumstances do you believe it is appropriate to overturn an OLC opinion where there has been no change in law?

Response: As I am not at the Department yet, I cannot comment on prior practices of OLC. It would be inappropriate for me to opine on hypotheticals.

**Nomination of T. Elliot Gaiser to be Assistant Attorney General for the
Office of Legal Counsel
Questions for the Record
Submitted May 28, 2025**

QUESTIONS FROM SENATOR COONS

1. At any point during the process that led to your nomination, did you have any discussions with anyone—including but not limited to individuals at the White House, at the Justice Department, or at outside groups—about your loyalty to President Trump? If so, please elaborate.

Response: No.

2. If President Trump asked you to do something you judged to be illegal or unethical, would you resign? Please answer yes or no.

Response: The question poses a hypothetical which I do not believe would occur. If confirmed, I will always follow the law, as well as uphold my oath to support and defend the Constitution.

- a. If you would not resign, what would you do? Please explain.

Response: Please see my response to Question #2.

3. Is there ever a circumstance when an executive branch agency may choose not to comply with a federal court order, until such time as that order is stayed or vacated by a higher court?

Response: The question poses a hypothetical which I do not believe would occur. If confirmed, I will always follow the law, as well as uphold my oath to support and defend the Constitution.

- a. What are the remedies available to a litigant who is dissatisfied with a court order?

Response: Parties who are dissatisfied with a court order have the option to appeal the order to a higher court, up to and including the Supreme Court, and including the option to seek a stay of the court's order or an injunction pending appeal.

- b. Would you ever advise a client to disregard a court order?

Response: I will always advise a client, whether in private practice or in government, on how to comply with court orders.

- c. If President Trump instructed you to disobey an order from a federal judge, how would you respond?

Response: The question presents a hypothetical, which I do not believe would occur. If confirmed, I will always follow the law and uphold my oath to support and defend the Constitution.

- d. If Attorney General Bondi instructed you to disobey an order from a federal judge, how would you respond?

Response: Please see my response to Question #3(c).

4. How would you respond if your role at the Department of Justice required you to pursue a policy directive that was unconstitutional?

Response: This question presents a hypothetical, which I do not believe would occur. If confirmed, I do not expect my role at the Department of Justice will ever require me to follow a policy directive that is unconstitutional.

5. What is the remedy if the President violates his constitutional duty to faithfully execute the laws?

Response: This question presents a hypothetical which I do not believe occur. The Constitution lays out remedies based upon certain facts and circumstances. These remedies could be imposed by Congress, courts, or the electorate.

6. As a DOJ lawyer, when is it appropriate to refuse to follow a directive from the President?

Response: I am not currently, nor have ever been employed by the Department of Justice. If I am confirmed, I will always uphold my oath to the Constitution of the United States and act in accordance with all applicable laws and policies of the Department.

7. When is it appropriate for the DOJ to decide not to defend a federal law?

Response: Justice Department lawyers should always uphold their oaths to support and defend the Constitution, and act in accordance with applicable laws, regulations, and Department policies.

8. Do you agree that the DOJ has an independent obligation to evaluate the legality of the President's policy proposals?

Response: Please see my answer to Question #7.

9. What is your understanding of the DOJ's contact policy regarding interactions between the DOJ and White House officials?

Response: I am not currently, nor have ever been employed by the Department of Justice. If I am confirmed, I will comply with all applicable Justice Manual provisions and other guidance issued by the Attorney General regarding communication with the White House.

10. Since President Trump took office, his administration has discredited judges, even calling for their impeachment. Elon Musk took to social media to call federal judges "corrupt" and "evil." Do you think high-level government officials disparaging judges improves or reduces their safety? Please explain your answer.

Response: Without further context, I do not believe it is appropriate for me to comment on the statements in this question as presented.

11. There have been significant concerns raised about the transparency of OLC opinions, especially longstanding ones that form important precedents to inform agency decision-making that the public does not even know exist, let alone know the contents of. Commentators from across the political spectrum have raised concern that OLC opinions thereby form a kind of "secret law" that is at odds with democratic governance.

- a. Do you see merits in these concerns? Please explain.

Response: Please see my response to Question #6.

- b. If confirmed, would you commit to seeking transparency of OLC opinions to the extent possible?

Response: If confirmed, I commit to working to ensure that OLC makes public its opinions in situations that are consistent with any applicable constitutional, statutory, and regulatory limits on what information the Office and the Department should disclose.

- c. If confirmed, would you consider publishing a rolling index of OLC opinions so that the public is at least aware of which opinions exist and are informing agency decision-making?

Response: If confirmed, I commit to working to ensure that OLC makes public its opinions in situations that are consistent with any applicable constitutional, statutory, and regulatory limits on what information the Office and the Department should disclose.

12. I am concerned by how it appears senior administration officials have conducted official business on personal devices or on commercial messaging applications in ways that violate executive branch responsibilities under the *Freedom of Information Act* and

Presidential Records Act. I am especially concerned by indications that conversations may have occurred concerning classified information on devices not cleared for such use. Do you commit to ensuring that you will not conduct official business in such ways that fail to comply with the *Freedom of Information Act*, *Presidential Records Act*, or safeguarding the sensitivity of classified information?

Response: Please see my response to Question #6.

13. Section 702 of the *Foreign Intelligence Surveillance Act* (FISA) is up for reauthorization this year. Do you think the Constitution requires that law enforcement obtain a warrant before accessing Americans' communications collected pursuant to Section 702?

Response: I am not currently, nor have ever been employed by the Department of Justice. It is essential that the Department of Justice protects the civil liberties of Americans while also protecting the United States against threats to our national security. If I am confirmed, I would use all resources available to provide candid and independent legal counsel related to the Section 702 reauthorization if a related question is presented before the Office of Legal Counsel.

14. Under what circumstances may the President declare an invasion, pursuant to the *Alien Enemies Act*, and what role does Congress play in any such determination?

Draft Response: I do not think it is appropriate to opine on a hypothetical. The President is bound by the terms of his oath, the Constitution, and applicable law.

**Nomination of Thomas Elliot Gaiser to be the
Assistant Attorney General for the Office of Legal Counsel
Questions for the Record
Submitted May 28, 2025**

QUESTIONS FROM SENATOR CORY A. BOOKER

1. Do you believe that involvement in the federal criminal investigations and prosecutions of President Trump alone, without other evidence of wrongdoing, misconduct, or unsatisfactory job performance, is grounds for the demotion, reassignment, or termination of Department of Justice (DOJ) personnel?

Response: Any disciplinary actions towards Department of Justice personnel should be undertaken based on the facts of each specific situation in a manner consistent with Department policies, applicable law, and the Constitution.

2. Do you believe that involvement in investigations or prosecutions of individuals related to the January 6 Capitol riot alone, without other evidence of wrongdoing, misconduct, or unsatisfactory job performance, is grounds for the demotion, reassignment, or termination of DOJ personnel?

Response: Please see my response to Question #1.

3. Do you believe that political affiliation alone, without other evidence of wrongdoing, misconduct, or unsatisfactory job performance, is grounds for the demotion, reassignment, or termination of DOJ personnel?

Response: Please see my response to Question #1.

4. If President Trump directs you to take an illegal action, how would you respond?

Response: The question poses a hypothetical which I do not believe would occur. If confirmed, I will always follow the law, as well as uphold my oath to support and defend the Constitution.

5. If any official in the Department of Justice directs you to take an illegal action, how would you respond?

Response: Please see my response to Question #4.

6. If any member of the Administration directs you to take an illegal action, how would you respond?

Response: Please see my response to Question #4.

7. President Trump has said, "I have absolute right to do what I want to do with the Justice Department."¹ Do you agree that a sitting president has absolute power? If yes, please explain the legal basis for this position.

Response: Without further context, I do not believe it is appropriate for me to comment on the statements in this question as presented. The powers of the Presidency are described in Article II of the U.S. Constitution. In the American constitutional order, no coordinate branch of government has absolute power.

- a. If not absolute, how much power do you believe the President has over the Department?

Response: Please see my response to Question #7.

8. Do you believe that there was any basis for the Department of Justice's investigations and prosecutions of President Trump?

Response: Without further context, I do not believe it is appropriate for me to comment on this question as presented.

9. Please provide your understanding of the Hatch Act.

Response: I understand that the Hatch Act prohibits certain political activities by federal employees. Should a matter arise that implicates the Hatch Act or any other federal statute, I would roll up my sleeve to generate an informed view of that statute.

- a. Do you believe that asking DOJ personnel their views about investigations or prosecutions to assess their political leaning is a violation of the Hatch Act?

Response: Employees who are regulated by the Hatch Act should abide by its provisions. Whether a question to any Department of Justice official constitutes a prohibited act under that or any other statute would turn on the facts of a situation.

10. Will you commit to consulting with career officials at DOJ regarding your potential conflicts of interest?

Response: Yes.

11. Will you follow the guidance of career officials at DOJ regarding your potential conflicts of interest and recusals?

¹ Michael S. Schmidt & Michael D. Shear, *Trump Says Russia Inquiry Makes U.S. 'Look Very Bad,'* N.Y. TIMES (Dec. 28, 2017), <https://www.nytimes.com/2017/12/28/us/politics/trump-interview-mueller-russia-china-north-korea.html>.

Response: With regards to potential conflicts of interest and decisions on recusal, I will consult with appropriate officials and make decisions based on the facts and applicable law and policy.

12. Have you spoken or corresponded with Elon Musk since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

- i. At any point, did you discuss DOJ or matters related to DOJ, including personnel matters?

Response: Please see my response to Question #12.

- ii. Did you ever discuss demotions, reassignments, or terminations of personnel, whether specific individuals or generally?

Response: Please see my response to Question #12.

- iii. Did you ever discuss potential personnel to be hired or appointed in any capacity at the DOJ?

Response: Please see my response to Question #12.

13. Under what circumstances would it be acceptable for an executive branch official to ignore or defy a federal court order?

Response: I would always advise a client on how to comply with lawful court orders. When faced with an adverse court decision, a party has a variety of avenues to follow, including making an appeal.

- a. Should an executive branch official who ignores or defies a federal court order be held in contempt?

Response: Please see my response to Question #13.

- b. Can you unequivocally state that executive branch officials must comply with federal court orders?

Response: Please see my response to Question #13.

- c. Can you unequivocally state that executive branch officials must comply with temporary restraining orders and preliminary injunctions issued by federal district court judges?

Response: Please see my response to Question #13.

14. What criteria will you consider when determining whether to publicly release Office of Legal Counsel (OLC) legal opinions?

Response: If confirmed, I commit to working to ensure that OLC makes public its opinions in situations that are consistent with any applicable constitutional, statutory, and regulatory limits on what information the Office and the Department should disclose.

15. What criteria will you consider when determining whether to withdraw or rescind prior OLC legal opinions?

Response: If confirmed, I will faithfully execute OLC's authority to provide the President and executive agencies with advice on questions of law, pursuant to the Attorney General's delegation under the Judiciary Act of 1789.

16. Does OLC play a role in checking executive branch overreach? Please explain your answer.

Response: Pursuant to Department of Justice policies, OLC assists the Attorney General in ensuring that the President and the executive agencies fulfill respective constitutional duties to preserve, protect, and defend the Constitution, and to "take Care that the Laws be faithfully executed".

17. If confirmed, will you commit to ensuring that OLC seeks the views of interested and affected agencies and DOJ components before rendering final advice?

Response: Pursuant to Department of Justice policies, in rendering legal advice, if confirmed, I will seek to provide an accurate and honest appraisal of applicable law. This includes striving to ensure that OLC candidly and fairly addresses the full range of relevant legal sources and significant arguments on all sides of the question.

18. In your Senate Judiciary Questionnaire, you reported that you have been a member of Teneo since March 2017.

- a. Please describe what Teneo is.

Response: The Teneo Network is a national network for likeminded conservatives.

- b. What is Teneo's mission?

Response: I understand the Teneo Network's mission as providing opportunities for likeminded conservatives to network and collaborate professionally and socially.

- c. How did you become a member of Teneo?

Response: Alexandra Gaiser recommended that I get involved in the Teneo Network.

- d. Have you recruited others to join Teneo? If yes, provide the names of those individuals.

Response: I have not recruited anyone for the Teneo Network.

- e. Please provide a list of all events you have attended as a member of Teneo. Provide dates and locations for all events listed and describe the purpose of the event.

Response: Since March 2017, I have attended approximately 3-5 Teneo Network events per year. These include holiday parties, social dinners, and book discussions. I do not recall dates and locations, but the purpose of each event has been connecting with likeminded conservatives professionally and socially.

- f. Have you or your spouse made financial contributions to Teneo? If yes, please provide the amounts and dates of such contributions.

Response: I have contributed approximately \$1000 to the Teneo Network in various years.

19. Please respond to the following questions in as much detail as possible.

- a. What is your opinion of abortion?

Response: As Solicitor General of Ohio, I am currently counsel in litigation involving Ohio laws that affect abortion, so it would not be appropriate for me to comment.

- i. How do you define bodily autonomy?

Response: In the Anglo-American jurisprudential tradition, bodily autonomy is a liberty interest protected by law, custom, and good manners. I believe nobody should be deprived of life, liberty, or property without due process of law.

- b. Under what circumstances, if any, is it appropriate for the government to compel women, including minors, to share information about their menstrual cycle?

Response: Federal and state laws, including the Health Insurance Portability and Accountability Act (HIPAA), generally protect patient information from unlawful disclosures. I am not aware of circumstances where the government compels women to share such information.

- c. What is your opinion of contraceptives and birth control?

Response: The Supreme Court in *Griswold v. Connecticut* and *Eisenstadt v. Baird* found a substantive due process right for married and unmarried individuals to access contraceptives.

- d. What is your opinion of gender-affirming care?

Response: *United States v. Skrametti*, a case involving state laws that regulate medical interventions intended to transition the sex or gender of minors, is currently pending before the Supreme Court of the United States. While I am not currently at the Department of Justice, the Department of Justice speaks on pending cases through its filings. As a nominee, it would be inappropriate for me to opine on pending litigation in which the Department is currently involved.

- e. Is it appropriate for school officials or sports coaches to verify the sex and gender of minor students? If yes, please describe how school officials or sports coaches would verify the sex and gender of minor students.

Response: As Solicitor General of Ohio, I am currently counsel in litigation involving an Ohio law that prohibits males from participating in athletic events reserved for girls and women, so it would not be appropriate for me to opine.

- f. What is your opinion of same-sex marriage?

Response: The Supreme Court in *Obergefell v. Hodges* held that the Constitution protects a right to marriage for same-sex couples.

- g. What is your opinion of miscegenation?

Response: The Supreme Court in *Loving v. Virginia* held that the Constitution prohibits laws against miscegenation.

- h. What is your opinion of racial discrimination?

Response: The U.S. Constitution prohibits racial discrimination by state governments and the federal government. Federal and state civil rights laws prohibit racial discrimination in employment, education, and elsewhere. As Chief Justice Roberts wrote for a plurality opinion of the Supreme Court in *Parents Involved v. Seattle*, “The way to stop discrimination on the basis of race is to stop discriminating on the basis of race.”

- i. Is there racial discrimination against people of color in the private sector?

Response: Yes.

ii. Is there racial discrimination against people of color in the public sector?

Response: Yes.

iii. Is there racial discrimination against people of color in education?

Response: Yes.

i. Do you believe transgender people are unfit for military service?

Response: I understand that there is currently litigation pending regarding that issue in which the Department of Justice is involved. While I am not now at the Department of Justice, the Department of Justice speaks on pending cases through its filings. As a nominee, it would be inappropriate for me to opine on pending litigation in which the Department is currently involved.

j. Do you agree with Secretary of Defense Hegseth that women should not serve in combat roles?²

Response: I believe the military and its officers, under civilian control, are best situated to decide what policies best ensure military readiness and combat effectiveness.

20. Does the Fifth Amendment of the U.S. Constitution apply to non-citizens present in the United States?

Response: The Fifth Amendment to the U.S. Constitution states: "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation." U.S. Const. amend. V. This amendment applies to persons and speaks for itself.

21. Is *Griswold v. Connecticut*, 381 U.S. 479 (1965), binding precedent?

Response: *Griswold v. Connecticut* is binding precedent of the Supreme Court.

22. Is *Lawrence v. Texas*, 539 U.S. 558 (2003), binding precedent?

Response: *Lawrence v. Texas* is binding precedent of the Supreme Court.

² Emma Tucker et al., *Trump's defense secretary pick said women shouldn't be in combat roles. These female veterans fear what comes next*, CNN (Nov. 14, 2024), <https://www.cnn.com/2024/11/14/us/military-women-pete-hegseth-defense-secretary/index.html>.

23. Is *Obergefell v. Hodges*, 576 U.S. 644 (2015), binding precedent?

Response: *Obergefell v. Hodges* is binding precedent of the Supreme Court.

24. Do you believe that President Trump won the 2020 election?

Response: President Joe Biden was certified and served as the 46th President of the United States.

25. The 22nd Amendment says that “no person shall be elected to the office of the President more than twice.”³

- a. Do you agree that President Trump was elected to the office of the President in the 2016 election?

Response: Yes.

- b. Do you agree that President Trump was elected to the office of the President in the 2024 election?

Response: Yes.

- c. Do you agree that the 22nd Amendment, absent a constitutional amendment, prevents Trump from running for a third presidential term?

Response: The Twenty-Second amendment to the U.S. Constitution speaks for itself.

³ U.S. CONST. amend. XXII.

**Senator Peter Welch
Senate Judiciary Committee
Written Questions for T. Elliot Gaiser
Hearing on “Nominations”
Wednesday, May 21, 2025**

1. Who won the 2020 presidential election?

Response: Former President Joseph Biden was certified as the winner of the 2020 presidential election and sworn in as the forty-sixth President on January 20, 2021.

2. Do you believe fraud changed the outcome of the 2020 presidential election?

Response: As the Attorney General stated, many Americans continue to share concerns about the integrity of the 2020 election.

3. Did you author any memos, speeches, or other documents before, during, or after the 2020 presidential election that detailed whether fraud changed the outcome of the 2020 presidential election? If so, please provide your rationale.

Response: I was retained to provide legal advice to President Trump’s 2020 campaign. My ethical duties as an attorney include a duty of confidentiality regarding the advice I provided to a former client.

4. Did you author any memos, speeches, or other documents before, during, or after the 2020 presidential election that detailed whether Vice President Pence could reject votes during the count of the Electoral College? If so, please provide your rationale.

Response: Please see my response to Question #3.

5. Please provide your understanding of the Emoluments Clause?

Response: I understand that Article I, Section 9, Clause 8 of the U.S. Constitution provides, “No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.”

6. Do you believe there is a legal basis for a sitting President to accept a gift of an aircraft from a foreign state without the approval of Congress? If so, please provide your rationale.

Response: The President is bound by the terms of his oath, the Constitution, and applicable law.

7. Should a litigant ever disobey a lawful court order?

Response: I will always advise a client on how to follow a lawful court order.

8. Is the Executive Branch bound by Supreme Court precedent?

Response: The President is bound by the terms of his oath, the Constitution, and applicable law.

9. Is the Executive Branch bound by precedent of the United States Court of Appeals for the Second Circuit when appearing before that circuit?

Response: Parties who are dissatisfied with a court order have the option to appeal the order to a higher court, up to and including the Supreme Court, and including the option to seek a stay of the court's order pending appeal.

Questions for the Record

Sen. Adam Schiff (CA)

Thomas “Elliot” Gaiser, Nominee to be Assistant Attorney General for the Office of Legal Counsel (OLC)

1. Do you agree it would be improper for the President or the White House to direct, task, or otherwise provide input on whether DOJ should initiate or undertake an *investigation* of current or former U.S. government officials or other private citizens?

Response: I commit to following all governing memoranda from the Attorney General, including any addressing White House contacts.

2. Do you agree it would be improper for the White House to direct, task, or otherwise provide input on whether DOJ should pursue *criminal charges* against current or former U.S. government officials or other private citizens?

Response: I commit to following all governing memoranda from the Attorney General, including any addressing White House contacts.

3. Please guarantee in writing to this Committee that any and all decisions you make as Assistant Attorney General during your tenure, if confirmed by the Senate, will be free from any political, partisan, financial, or personal motive, including your own.

Response: The Department’s investigative and prosecutorial decisions should be based on the facts, the applicable law and policies, the admissible evidence, and the Principles of Federal Prosecution (Justice Manual §9-27.000).

4. Whistleblowers play a critical role in calling out waste, fraud, and abuse across government. If confirmed, do you commit to protecting and in no way adversely affecting, or retaliating against, the employment of any employees who report internal waste, fraud and abuse of authority by the Trump Administration, including any activity that may involve you, through the proper channels to DOJ management, to the DOJ Inspector General, and to Congress?

Response: Yes.

5. Have you used Signal or other commercially available messaging applications to communicate with individuals at the White House, DOJ, or FBI regarding ongoing or anticipated reviews or investigations, including law enforcement sensitive information?

Response: No.

6. Do you commit not to use Signal or other commercially available messaging applications that do not comply with federal records retention laws and regulations to communicate with

individuals at the White House, DOJ, or FBI regarding ongoing or anticipated reviews or investigations, including law enforcement sensitive information?

Response: If confirmed, I will ensure that any communications comply with all applicable federal records retention laws and procedures.

7. The Office of Legal Counsel is crucially responsible for ensuring that the executive branch operates within the bounds of the law. It has been publicly reported that OLC contributed to the memorandum signed by Attorney General Bondi asserting that it would be legally permissible for President Trump, either directly or through the U.S. Government, to accept a 747-8 luxury jet from Qatar.

- a. Is it the role of the Office of Legal Counsel to approve proposed directives from the Attorney General or the President, even if they contravene federal bribery and ethics laws?

Response: I am not in the Office of Legal Counsel and, thus, do not have specific knowledge about this matter.

- b. If an action by the President or other officials would violate the Constitution and/or laws enshrined in statute, would you instruct the Office of Legal Counsel to craft a justification to allow the President or others to nonetheless take the action and claim that it is lawful?

Response: The President is bound by the terms of his oath, the Constitution, and applicable law.

- c. Do you believe the President can circumvent the Foreign Emoluments Clause of the Constitution, federal bribery and ethics laws, *and/or* Congress to acquire gifts from foreign nations?

Response: The President is bound by the terms of his oath, the Constitution, and applicable law.

8. On July 21, 2021, then-Attorney General Garland issued a memorandum on the “Department of Justice Communications with the White House,” more commonly referred to as the White House Contacts policy. This policy governs all communications between the Justice Department and White House personnel and is critical to safeguarding the DOJ’s criminal and civil law enforcement decisions and legal judgements from partisan influences. According to public reports in February, the White House updated its own guidance to permit the President and select others to initiate conversations with DOJ about specific criminal or civil cases and investigations.

- a. Do you commit to upholding the Department’s longstanding policy, as outlined in the 2021 memo, *not* to “advise the White House concerning pending or contemplated criminal or civil law enforcement investigations or cases unless doing so is important

for the performance of the President's duties and appropriate from a law enforcement perspective?"

Response: I commit to following all governing memoranda from the Attorney General, including any addressing White House contacts.

9. On July 19, 2021, then-Attorney General Garland issued a memorandum on the "Use of compulsory process to obtain information from, or records of, members of the news media" to protect the press' ability to investigate and report the news to the American public. On October 26, 2022, following a review completed by the then-Deputy Attorney General and in consultation with relevant internal and external stakeholders, the then-Attorney General codified the provisions set forth in this memorandum in the Department's regulations at 28 CFR 50.10. Attorney General Bondi has since rescinded some of these critical protections of journalistic integrity.

- a. Do you agree that a free and independent press is vital to the functioning of our democracy?

Response: Yes.

- b. Do you believe that the Department of Justice was correct in rescinding protections for journalists' ability to report news to the American public freely?

Response: I am not currently at the Department of Justice to comment. I recognize the essential role a free press plays in our democracy.

10. Yes or no, do you believe it would ever be appropriate to ignore or contravene a district court order or opinion because you believe the Supreme Court will ultimately reverse the lower court's decision?

Response: I will always advise a client, whether in private practice or in government, on how to comply with court orders.

BRENNA BIRD
ATTORNEY GENERAL



1305 E. WALNUT ST.
DES MOINES, IA 50319
515-281-5164
www.iowaattorneygeneral.gov

IOWA DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

The Honorable Charles Grassley
Chairman, Committee on the
Judiciary
U.S. Senate
Washington, D.C. 20510

The Honorable Richard Durbin
Ranking Member, Committee on
the Judiciary
U.S. Senate
Washington, D.C. 20510

**Re: Supporting Department of Justice Office of Legal Counsel
Assistant Attorney General Nominee T. Elliot Gaiser**

Dear Senators Grassley and Durbin:

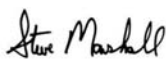
Elliot Gaiser is an excellent leader and an excellent nominee to serve as the Assistant Attorney General for the Office of Legal Counsel in the Department of Justice. Mr. Gaiser most recently served as Solicitor General of Ohio, where we 23 Attorneys General got to work with him and can thus recommend him for his intelligence, conscientiousness, and work ethic first-hand.

Mr. Gaiser played a key role in pushing back against many of the Biden-Harris Administration's excesses, including leading the charge in *Ohio v. E.P.A.* against California's illegal car ban. Mr. Gaiser has also been a team player, helping to coordinate dozens of States on comment letters, amicus briefs, and lawsuits, all with the goal of defending the Constitution and the rule of law. He clerked for Justice Alito and Judges Edith Jones and Neomi Rao. And he also had the opportunity to work with C. Boyden Gray to empower everyday citizens against the administrative state. Mr. Gaiser's legal acumen is matched by his integrity and dedication to serving the public.

The Office of Legal Counsel is responsible for issuing authoritative opinions on a variety of important matters for the Department of Justice—and the whole of government. Having a leader like Mr. Gaiser in this role will ensure that OLC continues to serve the public with the high-quality work that Americans expect. We strongly recommend his swift confirmation.

Sincerely,


Brenna Bird
Attorney General of Iowa


Steve Marshall
Attorney General of Alabama


Tim Griffin
Attorney General of Arkansas


James Uthmeier
Attorney General of Florida


Chris Carr
Attorney General of Georgia


Todd Rokita
Attorney General of Indiana


Kris Kobach
Attorney General of Kansas


Russell M. Coleman
Attorney General of Kentucky

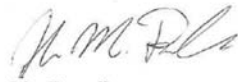

Liz Murrill
Attorney General of Louisiana


Lynn Fitch
Attorney General of Mississippi


Andrew T. Bailey
Attorney General of Missouri


Austin Knudsen
Attorney General of Montana


Mike Hilgers
Attorney General of Nebraska



John Formella
Attorney General of New
Hampshire



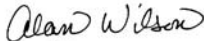
Drew Wrigley
Attorney General of North Dakota



Dave Yost
Attorney General of Ohio



Gentner Drummond
Attorney General of Oklahoma



Alan Wilson
Attorney General of South Carolina



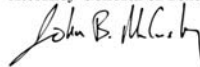
Marty Jackley
Attorney General of South Dakota



Jonathan Skrmetti
Attorney General of Tennessee



Ken Paxton
Attorney General of Texas



John B. McCuskey
Attorney General of West Virginia



Bridget Hill
Attorney General of Wyoming

May 14, 2025

The Honorable Charles E. Grassley, Chairman
The Honorable Richard J. Durbin, Ranking Member
Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, D.C. 20510

**Re: Nomination of T. Elliot Gaiser to Assistant Attorney General for the
Office of Legal Counsel**

Dear Chairman Grassley and Ranking Member Durbin,

We, the undersigned partners at Boyden Gray PLLC, write to express our strong support for the nomination of Elliot Gaiser to serve as the next Assistant Attorney General for the Office of Legal Counsel at the U.S. Department of Justice. During his time at our firm and in the years since, Elliot has demonstrated the keen intellect, strong principles, sound judgment, and even temperament required to lead the Office of Legal Counsel. We respectfully urge his confirmation.

Following clerkships on the Fifth and D.C. Circuits, and before clerking for Associate Justice Samuel A. Alito at the United States Supreme Court, Elliot was an associate attorney at Boyden Gray & Associates. He was hired by our firm's founder and namesake, the late C. Boyden Gray, who saw in Elliot the sharp legal mind, tireless work ethic, and trustworthy discernment that have come to characterize his legal career.

From his first days at the firm, Elliot demonstrated the ability to tackle difficult cases and engage novel legal concepts, never shying away from the most challenging issues. He embraced the painstaking effort required to navigate complex and arcane areas of federal law, and distinguished himself as a clear thinker, writer, and counselor. Through it all, Elliot gained extensive experience in the bodies of law that will inform his role at the Office of Legal Counsel: constitutional law, administrative law, and complex federal statutory schemes.

While we hold Elliot's intelligence and work ethic in the highest esteem, we could not do Elliot justice without also speaking to his character. Elliot is the textbook example of one who can disagree without being disagreeable. He is unfailingly warm and generous with his time, making it a priority to assist others whether personally or professionally. More importantly, he is honest and trustworthy in all his dealings. He is not one to ever cut ethical corners, even in zealous advocacy.

We are confident that Elliot will approach his obligations to the Nation and to the Constitution of the United States with the utmost seriousness and professionalism. We are honored to support his nomination to lead the Office of Legal Counsel, and we respectfully urge his swift confirmation.

Sincerely,

Jonathan Berry
R. Trent McCotter
Michael Buschbacher
James R. Conde
Jared M. Kelson



New York University

A private university in the public service

School of Law
Faculty of Law

40 Washington Square South
New York, NY 10012-1099
Telephone: (212) 992-8858
Facsimile: (212) 995-4894
E-mail: richard.epstein@nyu.edu

Richard A. Epstein
Laurence A. Tisch Professor of Law

May 19 2025

The Honorable Charles E. Grassley
Chairman, Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Richard J. Durbin
Ranking Member, Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, DC 20510

Re: Nomination of T. Elliot Gaiser to Assistant Attorney General for the Office of Legal Counsel

Dear Chairman Grassley and Ranking Member Durbin,

It is my extremely great pleasure to write to you offering my strongest support for Elliot Gaiser as the Assistant Attorney General for the Office of Legal Counsel. I first met Mr. Gaiser as a raw, second-year student who had transferred to the University of Chicago Law from Ohio State's Law School, when in the spring of 2015 he enrolled in my course in Land Use Planning that deals extensively with the thorniest problems under the Takings Clause, and some of the most complex regulations of local land use law. He was, as he said at the time, someone in awe of some of the exceptional students in that class, but his combination of intelligence, grit, and commitment to law carried him through. As he gained confidence and a greater awareness of his surroundings, his performance improved and it was clear to me then that he was a man to be reckoned with because of his incredible drive and determination.

The story then repeated itself the next year when he took my Roman Law seminar, which was again filled with, as fate would have it, as strong a group of students that I have ever had in 57 years of teaching. That class sought to introduce him to the often-unappreciated thinking of ancient lawyers steeped in a natural law tradition that they

unerringly applied without the benefit of modern understandings about everything from economics, to custom and the vexed relationship to public law. In part from his undergraduate days at Hillsdale College, Mr. Gaiser had the predisposition and respect for the sources that have helped him become both a principled thinker and a public servant. It was not an easy task to accomplish. At the beginning of the quarter, Mr. Gaiser was not at the top of the class, but again he refused to let up, and with each of his papers his performance improved, so that in the end he was able to join my most elite group of students.

The two things that stand out about Mr. Gaiser's two years at the Law School were these. First was his general affability, poise, and his unfailing situational sense on all matters great and small. He is one of those rare individuals who knows what to say, how to say it and when to say it. The second was his knowledge of legal and social developments outside the traditional law school classes and topics. Mr. Gaiser was always abreast of legal developments throughout the law, and he always showed an uncanny knack of how to place these developments in their larger social context. Even as a law student he had learned and to comment on major questions with a balanced sense of judgment that always made it a pleasure to talk with him. In these skills he ranked then at the very top of the distribution, wise beyond his years, and able to engage in all sorts of practical problems.

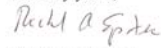
At that time, I made a silent commitment to myself that he would be one of the students for whom I would do whatever it took to help him to succeed, which now includes the office of head of OLC. Since his graduation, I have been in constant contact with him. At times, it was helping him get the clerkships that he received from Judges Edith Jones and Neomi Rao, and then with Justice Samuel Alito. I can still recall the long discussion we had in 2017 when he had finished his clerkship with Judge Edith Jones as to whether to accept a position in the first Trump administration, or go work first at Gibson Dunn. He was sorely tempted to take a position in government, but in the end his good professional instincts won out, and he took the job with Gibson Dunn because he thought he needed rigorous practical experiences to hone his skills that he would need in order to enter public service at a high level. After his short-term clerkship with Judge Neomi Rao, he then accepted a position as an associate with Boyden Gray's firm, where we worked together on some complex civil litigation. After his clerkship to Justice Alito, he returned home to Ohio where, after a stint at Jones Day, he was chosen the next in a line of distinguished Solicitor Generals of the state of Ohio (Eric Murphy, Douglas Cole, and Benjamin Flowers).

There is a common theme that runs through all of these great achievements. Mr. Gaiser has had a wide range of experiences since he has graduated from the University of Chicago Law School, and has been wise enough and tenacious enough to have earned the trust and respect of all the distinguished judges and lawyers and ordinary citizens with whom he has worked. Thus he should be well-prepared to deal with the many challenges that will come to him as he sits in one of the hottest seats in Washington. Before I wrote this letter I called him up for a long chat that ranged over his past achievements and his future plans. There are not many people that I think could do this job as well as Elliot Gaiser. It was indeed clear from that long discussion that he has already been at work at

the job. He has thought through some of the hardest questions of the meaning and scope of Article II, and he has the natural toughness and integrity to take command of one of the most difficult positions in Washington D.C.

He will be a credit to his office, to the Senate that approves his nomination and the wider public whom he serves. He deserves the support of all Senators on both sides of the aisle. He has my highest recommendation.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Rich A. Epstein".

Richard A. Epstein

OT21 Clerks Letter re: Gaiser Nomination
May 20, 2025
Page 1 of 3

The Honorable Charles E. Grassley
Chairman, Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Richard J. Durbin
Ranking Member, Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, DC 20510

Re: Nomination of T. Elliot Gaiser to Assistant Attorney General for the Office of Legal Counsel

Dear Chairman Grassley and Ranking Member Durbin,

We write today to express our support for the nomination of T. Elliot Gaiser to serve as the Assistant Attorney General for the Office of Legal Counsel. All of us served as law clerks at the United States Supreme Court during October Term 2021, when Elliot clerked for Associate Justice Samuel A. Alito, Jr. Each of us signs this letter in a personal capacity, and not on behalf of any current or former employer.

We hold a diverse array of political and legal views, and have worked in a range of roles in public service, academia, nonprofits, and private practice. We are unified, however, in our belief that Elliot possesses not only the analytical talent, but also the character and judgment to serve his country in this important role.

As clerks, we worked very closely with Elliot, and grew to know him well as a legal thinker and as a professional colleague. Elliot stood out for his careful thinking and writing, his strong work ethic, and his humility and graciousness toward others. Whether we found ourselves agreeing or disagreeing on a legal matter, we never had a doubt as to his diligence, thoughtfulness, or integrity. Outside of our clerk-to-clerk interactions, we also share a great admiration for the way Elliot showed kindness and respect to everyone at the Supreme Court, including the entire Court staff. He was consistently measured in tone, generous with time, and treated others with grace and dignity.

Simply put, Elliot's legal acumen, professional temperament, and utmost integrity make him well suited to serve as the Assistant Attorney General for the Office of Legal Counsel. We strongly support his nomination, and we are confident that he will be an asset to the Department of Justice and the United States.

Sincerely,

Samuel D. Adkisson
Former Law Clerk to Chief Justice John G. Roberts, Jr.

Alexa R. Baltes
Former Law Clerk to Associate Justice Brett M. Kavanaugh

Stephanie Barclay
Former Law Clerk to Associate Justice Neil M. Gorsuch

Louis J. Capozzi III
Former Law Clerk to Associate Justice Neil M. Gorsuch

Christina R. Gay
Former Law Clerk to Chief Justice John G. Roberts, Jr.

Christopher C. Goodnow
Former Law Clerk to Associate Justice Clarence Thomas

Michael Heckmann
Former Law Clerk to Associate Justice Amy Coney Barrett

Dennis Howe
Former Law Clerk to Chief Justice John G. Roberts, Jr.

Steven J. Lindsay
Former Law Clerk to Associate Justice Clarence Thomas

Athie O. Livas
Former Law Clerk to Associate Justice Brett M. Kavanaugh

Eric M. Palmer
Former Law Clerk to Associate Justice Samuel A. Alito, Jr.

Jenna Pavelec
Former Law Clerk to Associate Justice Brett M. Kavanaugh

Max Schulman
Former Law Clerk to Associate Justice Amy Coney Barrett

Shelby Baird Smith
Former Law Clerk to Associate Justice Samuel A. Alito, Jr.

Mark Storslee
Former Law Clerk to Associate Justice Neil M. Gorsuch

OT21 Clerks Letter re: Gaiser Nomination
May 20, 2025
Page 3 of 3

John Henry Thompson
Former Law Clerk to Associate Justice Neil M. Gorsuch

Manuel Valle
Former Law Clerk to Associate Justice Clarence Thomas

Sarah Welch
Former Law Clerk to Associate Justice Brett M. Kavanaugh

E. Garrett West
Former Law Clerk to Associate Justice Samuel A. Alito, Jr.

May 12, 2025

The Honorable Charles Grassley
Chairman, Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Richard Durbin
Ranking Member, Committee on the Judiciary
United States Senate
Washington, DC 20510

Re: Letter of support by current and former state solicitors general for the nomination of T. Elliot Gaiser as Assistant Attorney General for the Office of Legal Counsel

Dear Chairman Grassley and Ranking Member Durbin:

We write to urge the confirmation of Elliot Gaiser as Assistant Attorney General for the Office of Legal Counsel.

Since 2023, Elliot has ably discharged his duties as Solicitor General of Ohio. His work establishes his fitness to serve in the Office of Legal Counsel. We know this because we all served as state solicitors general, and all of us have partnered with Elliot on important matters. We have seen firsthand his impressive intellect, clear thinking, disciplined legal analysis, and commitment to the United States Constitution.

Elliot's tenure as Ohio Solicitor General has honed his inherent strengths, further preparing him to serve in the Office of Legal Counsel. State solicitors general must often quickly and accurately resolve and advise on complex legal matters. In *OPAWL v. Yost*, for example, Elliot successfully moved for a stay of district court decision enjoining the enforcement of an Ohio law regulating the use of foreign contributions and expenditures in Ohio elections. And he made that filing just a day after the district court entered its injunction. What is more, as Solicitor General, Elliot oversaw the department of the Attorney General's office that provides opinions to prosecutors and state agencies on issues of state law. In that capacity, he often provided counsel on arcane matters of state law. He thus supervised what amounts to a state-level Office of Legal Counsel. And he did so well. Experiences like these demonstrate Elliot's ability to provide the President with high-quality counsel regarding important issues, and that he will do so on the compressed timelines that the Office of Legal Counsel demands.

Even before joining the Ohio Attorney General’s Office, Elliot distinguished himself as an outstanding thinker. His time working for three distinguished judges—Justice Samuel Alito, Judge Neomi Rao, and Judge Edith Jones—equips him well to tackle some of our nation’s most challenging constitutional issues. Federal courts started citing his scholarship on administrative law remedies just a few short months after he published it. And his work in private practice at three renowned firms showed Elliot to be—in the words of Ohio Attorney General Dave Yost—a “master craftsman of ironclad legal arguments rooted in originalist principles and constitutional restraint.”

Above all else, Elliot is a good man. He’s the son of a small-business owner, a family man, and a devoted American, as honest as the day is long. Elliot’s dedication to the legal craft reflects the importance he places on serving his fellow citizens. He is, in short, exactly the kind of person that Americans should be delighted to have in the Executive Branch—particularly to lead the office “responsible for ensuring that the executive branch charged with executing the law is itself bound by the law.”

Many leading lights of the legal field have led the Office of Legal Counsel; Chief Justice Rehnquist and Justice Scalia, for example, are among them. Elliot will be a worthy successor to their legacy. Confirm him.

Sincerely,

J. Benjamin Aguiñaga (Solicitor General of Louisiana, 2024-present)

Philip Axt (Solicitor General of North Dakota, 2023-present)

James A. Barta (Solicitor General of Indiana, 2023-present)

James A. Campbell (Solicitor General of Nebraska, 2020-2023)

Christian Corrigan (Solicitor General of Montana, 2022-present)

David Dewhirst (Solicitor General of Montana, 2021-2022)

Andrew Ferguson (Solicitor General of Virginia, 2022-2024)

Thomas M. Fischer (Solicitor General of Indiana, 2005-2023)

Benjamin M. Flowers (Solicitor General of Ohio, 2019-2023)

Garry Gaskins (Solicitor General of Oklahoma, 2023-present)

Tyler Green (Solicitor General of Utah, 2015-2020)

Eric J. Hamilton (Solicitor General of Nebraska, 2023-2025)
 Melissa Holyoak (Solicitor General of Utah, 2020-2024)
 Matthew F. Kuhn (Solicitor General of Kentucky, 2021-present)
 Edmund LaCour (Solicitor General of Alabama, 2019-present)
 Mithun Mansinghani (Solicitor General of Oklahoma, 2017-2022)
 Liz Murrill (Solicitor General of Louisiana, 2016-2023)
 Aaron L. Nielson (Solicitor General of Texas, 2023-present)
 Autumn Hamit Patterson (Solicitor General of Arkansas, 2025-present)
 Stephen Petrany (Solicitor General of Georgia, 2021-present)
 Anthony Powell (Solicitor General of Kansas, 2023-present)
 Stanford Purser (Solicitor General of Utah, 2024-present)
 J. Matthew Rice (Solicitor General of Tennessee, 2024-present)
 Brunn (Beau) Roysden (Solicitor General of Arizona, 2020-2022)
 O.H. Skinner (Solicitor General of Arizona, 2019-2020)
 Scott G. Stewart (Solicitor General of Mississippi, 2021-present)
 Judd Stone (Solicitor General of Texas, 2021-2023)
 Eric H. Wessan (Solicitor General of Iowa, 2023-present)
 Michael R. Williams (Solicitor General of West Virginia, 2024-present)

May 18, 2025

The Honorable Charles E. Grassley
Chairman, Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Richard J. Durbin
Ranking Member, Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, DC 20510

Re: Nomination of T. Elliot Gaiser to Assistant Attorney General for the Office of Legal Counsel

Dear Chairman Grassley and Ranking Member Durbin,

We, the undersigned law professors, write in support of Elliot Gaiser's nomination to serve as Assistant Attorney General for the Office of Legal Counsel. We have engaged with Mr. Gaiser in various forums; some of us first engaged with him as a student, while others have known him primarily as a colleague or peer. Each of us signs this letter in a personal capacity, and not on behalf of any current or former employer.

As scholars, we hold diverse views on administrative law, constitutional law, and regulatory policy. But despite that diversity of perspective, we agree that Mr. Gaiser is well equipped in temperament and legal acumen to lead the Office of Legal Counsel, as a body that seeks to resolve difficult legal questions on behalf of the Executive Branch.

Through his career as a lawyer—in private practice, clerking at the United States Supreme Court, and representing his home state of Ohio as Solicitor General—Mr. Gaiser has consistently engaged thoughtfully with the reasoned development of the law. For example, it is uncommon for a state official to publish scholarship explaining the legal perspective his state is advancing in the courts. That Mr. Gaiser made it a priority to do so underscores the commitment to fairminded debate that we have known him to exhibit.

In a sharp-elbowed profession, Mr. Gaiser is also unfailingly courteous, professional, and even quietly kind to his colleagues and peers, as well as the many young people he has worked to mentor. Some of our own students have benefited from Elliot's mentorship and assistance in advancing their own careers. We have no doubt he would treat all those working alongside him in the Office of Legal Counsel with the utmost dignity and respect.

We strongly support Mr. Gaiser's nomination, and would be proud to see him confirmed to this role.

Sincerely,

Professor J. Joel Alicea
St. Robert Bellarmine Professor of Law
Director, Center for the Constitution and the Catholic Intellectual Tradition
Columbus School of Law, The Catholic University of America

Professor Stephanie Barclay
Professor of Law
Faculty Co-Director, Georgetown Center for the Constitution
Georgetown Law School

Professor Douglas A. Berman
Newton D. Baker-Baker & Hostettler Chair in Law
Director, Drug Enforcement and Policy Center
Moritz College of Law, The Ohio State University

Professor Tom Ginsburg
Leo Spitz Distinguished Service Professor of International Law
Faculty Director, Malyi Center for the Study of Institutional and Legal Integrity
Faculty Director, Forum for Free Inquiry and Expression
University of Chicago Law School

Professor Mark Kubisch
Assistant Professor of Legal Research and Writing
Director, Appellate Advocacy Program
Director, Legal Research and Writing Program
Caruso School of Law, Pepperdine University

Professor Chad Squitieri
Assistant Professor of Law
Columbus School of Law, The Catholic University of America

Professor Derek A. Webb
Assistant Professor of Law
Columbus School of Law, The Catholic University of America

Professor Ilan Wurman
Julius E. Davis Professor of Law
University of Minnesota Law School

**Institutional affiliations provided for identification purposes only.*

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY
QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

1. **Name:** State full name (include any former names used).

John Arthur Squires

2. **Position:** State the position for which you have been nominated.

Under Secretary of Commerce for Intellectual Property and Director
of the United States Patent and Trademark Office

3. **Address:** List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Current Office Address: 485 Lexington Ave, 14th Floor, New York, NY 10017

Residence: Vero Beach, Florida

4. **Birthplace:** State date and place of birth.

1962, Pompton Plains, New Jersey

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

University of Pittsburgh School of Law, 1989-1992, J.D, magna cum laude
received 1992

Bucknell University, 1980-1984, B.S. Chemistry received 1984

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2017 – Present
Dilworth Paxson, LLP

99 Park Ave
New York, NY 10016
Partner, Paid Position

2017 – Present,
FinClusive Capital Inc.
860 Bullock Drive
Guilford, Vermont 05301
Corporate Secretary, Board Member
Unpaid

2017 – Present
iQ4 Corporation
300 Tice Blvd
Woodcliff Lake, NJ 07677
Board Member
Unpaid

2013-Present
RANE Network, Inc.
510 5th Ave
New York, NY 10036
Advisor to the Board
Unpaid

2022-Present
John A. Squires
2187 Falls Manor
Vero Beach, FL 32967
Consultant
Paid

2019 - 2023
University of Pennsylvania
Carey Law School
3501 Sansom Street
Adjunct Professor
Paid

2016
Gibson, Dun, Crutcher, LLP
200 Park Avenue
New York, NY 10016
Partner
Paid Position

2016
CyberWorkforce Alliance

300 Tice Boulevard
Woodcliff Lake, NJ
Advisor Unpaid

2012-2016
Perkins Coie, LLP
30 Rockefeller Plaza
New York, NY
Partner
Paid Position

2009-2012 Chadbourne & Parke
Firm No longer extant
Partner
Paid

2000-2008
Goldman, Sachs & Co.
85 Broad Street
New York, NY
Chief Intellectual Property Counsel
Paid

2002 – 2007
Regulatory DataCorp, Inc.
85 Broad Street
New York, NY
Corporate Secretary
Unpaid

2004-2008
Securities Industry and Financial Markets Association
120 Broad
New York, NY 10271
Chair, IP Subcommittee
Unpaid

2003-2007
International Intellectual Property Association
1000 F Street NW
Washington, DC
Board Member
Unpaid

1997-2000
Honeywell, Inc.
101 Columbia Road
Morristown, NJ

Business Unit Chief Intellectual Property Counsel, General Counsel
Paid

1994-1997
Roger & Wells, LLP
Firm no longer extant
Associate Attorney
Paid

1992-1994
Morgan & Finnegan, LLP
Firm no longer extant
Associate Attorney
Paid

1991
Spriggs & Hollingsworth, LLP
1350 I Street NW
Washington, DC 20005
Summer Intern
Paid

1991
Morris, Nichols Arst & Tunnel LLP
1201 N Market Street
Wilmington, DE 19801
Summer Intern
Paid

1990
Katarnic & Salmon
Firm no longer extant
Summer Intern
Paid

1984-1989
IBM Corporation
Schoenersville Road
Bethlehem, PA 18018
Paid

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the U.S. Military. I registered for the Selective Service on my 18th

birthday in 1980.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

The following are the main honors, and the like that I am currently aware of. It is possible that there were others.

University of Pittsburgh School of Law
 Order of the Coif
 Law Review
 Magna Cum Laude
 National Corporate Moot Court Team

National Patent Jury Instruction Committee

IP Star, Managing IP

Burton Award Nominee (Serenity Now! Daily Deal)

Lexology/ILO Global Client Choice Award, New York, Intellectual Property, Patents

Chambers USA, "America's Leading Lawyers" for Intellectual Property: Patents

US NEWS IP "Best Law Firms- IP" (Co-Chair of Practice Group recognized, previously unranked)

FT Most Innovative Lawyers Award 2013 (Patent Analysis Tool in REDI Technologies divestiture)

IAM 300 World's Leading Patent Strategists

IAM TOP 250 World's Leading Patent & Technology Licensing Lawyers

Best Lawyers in America, Litigation - Patent

IP Star, Managing IP

Intellectual Asset Management Magazine, Patent 1000

Bucknell University
 University Prize for Men, English
 Phi Eta Sigma Honor Fraternity (GPA)
 Dean's List

Union Camp Science Award (incoming university scholarship)
Varsity Letter, Bison Football (Division IAA)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

New York Intellectual Property Law Association (through law firm)
International Intellectual Property Association, Board Member, 2004-2008
New Jersey Intellectual Property Law Association (through corporate client)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

State of New York, 1993.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

Southern District of New York, 1993.
Eastern District of New York, 1993.
Court of Appeals for the Federal Circuit Court of New York, 2008.
United States Supreme Court, 2009.
United States Patent and Trademark Office, 1993, Registration Number 37, 451.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Compliance and Inclusive Finance Working Group, Member 2017-2021

Faculty Member and Lecturer, Cybersecurity Workforce Alliance (in partnership with the New York Federal Reserve Bank, its Member Banks, and CUNY and SUNY systems) 2016-2020

University of Southern California, Member, Parent Engagement Committee,
2017 – 2018

National Patent Jury Instruction Committee at the behest of Chief Judge
Michel of the Court of Appeals for the Federal Circuit, 2010

Securities Industry and Financial Markets Association, Chair IP
Subcommittee 2004-2008

Licensing Executive Society (NJ Chapter (through corporate client) 1997-
2000 (approximate)

International Intellectual Property Institute (IIPI) Member, of Board of
Directors 2003-7

- b. Indicate whether any of these organizations listed in response to 11 (a) above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

Not to my knowledge

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

I have provided copies of the following publications that I have been able to locate after searching. All are co-authored unless otherwise indicated. Although I have endeavored to identify all of my publications, please note that it is possible there were others that I have not been able to locate.

As to material 'published' on the internet, I have taken this to mean outlets like "Medium" and the like. I have provided copies of those where I have located any such publications. I have reposted and commented on occasion on articles and posts of interest in my area of practice on LinkedIn but have not listed these as materials which I have authored. To the extent such LinkedIn posts/comments are of interest to the Committee, I invite the Committee to freely review my account at: <https://www.linkedin.com/in/josquires/>

Order	Title of Work	Link
1	The FinTech Times: Back To The Future: Fulfilling Crypto's Promise Through Compliance	https://thefintechtimes.com/back-to-the-future-fulfilling-cryptos-promise-through-compliance/ and copies provided
2	The Curious Case of Patent Balance Sheet Invisibility, Collier Venture Review - The University of Tel Aviv - Feb 1, 2021	https://www.collierinstituteofventurere.org/issues/january-2021 and copies provided
3	Wharton: On Betsy Ross and Bad Language: Navigating the New Marketing Minefield Knowledge@Wharton - Jul 19, 2019	https://knowledge.wharton.upenn.edu/podcast-knowledge-at-wharton-podcast-square-trademarks-profanity/ and copies provided
4	Wharton: Blockchain, the Bard and Building More Inclusion for Banking. Knowledge@Wharton - Feb 24, 2016	https://knowledge.wharton.upenn.edu/article/blockchain-the-bard-and-building-more-inclusion-for-banking/ and copies provided
5	Wharton: We Don't Need a Crisis to Act Unitedly Against Cyber Threats. Knowledge@Wharton - June 1, 2015	https://knowledge.wharton.upenn.edu/article/we-dont-need-a-crisis-to-act-unitedly-against-cyber-threats/ and copies provided
6	Journal of Law and Cyber Warfare: Cybersecurity: It's the Cyber Crime and its Sponsors (Not My Cyber-Security). Stupid	copies provided
7	Wharton Business Journal, The Ten Commandments of Cyber Security. Knowledge@Wharton; (February 24, 2016)	copies provided
8	Wharton Business Journal, The "Soft Power" War ISIS Doesn't Want, Knowledge@Wharton; (December 2015)	copies provided
9	Wharton Business Journal, In the Struggle Against Extremism, Social Media Is the Message, Knowledge@Wharton; (January 2015)	copies provided
10	Wharton Business Journal, Trust But Verify: How Security Loopholes Can Undermine Online Compliance Training. Knowledge@Wharton; (July 2014)	copies provided
11	The United Tweets of America: Building a Social Network for 'The Last Best Hope of Earth', Knowledge@Wharton (September 3, 2011)	copies provided
12	Serenity Now!, The Deal magazine (June 22, 2010)(sole author - Burton award nominated)	copies provided
13	Patent Law Overhaul, A Step Backwards, LA Daily Journal (April 14, 2010) (editorial)	copies provided

14	Bringing Patent Law Overall Back to the Future: Three Key Considerations to Avoid Dismantling Our Nation's Patent Law, LexisNexis Emerging Issues Analysis (April 2010, sole author)	copies provided
15	Awaiting 'Bilski' With Bated Breath, The Recorder (March 19, 2010) Awaiting and Anticipating Bilski, LexisNexis Emerging Issues Analysis (March 2010)	copies provided
16	Patents as Hedge: Wall Street's Emerging Monetization Model in From Assets to Profits, Competing for IP Value and Return (Wiley 2008, Bruce Berman, Editor)(sole author of book chapter)	copies provided
17	Patent Law 101, Does A Gridging Lundgren Panel Decision Mean that the USPTO is Finally Getting the Statutory Subject Matter Question Right? 46 IDEA 561 (2006)	copies provided
18	Opportunity Lost, Opportunity Gained., Chief Legal Executive, Vol. 2, No. 3 (Fall 2003)	Unable to locate copy
19	What You Don't Know About Pennsylvania Rule 11 Might Surprise You, 138 Pitt L.J. 21 (1999) (sole author) copy unavailable	Unable to locate copy

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.
1. Patent Damages Handbook for the National Patent Jury Instruction Committee (working group co-author) at the behest of Chief Judge Michel of the Federal Circuit Court of Appeals.
 2. Compliance and Inclusive Finance Working Group – Creative Commons global best practices manual for meeting global compliance standards with Distributed Ledger and Blockchain Technologies: The Rulebook. (Co-author and Creative Commons architect)
 3. Contributed to FinClusive Capital Inc.'s Statement for the Record Provided to the U.S. House Committee On Financial Services Oversight of the Financial Crimes Enforcement Network (FinCEN) and the Office of Terrorism and Financial Intelligence (TFTI), Thursday, April 27, 2023 regarding modernizing compliance solutions to include blockchain-based technologies.
- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.
1. Federal Trade Commission Panel, The Evolving IP Marketplace, "Can

Quanta Finish What *eBay* Started?" Washington, D.C., December 5, 2008
<http://www.ftc.gov/bc/workshops/ipmarketplace>)

2. The Senate Committee on the Judiciary, Patent Reform: The Future of Innovation. Oral and Written Testimony, Washington D.C., June 6, 2007
<http://www.sifma.org/legislative/testimony/pdf/jsquires6-6-07.pdf>)
 3. Senate Finance Subcommittee on Tax Policy. Described in BNA "Solution for Tax Patent Distemper Should be Transparency" (Made "utility"-based proposal and proffered draft legislative language to eliminate procurement and enforcement of 'tax' patents to the United States)
<http://pubs.bna.com/ip/bna/ptd.nsf/pda/AOB5F7.A.1.Z9>)
 4. Co-authored and submitted 2004 Patent Office Quality Pilot with on behalf of the Securities Industry Association IP Subcommittee team to provide pre-examination action interviews. (copy unavailable)
- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

The following are speeches or talks I have a record of delivering. To the extent available (many were not), I have provided materials related to such. Please note that some of the presentations include slides from other panelists on the dais. Although I have endeavored to identify all of my speeches, please note that it is possible there were others that I have not been able to locate.

1. Transaction Alley Cyber Forum – Data Breaches and Remediation (February 2020) (report on conference)
2. PBI Business Law Institute, 2019: FinTech Regtech Panel (no materials)
3. Featured panelist: In Search of Skeletons: Escalated Challenges Around Data Privacy and Security (Tomson Reuters Privacy Conference, Atlanta Georgia (Oct. 2019) (no materials)
4. Miami University Blockchain Panel: Circa 1790, The US Patent System
5. RANE Recap – Decrypting Crypto (2019)
6. Advisor, Annual Panel Judge, Wharton School of the University of Pennsylvania, Knowledge@Wharton High School Investment Competition (2018)
7. Guest Lecturer, UC Hastings School of Law, Blockchain Law (And What If There Was Any....), January 2018.

8. Smart Contracts: Introducing Smart Contracts and Strategies for Traversing the Nascent Emerging Legal and Regulatory Issues, April 2018
9. 14th Annual Southeastern M&A/Private Equity Forum, October 4, Atlanta (Cybersecurity Panel) (no materials)
10. Guest Lecturer, SUNY (Albany): It's the Cybercrime and Its Sponsors (Not My Cybersecurity), Stupid, November 2017.
11. Cyber Workforce Authority, Fostering Collaborative Responses: John Jay (2017)
12. Corporate Counsel Magazine, Legal Analytics and Corporate Law Today: A Roundtable Discussion General Publications (November 2014)
13. RANE Webinar – Blockchain ICOs (2014)
14. Disclosure and Financial Patents: Revealing the Invisible Hand; Presented at Federal Reserve Bank of Philadelphia, Bank of Finland, CEPR, Intellectual Property in Financial Services Conference (October 2008)
15. 2011 Congress on Patent Strategies: Financial Services Industry, "The USPTO and the Future of Patent Form and Remedies (...or, the Future is Now) (September 20, 2011)
16. IPBC 2010, IP Business Congress - The Annual Event for Global IP Leaders – Panelist (June 2011)
17. Licensing Executives Society, "Win Without Fighting: Proactive and Collaborative Litigation Defense" (October, 2010)
18. IPBC 2010, IP Business Congress- The Annual Event for Global IP Leaders - Panelist on "Software and Business Methods Patents" (June 2010)
19. Licensing Executives Society, "Enforcement Panel: War and Peace - Strategists' Perspectives on the Art of War and Making Peace" (May 2010)
20. IPBC 2009, IP Business Congress - The Annual Event for Global IP Leaders – Panelist (June 2009)
21. Patents and Entrepreneurship in Business and Information Technologies "Business Method and Software Patents: Policymakers' Perspective", George Washington University Law School (June 2009)
22. IP Counsel Café event in Palo Alto, California (April 1-2, 2009)
23. ipCG Thought Leadership Conference "Developing and Using IP in an Industry that is New (Still) to IP" (November 2008)
24. IQPC's Patent Strategies, "What May Be Patented In Light of Bilski?" (October 2008)
25. Keynote, WRG's 5th Annual Patents in the Financial Services Sector Conference
26. "The Good, The Bad and The Ugly – 2008 in Patents" NYIPLA (July 2008)
27. AIPLA 2008 Spring Meeting, "Consenting to Review of One's Patent Applications" (May 2008)
28. Patent Law Symposium at University of George School of Law re J. Bessen and M. Meurer's book "Patent Failure: How Judges, Bureaucrats, and Lawyers Put Innovators at Risk" (March, 2008)
29. Peer-to-Patent: Mr. Director (Please) Tear Down this Wall, AIPLA Spring 2008 Conference
30. ALI-ABA/New York City Bar Live Video Webcast Seminar, "Financial

- Services Patents: What a Financial Services Lawyer Needs to Know Now" (September 2007)
31. IPO Annual Meeting, New York, NY - Plenary Session, Flagging Patent Damages (Summer 2007)
 32. Keynote, CIP 2007, Leveraging Services through IP Management, Goteborg, SE (May 2007)
 33. Council on Foreign Relations, Roundtable on Technology, Innovation and American Primacy: The Patent (March 2007)
 34. CII-IPR Summit, Mumbai and Goa, India (January 2007)
 35. Corporate Patent Congress 2007, Master Class on Maximizing and Manipulating Your Patent Portfolio in the Midst of Patent Reform (January 2007)
 36. IPR in the Financial Services Industry, London (October 2006, 2005)
 37. American Securitization Forum 2005. "Securitization Patents and Intellectual Property Issues" (2005)
 38. Patents and Diversity in Innovation, University of Michigan Law School (September 2006)
 39. WRG, Patents in the Financial Services Industry, Annual Conferences (2003-2007)
 40. WRG, Generating Revenue from your Patents: A Licensing Success Story (July 2004)
 41. Licensing Executives Society, Spring Regional Conference, "What Hath State Street Wrought," Plenary Session (May 2004)
 42. Rushilkon, Swiss Re Centre for Global Dialogue, "Protecting Financial Genius and Encouraging Innovation" (June 2003)
 43. Federal Reserve Bank of Atlanta Conference, "A Random Walk Down State Street" (April 2003)
 44. ACCI "Building Corporate Value Through Intellectual Property" (December 2001)
 45. Fannie Mae Annual Legal Conference, "The Patent Bargain" (May 2001)
 46. AUTM, "Patenting in the Financial Services Sector" (March 2001)
 47. USPTO Annual Technology Fairs (2000 – 2003)
- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you. Below are interviews, including press releases where I am quoted. I have included materials to the extent I have them or have access to them. Please note that it is possible there were other interviews or statements to the press.
1. FinClusive Announces its Compliance-Enabled Credentialing Environment (CECE) for its Gateway Services (quoted), Medium, February 23, 2023
 2. Ozy Media Retains Former Goldman Chief IP Counsel to Advise on Transformative Web 3.0 Technologies, PRNewire July 14, 2022 (quoted)
 3. Sirius XM Podcast of Knowledge@Wharton, Trademarking Offensive Terms: Can Social Good Come from Bad Words? Recording:

<https://knowledge.wharton.upenn.edu/podcast/knowledge-at-wharton-podcast/squires-trademarks-profanity/>

4. Defending Trade Secrets Act: RANE Interview, April 2016
 5. Gibson Dunn Adds IP Transactions Partner Squires (2016)
 6. Futures Industry Magazine Outlook 2008, Interview on IP Issues (November 2007)
 7. Bucknell Magazine: New Turf for Two Teammates (Fall 2008)
 8. Peer to Patent – Goldman Opens Submission (2008)
 9. Featured in IP Law and Business, Mr. Squires Goes to Washington (Summer 2007)
 10. Web Article: Profile, “In-House Perspectives – John A. Squires”
(http://www.chieflegalexecutive.com/sub_pages/perspectives/ip_index.asp)
(2003)
- f. If applicable, list all published judicial opinions that you have written, including concurrences and dissents. Supply the citations for all published judicial opinions to the Committee.

I have not served as a judge.

13. Public Office, Political Activities and Affiliations:

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have not held any public office.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I have not rendered any such services.

14. Legal Career: Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:
- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I have not been a clerk to a judge.

ii. whether you practiced alone, and if so, the addresses and dates;

I have not practiced alone.

iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

Dilworth Paxson, LLP, 99 Park Avenue, New York, NY
 Partner, Firmwide Chair of IP, Emerging Companies (2017-present)
 Chair and managing partner for emerging company practice focused on legal, regulatory and global compliance issues directed to emerging technologies, including AI, blockchain and crypto, Fintech and Regtech payments and cybersecurity data privacy and security and risk management as well as contracts, terms of service, federal and state licensing and exemptions.

University of Pennsylvania Carey School of Law,
 Philadelphia, PA, Adjunct Professor, LLM International Students Program (June 2019-2023)
 Professor of Legal Writing for advanced degree, International LLM Degree candidates,

Gibson, Dunn & Crutcher, LLP, 200 Park Avenue, New York, NY
 Partner, IP Transactional Group, New York Office (2016) practice focused on acquisitions, licensing and portfolio company issues for Equity and Debt fund clients, including impact investment vehicles.

Perkins Coie, LLP, 30 Rockefeller Plaza, New York, NY
 IP Partner, Co-Chair IP Value Industry Group, IP Lead - Virtual Currency & Blockchain Industry Group, New York Office (2012-2016)
 Established firm's first New IP platform representing predominantly Fintech clients and in all aspects of IP matters including transactional, licensing, litigation, due diligence, patent asset creation and structuring.

Chadbourne & Parke, LLP (firm no longer extant), 30 Rockefeller Plaza, New York, NY
 Co-Chair, Intellectual Property Group, Partner (2009-February 2012)
 Practice Group Co-Chair, represented clients in all aspects of intellectual property and patent matters, including 'clean-tech' for a client base comprising predominantly Silicon Valley technology and U.S. money-center leading financial firms.

Goldman, Sachs & Co., 85 Broad Street, New York, NY
 Chief Intellectual Property Counsel (2000-2008)
 Responsible for the firm's global intellectual property practice and brand, including patents, trademarks and copyrights, licensing transactions, investment due diligence on capital commitments, including advising on internal technology, systems and firm-wide risk management operations. A career milestone was the formation and launch of Regulatory DataCorp, a global consortia formed on the basis anti-terrorist financing and anti-money laundering patented technologies in the wake of the 9-11 attacks.

Honeywell, Inc. (formerly AlliedSignal, Inc.), 101 Columbia Road, Morristown, NJ (1997-2000) general business unit and intellectual property advise and licensing for in-house business units across various technologies including heads-up displays, amorphous metals, waveguide materials, carbon materials, fibers and new ventures.

Rogers & Wells, LLP., 200 Park Avenue, New York, NY (firm no longer in existence) (1994-1997) Associate attorney in group practice representing chemical, bio-tech, pharmaceutical, technology and manufacturing clients in all aspects of intellectual property matters, predominantly in litigation and dispute resolution.

Morgan & Finnegan, LLP., 345 Park Avenue, New York, NY
 Associate (1992-1994) Associate attorney on large-scale patent infringement litigation, interferences in chemical, materials and technology matters. Prepared and filed patent applications, office actions and international oppositions.

- iv. Whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator.

- v. Whether you have held any judicial office, including positions as an administrative law judge, on any U.S. federal, state, tribal, or local court and if so, please provide the name of the court, the jurisdiction of that court, whether the position was appointed or elected, and the dates of your service.

I have not served or held any judicial office.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

- ii. Your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

The general character of my law practice has followed the general arc of intellectual property practice in the U.S. I started in 1992 at a specialized patent boutique focusing on both patent prosecution and supporting litigation efforts, moved to IP groups within General Practice firms with a concentration on infringement litigation (both plaintiff and defendant). Beginning in 2007, I then spent over a decade as in house counsel and ultimate chief intellectual property counsel. In 2009, my practice shifted to large firm and generally large client legal practice focused on general intellectual property matters as a practice chair and partner. Beginning in 2017, I have focused my practice on emerging companies and start-ups providing the full range of services, including investor preparation and in-take.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

A minor amount of my practice has been in litigation, 5 to 10%. I almost never appear in court.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|---------------------------|
| 1. federal courts: | 5% |
| 2. state courts of record: | 1% |
| 3. other courts: | |
| 4. administrative agencies: | 1% appearance at the PTAB |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------------------|------|
| 1. civil proceedings of appearances, | 100% |
| 2. criminal proceedings: | 0% |

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

One case tried to verdict as a second-year associate within a larger law firm team (Morgan & Finnegan).

- i. What percentage of these trials were:

- | | |
|--------------|------|
| 1. jury: | 100% |
| 2. non-jury: | 0% |

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I co-authored an amicus brief to the United States Court in *Bilski v. Kappos*. I have not participated in oral arguments before the Court.

15. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

Other than the matter discussed above in question 14d, where I played a limited role as a part of a larger litigation team, I have not handled matters which may be fairly described as being either 'personally handled' or 'litigations.' The nature of my practice has been managing litigation counsel on behalf of clients in the nature of 'outside general counsel', not 'personally handling' such matters. I have appeared as inter-partes counsel on behalf of an inventor-client in front of the Patent Trials and Appeals Board (PTAB) successfully opposing whether a derivation proceeding the clients allowed patent claims. PTAB practice is generally limited to attorneys or agents having Registration Numbers to practice before the USPTO, which I do. Such proceedings, while *inter partes*, are neither subject to the Federal Rules of Civil Procedure nor Federal Rules of Evidence and are not generally considered to be litigation proceedings in the same manner as issued patents litigated in Federal District Court which possess exclusive jurisdiction of issued patents.

16. **Legal Activities:** Describe the most significant legal activities you have pursued including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

I have throughout my career been a longstanding client advisor on successful strategies to increase domestic and international competitiveness through effective IP asset procurement, deployment and licensing. I have represented both plaintiffs and defendants as well as longstanding companies, individual inventors, start-ups, non-for-profits and academia in IP matters spanning all walks of the technological arts to meet the on-rush of technology. The bulk of my practice since 2017 can best be described as ‘outside general counsel’ focused particularly on emerging and applied technology patent eligibility, including crypto/blockchain/web3/technologies, digital assets, payment systems and global banking compliance, cyber security and risks, responsible AI, energy efficiency innovation and scientific technology verification and credentialing.

I have not performed any lobbying activities

17. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

US Legal Writing and the American Case Law System for LLM Students,
University of Pennsylvania Cary School of Law (2019- 2023)

Cyber Workforce Alliance through the CUNY and SUNY systems, in connection with the Federal Reserve Bank of New York. I teach an installment for a semester long course entitled “The Threat from Within’ based upon the Epic Challenge framework provided concerning identifying areas of risk for cyber intrusion and remediation.

18. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

If I am confirmed, I will withdraw from the partnership of Dilworth Paxson LLP and any other arrangement pursuant to my Ethics Agreement and OGE 278e disclosures. Please see OGE Form 278e, as well as my extant Ethics Agreement, for further details on relevant commitments.

19. **Outside Commitments During Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service? If so, explain.

None.

20. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

Please see OGE Form 278e.

21. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

Please see form and schedules below. Note that the value of the assets listed is as of the date of either the last statement or the date of inquiry while preparing this form. While some dates vary, are believe to be within the last 30 to 60 days.

22. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, affiliations, pending and categories of litigation, financial arrangements or other factors that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

I have no family members implicated, and as to any other persons, parties, affiliations and the like, please see below.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

In the event of an actual, potential or the appearance of a conflict of interest, I will consult with the appropriate Office of Government Ethics official or Commerce Department ethics officials and act consistent with governing rules, regulations and my Ethics agreement which I anticipate being executed before assuming office, should I be confirmed.

23. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional work load, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

As a specialized legal practitioner in intellectual property, I have devoted the bulk of my pro bono work to fostering IP protection and educational pursuits for not-for-profit clients furthering their specific missions. My longstanding pro-bono client has been the Matthew Larson Foundation for Pediatric Brain cancer in honor of my daughter's and family friend, Matthew, who was taken away from us at age 7. For his foundation and throughout the years, I have dedicated hours and performed project based work whenever required to bring to fruition and further their growing brand and trademarks, including "Forever 7" that transcends their events and cause. Additionally, I've helped create and pioneer 501c3 foundations to engage in "NFTs for Good", creating non-fungible tokens based on emerging artist's works to be auctioned and transacted in pursuit of fund-raising efforts. I additionally dedicate teaching hours via the Cyber Workforce Alliance organization to coursework administered for aspiring student's need for training and skills certification to close the workforce gap in technology and cyber security.

In addition to legal intellectual property services, I support the National Marfan Foundation's efforts. I have also dedicated time to charitable and volunteer work for church events and services, and significant donations dedicated to music performance for services (a family passion) for our parish, the Church of the Most Blessed Sacrament ('MBS') in Franklin Lakes, NJ which was destroyed by an arsonist during Christmas of 2019. MBS has rebuilt and now reopened in 2024. We now support and enjoy our new parish, St. Helen's in Vero Beach, Florida.

FINANCIAL STATEMENT: NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.)

ASSETS			LIABILITIES		
Cash on hand and in banks	\$47,527		Notes payable to banks-secured	0	
U.S. Government securities-add schedule	0		Notes payable to banks-unsecured	0	
Listed securities-add schedule*	\$46,488		Notes payable to relatives	0	
Unlisted securities--add schedule	\$3,294,750		Notes payable to others	0	
Accounts and notes receivable:			Accounts and bills due	\$35,000	
Due from relatives and friends	0		Unpaid income tax	0	
Due from others	\$575,000		Other unpaid income and interest		
Doubtful	\$25,000		Real estate mortgages payable-add schedule	\$557,644	
Real estate owned-add schedule**	\$736,000		Chattel mortgages and other liens payable	0	
Real estate mortgages receivable	0		Other debts-itemize:		
Autos and other personal property	\$100,000		Revolving credit	\$72,421	
Cash value-life insurance	0				
Other assets itemize:					
Crypto Currencies (BTC, ETH)	\$ 130,000				
401ks	\$854,109		Total liabilities	\$877,815	
Alternative investment funds	\$11,000		Net Worth	\$4,942,059	
Total Assets	\$5,819,874		Total liabilities and net worth	\$5819,874	
CONTINGENT LIABILITIES			GENERAL INFORMATION		
As endorser, comaker or guarantor	0		Are any assets pledged? (Add schedule)	No	
On leases or contracts	0		Are you defendant in any suits or legal actions?	No	
Legal Claims	0		Have you ever taken bankruptcy?	No	
Provision for Federal Income Tax	\$212,750				
Other special debt	0				

Schedule of Listed Securities A

Listed Securities	No. Shares	Value
Goldman Sachs GRP Inc	86	\$45,520.66
Beyond Inc	236	\$967.60

Schedule of Unlisted Securities B

Unlisted Securities	No. Shares	Value
FinClusive Capital Inc.	12,833	\$3,208,250.00
RANE Network, Inc	1960.8	\$24,500.00
iQ4 Inc.	1000	\$25,000.00
<u>Wave DDS Inc</u>	<u>1250</u>	<u>\$37,000.00</u>
	Total	\$3,294,750.00

Real Estate Schedule C

Residence, 2187 Falls Mnr, Vero Beach, FL	Market Value \$736,000
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**Nomination of John A. Squires
To be Under Secretary of Commerce for Intellectual Property and the Director of the
United States Patent and Trademark Office
Questions for the Record
May 28, 2025**

QUESTIONS FROM SENATOR GRASSLEY

1. What are your goals and priorities for the USPTO? What do you think will be your greatest challenges?

RESPONSE: My goals, if I am honored with confirmation to steward America's innovation agency, are to restore the USPTO to its rightful place atop the world as executor of our Nation's constitutional mandate and to boost America's ingenuity engine with the intellectual property that drives economic growth, technological progress, and global competitiveness. American intellectual property shall again set the standard for competing and winning in the marketplace of ideas.

My priorities are to pursue, promote and implement those policies that streamline our unitary patent system for all walks of inventors to ensure the intellectual property rights it issues are timely of high quality, and ensure it is aimed to foster continued innovation, opportunity and growth.

As Secretary Lutnick stated in his testimony to the Senate Commerce, Science, and Transportation Committee, USPTO's greatest challenge is to address the present "unacceptable" patent backlog and provide updated tools to ensure the issuance of market-timely intellectual property of demonstrable quality.

2. You previously testified before the Senate Judiciary Committee in favor of the creation of the PTAB.
 - a. What is your present position regarding the PTAB? Do you have any concerns with the way it is functioning? Do you intend to make any changes to the PTAB's infrastructure, process or procedures? If so, what and why?

RESPONSE: I believe that the creation of the PTAB was the right thing to do and testified before the Senate Judiciary Committee in 2007 regarding the creation of the PTAB, that an executive agency should have some form of ability to retake jurisdiction of its output. With the institution of the AIA, we now have the benefit of approximately 14 years' worth of data to examine.

Overall, it is my belief that if we can analyze trends against the relevant issued patent marketplace data to better understand why IPRs have the types of numbers reported while PGRs seem less preferred; why prior art was missed in cases of invalidation and if that art is making it back to the art unit post disposition to address issues on the front end; and why industry appears to be under-utilizing third party submissions and what can be done to address this issue; among other issues. Some of the answers to those questions will

reveal themselves along the lines of the dual and differently directed functionality of Patent Trials and Appeal functions.

If confirmed, I will work avidly with the office's stakeholders, leadership, and Congress to provide that feedback and transparency to ensure that the PTAB is functioning in accordance with its creation and goals.

- b. If confirmed, will you implement policies to alter the PTAB's authority or restrict access to IPRs? If so, how and why?

RESPONSE: If confirmed, I have no pre-disposition to alter the PTAB's authority or restrict IPR access. Ultimately, a balanced approach works best and is an indicator of ex parte and inter partes system that is in balance and functioning as intended in our robust, unitary system. Should I be confirmed, I will work to ensure that the Congressional intent and goals of the PTAB are met and in keeping with relevant decisional authority.

- c. Will you commit that if you are confirmed, you will ensure that American companies that are sued on questionable patents will be allowed to seek review on the merits of those patents at the PTAB?

RESPONSE: Yes, if confirmed, I will work to ensure that American companies will have this important avenue of redress available to them.

- d. Please explain your position on the PREVAIL bill currently being considered by the Senate. Do you agree with the changes it seeks to make to the PTAB process? Why or why not? Please be specific.

RESPONSE: As I testified at the hearing, I believe Congress is undertaking important work to strike the right balance for stakeholders since the creation of the PTAB. I have not had the opportunity to study the bill in great detail but if confirmed, I look forward to working with stakeholders, PTO management, and Congress to achieve these important aims.

3. Patent quality has been a major concern because poor quality patents can be easily weaponized to attack and inhibit U.S. manufacturers and other businesses due to the extremely high cost of patent litigation. Promoting patent quality is the most effective way to prevent those harms, while still ensuring that patents incentivize real innovations.

- a. If confirmed, what will you do to improve the USPTO's examination process to promote patent quality, both at the front-end during examination and at the back end through effective post-issuance review and reexamination?

RESPONSE: I believe leaning-in to AI here can help at all stages insofar as patent quality. At the front end, best-in-class AI software should be evaluated as an adjunct to assist the Patent Examiners' evaluation of whether a patent application satisfies patentability standards. Indeed, the private sector increasingly uses AI software to find invalidating prior art. Our world-class Examining Corps should have access to and where helpful utilize these same tools. This would promote patent quality at the front end and,

in fact, discourage applicants from filing weak patent applications, thereby introducing an element of self-regulation and concomitant backlog reduction.

At the back end, these same tools can offer quality assistance. In addition, avenues should be explored to encourage third party submissions without later penalization for having injected art into the system at the earliest possible time. Incentives should be considered where relevant to utilize the PGR process to promote and improve patent quality nearer the time of issuance. If confirmed, I will work with the USPTO and stakeholders on these ideas and others to address examination areas and stages of examination where quality can be improved.

4. Management of the USPTO is not an easy task. In recent years, we have seen an increase in the backlog of patent applications pending review, which stands at more than 800,000 applications. On average, it takes more than two years from filing until final disposition. For many small businesses, two years is a lifetime to wait.

- a. Do you agree that the growing backlog of patent applications is a problem?

RESPONSE: Yes. In private practice, reduction of patent application backlog was the subject of a seminal white paper I authored following my 2007 Senate Judiciary Testimony (“Peer to Patent” SJC submission 12D, No. 29). If confirmed, I am committed to working with Congress, USPTO staff, and stakeholders to implement effective, long-term solutions to ensure the USPTO can fulfill its mission and support American innovation.

- b. If confirmed, what steps will you take to decrease the backlog and application pendency?

RESPONSE: USPTO should undertake a review and work in connection with the USTR to identify and eliminate from the system cases, especially foreign-filed cases, that are overburdening the system. Some applicants could self-elect with petitions to suspend examination for six months, especially with large portfolios of broad ranging patents and there may be incentives attendant to that. If confirmed, I will work with the USPTO and stakeholders on the best way to address the backlog and patent pendency including hiring additional examiners as well as using AI tools in examination.

- c. If confirmed, what technologies or approaches would you deploy to address this problem?

RESPONSE: As I testified in my opening statement, I believe it is time for the USPTO to “lean-into” AI to provide tools to reduce backlog. Several areas should be investigated to provide immediate results in terms of utilizing generative AI, for example, on matters of written description, enablement and indefiniteness. I am aware of Examiner blogs reporting favorably on the exploration of such technology utilization.

If confirmed, I would work with the USPTO and stakeholders to develop our own playbook to utilize generative AI tools to allow examiners to spend less time on tedious repetitive tasks that slow down review processes.

5. Recently the USPTO has lost a number of examiners and PTAB judges, which may increase the patent backlog and impact the ability of the USPTO to perform its duties.
 - a. How do you intend to minimize further departures and ensure that the USPTO will carry out its statutory responsibilities?

RESPONSE: If confirmed, I will work with others in the USPTO as well as PTAB leadership to ensure that the USPTO and the PTAB can continue to carry out their statutory responsibilities. Additionally, if confirmed, I will review the many areas I understand the USPTO currently has as to incentivization and retention in efforts to reenergize our professionals with the Office's important mission.

6. Patent examiners have expressed concerns that the subscriptions they utilize to research databases for their prior art reviews are being cancelled. They are concerned that without these resources, they will not be able to conduct their required prior art reviews in a comprehensive and complete manner, potentially resulting in the issuance of low-quality patents.
 - a. Do you agree that it is critical for patent examiners to have access to all the literature they need to conduct in-depth and comprehensive prior art reviews in order to ensure high-quality patents?

RESPONSE: Yes. In this day and age, search tools exist and can be deployed so that prior-art is knowable, accessible and applicable at the time of examination, including non-patent prior art, literature. This is where new AI applications can help and I believe should be made available so high quality patents are issued in the first instance. I believe this issue can be managed and applied correctly by the examiners, who after all are all of high skill in their respective areas.

- b. Will you commit to ensure that patent examiners have access to all the resources they need for their application reviews?

RESPONSE: If confirmed, I commit to diligently explore all avenues of resources wherein the office provides both the tools and resources to do the job and execute on our mission. As I testified in my opening statement, our patent examiners are world class and we want inventors from all walks to come to our American patent system first, where we will help them "hone and hew" strong proprietary rights, expeditiously issued and of provable quality.

7. Please explain your position on USPTO fee diversion.
 - a. Do you agree that the USPTO should have full access to its fee revenue to meet its operating needs?

RESPONSE: Yes. As I testified, since the USPTO is a fee-based agency, I believe it should have full access to its fee revenue so it can be run efficiently like a business.

- b. Will you commit to safeguarding the fees that the USPTO collects, consistent with the USPTO's authorizing statutes?

RESPONSE: Yes. That is my understanding of the charge Congress provided for the Director and, if honored with confirmation, shall faithfully execute those duties, particularly because I believe that all Americans should benefit from the tremendous value of government-issued IP rights.

- c. Do you agree that we should end USPTO fee diversion? Will you work to stop this practice?

RESPONSE: Yes.

- 8. Many are concerned that litigation funding can lead to abusive filings and undermine legitimate small business activity.

- a. If confirmed, do you pledge to vigorously oppose abusive patent troll tactics and protect American businesses from frivolous patent litigation?

RESPONSE: Yes. As I testified to and have written about in co-authoring a 2015 Wharton Business Journal piece, “Why Investment Friendly Patents Spell Trouble for Trolls,” “troll” practices are based not upon notions of valuation of patents as self-standing assets (or investment parlance, “fundamentals”) rather they are based upon “nuisance value” due to the extreme cost of defending litigation. They are predatory “arbitrage” plays, and the inventors are almost always the one who get hurt.

- 9. Some are concerned that foreign rival countries are bankrolling lawsuits in order to hobble the operations of U.S. companies and/or to gain access to sensitive technology, especially in the patent space.

- a. Do you support the mandatory disclosure of foreign litigation financing investors in the filing of a lawsuit or PTAB proceeding?

RESPONSE: Allowing foreign rivals to bankroll lawsuits against U.S. companies to gain access to our technology is unacceptable. District court local rules require such disclosures and notification of the patent office of such parties in interest, the PTAB should have similar transparency requirements. If confirmed, I will work to ensure that the PTAB proceedings are used in accordance with statutory requirements.

- 10. You have been a strong proponent of business method patents, especially novel financial strategies.

- a. What is your position on the scope of patentability for business methods?

RESPONSE: My position and views on the patentability of business methods were formed as a result of patent filings expedited by the USPTO as “inventions” to combat terrorism for suspicious transactions, interdiction of illicit funds and disruptions of terrorist financing networks in their attempts to conduct their business in the shadows. Based upon these patents, and the anti-terrorist financing technologies they spawned, I co-authored briefs to the Supreme Court that argued, ultimately successfully, that the courts cannot properly confine patentable inventions to some preexisting view about what innovation should look like. The U.S. patent system should be open to all

classes of innovation and affords tools, such as 102, 103 and 112 to weed out bad patents no matter the class of innovation.

- b. Tax patents were a type of business method patent that Congress banned in the America Invents Act. Some of the concerns about tax patents are also applicable to business method patents in general. Will you ensure that the USPTO won't expand its policy relative to business methods patents to allow for tax patents? Will you ensure that the USPTO will follow the law and not issue tax patents?

RESPONSE: If confirmed, I commit to following the law. Tax patents are uniquely problematic because they are interposed between the taxpayer and the government's ability to collect revenue.

11. What is your position on patents and AI? What do you plan to do with respect to AI policy at the USPTO, and do you plan to introduce new policies regarding AI-assisted inventorship, the impact of AI on prior art-related determinations, subject matter eligibility, or other such areas?

RESPONSE: As I testified in my opening statement, if harnessed and smartly applied, AI tools can help deliver our finest hour. The private sector has adopted such tools, the USPTO needs to keep pace to equip our world-class examining corp to grant patents tested by those same fires, expeditiously issued and of provable quality. If confirmed, I would immediately explore new policies to meet those goals, within the appropriate constitutional confines, including areas of inventorship, eligibility, prior art, eligibility, and other areas such as enablement, written description, and indefiniteness.

12. How do you intend to make enforcement of American intellectual property a priority in trade negotiations and in talks with international organizations?

RESPONSE: If confirmed, I commit to working closely with others in the Administration, including the USTR and the State Department, in ensuring that any future trade agreements include the availability of strong IP provisions as well as ensure that IP provisions in existing trade agreements are adequately enforced.

Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for John Squires
Nominee to be Under Secretary of Commerce for Intellectual Property and Director of the
United States Patent and Trademark Office
May 28, 2025

1. At your hearing, you stated that you saw “no evidence of wrongdoing” in your areas of responsibility while employed by Perkins Coie LLP. You also said that you had seen President Trump’s executive order entitled “Addressing Risks from Perkins Coie LLP.”
 - a. Do you agree with President Trump’s characterizations of Perkins Coie in his March 6 executive order?

RESPONSE: As I stated at the hearing, my practice was limited to intellectual property issues and in connection with my practice and client work, I was unaware of any evidence of wrongdoing during my time at Perkins Coie from 2012 to 2016.

- b. Do you agree with President Trump’s decision to issue executive orders targeting Perkins Coie and other law firms?

RESPONSE: As I stated at the hearing, my practice was limited to intellectual property issues and in connection with my practice and client work, I was unaware of any evidence of wrongdoing during my time at Perkins Coie from 2012 to 2016.

2. The U.S. Patent and Trademark Office (USPTO) has reportedly cut access to certain non-patent literature, particularly in the chemical arts, that examiners rely upon to properly examine biotech and pharmaceutical patent applications. I am concerned that this will lead to the issuance of low-quality patents that would allow Big Pharma to improperly extend their patent monopolies and maintain high drug prices in this country.
 - a. What is your response to these reports?
 - b. If you are confirmed as USPTO Director, what will you do to ensure examiners have the resources they need to properly examine patent applications and make sure the patents issued by the USPTO are of high quality?

RESPONSE: Answers to 2 a and 2 b: If confirmed, I commit to reviewing the examination process at the USPTO, including which tools examiners may need to effectively examine patent applications. Implementing software and other AI-aided tools should allow examiners to be confident that access to necessary literature and other public information is sufficiently searched. In addition, the use of such tools, the increased efficiencies to follow should minimize any effects from the recent departures and should help foster a more productive and satisfying work environment.

3. Last month, the Judiciary Committee reported the Interagency Patent Coordination and Improvement Act—a bill I introduced with Senator Tillis—by voice vote. This bill would establish a task force between the USPTO and the Food and Drug Administration to enhance communication and coordination between the agencies in implementing their respective

activities related to patents. Coordination of this type would be particularly effective in addressing gamesmanship and abuses involving pharmaceutical patents that keep prescription drug prices too high for American patients.

- a. Do you support increased coordination between the USPTO and FDA to combat abuses of the patent system?

RESPONSE: The USPTO and FDA have begun coordinating their patent-related efforts pursuant to Executive Order (EO) 14036 on “Promoting Competition in the American Economy.”

- b. Do you commit to continuing these efforts if you are confirmed as USPTO Director?

RESPONSE: I support proper information sharing between agencies to promote government efficiency. If confirmed, I commit to working with the FDA Commissioner on improving information sharing between the agencies.

4. I am concerned about potential harm to patent quality as a result of recent efforts to reduce the size of the federal workforce, including the ongoing hiring freeze. According to the data on the USPTO’s website, the USPTO lost more than 350 examiners between January and March. That is a drop of more than four percent in just three months, and the attrition will almost certainly be much higher when the numbers for April are released. Further, the attrition has disproportionately affected technology centers in highly complex fields, such as TC1600 (Biotechnology) and TC1700 (Chemicals), where mentorship and institutional knowledge are critical for prior art analysis.

Even prior to this loss of examiners, the USPTO was already failing to keep up with the volume of patent applications it receives, with the USPTO’s backlog increasing by nearly 30 percent over the last five years. Secretary Lutnick has pledged to reduce the backlog and make sure that “American inventors get taken care of quickly and effectively.” In the short term, that will require the USPTO to examine significantly more applications with a smaller workforce, which raises serious concerns about whether examiners will have enough time to conduct adequate examinations.

- a. If confirmed, how will you address attrition rates in specialized technical centers, particularly in light of the learning curve for examiners in highly complex fields?
- b. If confirmed, how do you plan to reduce the application backlog without substantially impairing patent quality?

RESPONSE: Answers to 4 a and 4 b: If confirmed, I will work with others in the USPTO and in the Administration to determine the best way to address the backlog and patent pendency.

Specifically, in terms of backlog reduction, I believe AI tools deployed to repetitive and time-consuming tasks is the way forward. If confirmed, I would work with the USPTO and stakeholders to develop our own playbook to achieve similar results.

5. Section 32 of the America Invents Act of 2011 required the Director of the USPTO to support the establishment of pro bono programs across the country to assist under-resourced independent inventors and small businesses. Within five years of the law's enactment, the USPTO helped to set up programs to serve patent applicants in every state. Many of those programs still exist to help applicants navigate the USPTO and submit applications to protect their inventions.
- a. What role should the USPTO play to further support pro bono efforts and ensure resources exist to enable inventors to access the USPTO?
 - b. Do the USPTO's pro bono programs free up resources that could be used to reduce the patent backlog or pursue other priorities?

RESPONSE: Answers for 5 a and 5 b: As I have dedicated my practice in the last 8 years to independent inventors, small business and startups, I know first-hand the value and importance of these programs. If confirmed, I will work with the USPTO senior leadership on continuing and providing support and resources to these efforts. I have seen the wonderful results they can bring, including ensuring appropriately expeditious tracks are available for examination and to help pro se applicants and small/micro entities successfully navigate the application to patent issuance.

**Nomination of John Squires to be Under Secretary of Commerce for Intellectual Property
and Director of the U.S. Patent and Trademark Office**

Questions for the Record

Submitted May 28, 2025

QUESTIONS FROM SENATOR COONS

1. If President Trump asked you to do something you judged to be illegal or unethical, would you resign? Please answer yes or no.
 - a. If you would not resign, what would you do? Please explain.

RESPONSE: The President would not ask me to do something illegal or unethical. If confirmed, I will make every effort to faithfully discharge my duties, I will always follow the law and uphold my sacred oath to support and defend the Constitution.

2. Is there ever a circumstance when an executive branch agency may choose not to comply with a federal court order, until such time as that order is stayed or vacated by a higher court?

RESPONSE: In my career as a patent lawyer in private practice, I have neither encountered this question nor had occasion to study it. If confirmed and should such a situation manifest, I would consult the Office of Counsel for guidance and advice and be sure to follow the advice of counsel in the discharge of my Constitutional duties.

3. The Patent Trial and Appeal Board (PTAB) was designed to be a faster, cheaper alternative to federal district court litigation. Unfortunately, that has not been the case. What, if any, reforms do you think should be made to the PTAB so that it can actually function as the alternative to federal court it was meant to be?

RESPONSE: If confirmed, I will work with stakeholders, USPTO leadership and Congress to assess the almost 15 years of data since the PTAB creation to assess the effect of the differing standards between federal district court litigation proceedings and PTAB IPR proceedings. From this data and analysis, I will work to ensure any legislation concerning the PTAB fulfills Congress's intent that the PTAB serve as a faster and cheaper alternative to district court litigation.

4. If confirmed, what steps would you take to tackle the U.S. Patent and Trademark Office's (USPTO) patent examination backlog?

RESPONSE: Several immediate steps should be explored for both their short term and long-term benefits. With immediate effect, the Office should undertake a review and work in connection with the USTR to identify and eliminate from the system cases, especially foreign-filed cases that are overburdening the system. Some applicants could self-elect with petitions to suspend examination for six months, especially with large portfolios of broad ranging patents and there may be incentives attendant to that. Above all, if confirmed, I will work with the

USPTO, stakeholders on the best way to address the backlog and patent pendency including hiring additional examiners as well as using AI tools in examination.

5. The USPTO's Office of Policy and International Affairs (OPIA) works to promote global intellectual property (IP) protections and prevent the theft of American IP around the world. If confirmed, what steps will you take to support OPIA and its mission?

RESPONSE: OPIA plays an important role in making sure U.S. IP interests are expressed and defended across the globe. If confirmed, I plan to work with OPIA, other stakeholders and USPTO leadership to provide resources to strengthen and improve policy for strengthening and balancing our system and its reach both at home and abroad.

6. The USPTO's IP Attaché Program serves as a vital asset for U.S. businesses, innovators, and creators striving to protect their IP rights in complex international markets. These attachés assist American rights holders in navigating foreign IP laws, advocating for stronger IP protections, and combating IP theft. Their efforts not only safeguard U.S. economic interests but also foster fair trade practices globally.

- a. If confirmed, how would you bolster and expand the IP Attaché Program to address current staffing vacancies and enhance its global reach?

RESPONSE: If confirmed, I would look to bolster the program by ensuring IP Attachés meet the aims of safeguarding U.S. economic interests as well as fostering fair trade practices around the world.

- b. Are there specific regions or countries where you believe the deployment of additional IP attachés would significantly benefit U.S. stakeholders and promote robust IP enforcement?

RESPONSE: I do not have any specific regions or countries in mind at present, but if confirmed I commit to working ardently with others within the USPTO, stakeholders, the executive branch and Congress to ensure strong IP protections and companion enforcement mechanisms exist and are available both domestically and internationally.

- c. In 2020, the Department of Homeland Security published a report to the President titled, Combating Trafficking in Counterfeit and Pirated Goods. Which recommendations, if any, do you think should be revisited from this report?

RESPONSE: If confirmed, I will review this report and will work with Congress, others in the Trump Administration, and with IP stakeholders, on how best to stop counterfeit and pirated goods. I would note the Judiciary IP subcommittee's recent hearing on "Foreign Threats to American Innovation and Economic Leadership" elicited shocking testimony regarding the safety concerns of counterfeit parts, freely available from e-tails and the near impossible task of either consumers or e-tailers from discerning the authentic from counterfeit. Any recommendations from the 2020 report should fully take into account the deceitful and harmful to public safety practices that the hearing elicited.

7. Do you believe that the USPTO benefits from interagency coordination? If so, in what contexts?

a. How will you promote continued cross-agency collaboration?

RESPONSE: I support proper information sharing and coordination between agencies as a means of promoting government agency effectiveness and harmonization. If I am confirmed, I would look for new opportunities to promote collaboration afforded by new technologies, such as blockchain.

8. If confirmed, how would you work with the Intellectual Property Enforcement Coordinator (IPEC)?

a. Where do the objectives of the IPEC and the USPTO Director align and where do they diverge?

RESPONSE: Effective and coordinated IP enforcement both at home and abroad is key to maintaining U.S. technological dominance. If confirmed, I look forward to working with others in the Trump Administration in determining the most effective ways to ensure alignment on matters concerning the respect of IP rights both at home and abroad.

9. Acting USPTO Director Coke Stewart recently issued a memo outlining a new process for post-grant proceedings that clarifies the Director's discretion to deny petitions and expedite review. Acting Director Stewart also rescinded a 2022 memo that constrained the Director's statutory discretion. If confirmed, would you keep these policies in place? Why or why not?

RESPONSE: I understand the AIA to confer rather broad-based discretion on the Director. To understand the exercise of discretion, I would need to examine bases underlying policy changes as well as operational considerations that have gone into such. If confirmed, I would look forward to working with Acting Director Stewart, PTO management and stakeholders to ensure that the PTAB meets Congress' intent of providing a faster, cheaper and agency-based alternative inter partes proceedings as an alternative to lengthy and expensive District Court litigation.

10. Some in the technology community have argued that the United States should "delete IP law."

a. Do you think Congress should "delete" existing IP laws?

RESPONSE: The U.S. Constitution charges Congress with the promotion of "the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries" in Article I, Sec. 8, Clause 8. If confirmed, I look forward to working with Congress as they exercise their Constitutional authority.

b. Why are robust IP protections important to our country and to the American economy?

RESPONSE: Our Founders understood the importance and value of IP by enshrining it in the U.S. Constitution. IP laws are imperative to the United States' technological

leadership as it incentivizes innovation and protects the inspiration, perspiration and tenacity of innovators and creators from others stealing their work. As a key driver of economic development, growth and the source of millions of jobs each year, robust IP laws are fundamental to and an integral part of the U.S. economy.

**Nomination of John Squires to be the Under Secretary of Commerce for Intellectual
Property and Director of the United States Patent and Trademark Office
Questions for the Record
Submitted May 28, 2025**

QUESTIONS FROM SENATOR CORY A. BOOKER

1. President Trump's recent Executive Order directs federal agencies to "optimize" intellectual property policies to make drugs more affordable. At the same time, Trump has systematically cut USPTO's staffing by implementing hiring freezes, terminating probationary employees, and incentivizing early retirement, which has reduced the patent examiner corps and exacerbated pre-existing staff shortages. In just one month, from February to March, the USPTO lost 5% of its patent examiners. Fewer examiners mean rushed patent reviews that can lead them to issue flawed patent applications. When the USPTO issues flawed drug patents it delays generic entry and increases drug prices for Americans.
 - a. Do you agree that understaffing hinders USPTO's ability to review and issue patents, both slowing down the frequency with which new patents are issued and increasing the potential for hurried review?

RESPONSE: I believe equipping Examiners with productivity tools, such as AI can alleviate staffing concerns. If confirmed, I am committed to working with USPTO leadership and stakeholders to ensure patent applications are processed in a timely manner for shorter pendency for all applications, and to align production capacity with incoming workload. I am committed to introducing new initiatives aimed at reducing pendency. If confirmed, I will also work with USPTO to align its examination capacity and productivity tools to attack the at-present unacceptable inventory of unexamined applications.

- b. How will you rebuild staffing to enhance the quality of patent reviews, especially for drug-related applications?

RESPONSE: If confirmed, I will work with stakeholders, others in the Trump Administration, and USPTO leadership to determine staffing requirements and outfit staff with the productivity tools, such as AI, to find the best way to address the backlog and patent pendency, including in technology areas that deal with drug-related applications.

**Nomination of John Squires
To be Director of the United States Patent and Trademark Office
Questions for the Record
Submitted May 28, 2025**

QUESTIONS FROM SENATOR WHITEHOUSE

1. If President Trump or anyone at the Department of Commerce asks you to engage in conduct that violates the law or your ethical obligations, what will you do?

RESPONSE: The President would never ask me to engage in unlawful conduct. I will follow the law and uphold my sacred oath to support and defend the Constitution.

2. Has President Trump or any member of his team asked you to approve or deny a petition for inter partes review or post-grant review? If yes, please describe.

RESPONSE: No one has made any such request of me, nor, if confirmed, do I anticipate any such request.

3. Has President Trump or any member of his team asked you to take any official action that would advantage a specific person or entity? If yes, please describe.

RESPONSE: No one has made any such request of me, nor, if confirmed, do I anticipate any such request.

4. Have you had any discussions with any member of the Trump administration concerning personnel at the Office to which you've been nominated? If yes, please describe with specificity.

RESPONSE: I have recommended names of qualified individuals to be considered for senior leadership positions at the Office. The Secretary of Commerce and the Office of Presidential Personnel ultimately oversee all personnel decisions.

5. Under what circumstances, if any, could a federal government official legally defy a court order issued in a case to which the official or the government was a party?

RESPONSE: In my career as a patent lawyer in private practice, I have neither encountered this question nor had occasion to study it. If confirmed, and should such a situation manifest, I would consult the Office of Counsel for guidance and advice and be sure to follow the advice of counsel in the discharge of my Constitutional duties.

6. What would be the appropriate action for a court to take in the event that the government or a public official defied a court order?

RESPONSE: In my career as a patent lawyer in private practice, I have neither encountered this question nor had occasion to study it. If confirmed, and should such a situation manifest, I would consult the Office of Counsel for guidance and advice and be sure to follow the advice of counsel in the discharge of my Constitutional duties.

7. Was the U.S. Capitol attacked by a violent mob on January 6, 2021? Were violent rioters who were convicted of assaulting police officers on January 6 political prisoners?

RESPONSE: I am generally aware of the issue of “political prisoners” making its way to the Supreme Court, but do not recall the outcome of the issues litigated.

8. Did Joe Biden win the 2020 presidential election?

RESPONSE: President Biden was sworn in as 46th President of the United States of America on January 20, 2021.

9. Does the 22nd Amendment permit a president to be elected more than twice?

RESPONSE: In my career as a patent lawyer in private practice, I have neither encountered this question nor had occasion to study it. However, it is my understanding that a person may only be elected President of the United States for two terms.

**Senator Peter Welch
Senate Judiciary Committee
Written Questions for John Squires
Hearing on “Nominations”
Wednesday, May 21, 2025**

1. In 2007 you testified at a Senate Judiciary Committee patent hearing in support of the Patent Reform Act. The Patent Reform Act eventually became the Leahy-Smith America Invents Act (AIA), which was signed into law in 2011 and created new post-grant proceedings for invalidating patents at the Patent Trial and Appeal Board (PTAB).

- a. What is the current role of the PTAB?

RESPONSE: The “PTAB” is actually a concatenation of two important functions created by the AIA one being “Patent Trials” and the other “Appeals” Boards. The “Patent Trials” function comprises IPRs, PGRs and Derivation proceedings. The Appeals Board function is different as it affords a direct appeal to the Director from an examiner impasse, providing an important point of redress for applicants.

The PTAB’s role is to administer these post-grant, inter-partes programs and appeal processes in a fair way to keep our unitary patent system in balance for all stakeholders and the American public.

- b. Are inter partes reviews (IPR) and post-grant reviews (PGR) effective ways to invalidate bad patents?

RESPONSE: It seems that both forms of redress have served their function as a faster and cheaper alternative to district court litigation.

- c. If confirmed, do you commit to ensuring the PTAB has the resources and personnel to be able to fulfill their current mandate and continue to administer IPRs and PGRs?

RESPONSE: Yes. If confirmed, I will work avidly with the office’s stakeholders, leadership and to ensure the PTAB functioning in accordance with its creation and goals and fulfilling Congressional intent, including ensuring the PTO continues to have the necessary personnel – and tools – to fulfill its statutory mission.

2. Since publication of a new rule by the U.S. Patent and Trademark Office regarding discretionary denials of IPRs, the PTAB institution rate has dropped from 68% to 43%.
 - a. How do you plan to address the decrease in PTAB institution rates?

RESPONSE: We have nearly 15 years of important data on the PTAB. I testified that this data seems “skewed” to me as between the Patent Trial functions of IPRs, PGRs and Derivation proceedings as one might expect a more “normal” distribution, or at least as between IPRs and PGRs. As to the drop in the rate, I would want to explore the avenues of redress where that is headed, whether it be district court or elsewhere. If confirmed, I look forward to working with stakeholders the USPTO and Congress to ensure that the PTAB fulfills Congressional intent as to all aspects.

3. If confirmed, do you plan to hire more USPTO staff to ensure the USPTO is able to function effectively?

RESPONSE: If confirmed, I will work with the USPTO and stakeholders to ensure that the USPTO is able to fulfill its statutory missions in all aspects of its ex parte and inter partes functions.

4. Do you believe there should be a standing requirement at the PTAB?

RESPONSE: I have seen certain proposed legislation over the years that has sought to establish new standing requirements for filing petitions at the PTAB. If confirmed, I commit to working with Congress and stakeholders on this issue, including any harmonization proposals that may be attendant to companion federal district court litigation.

5. Is the PTAB an effective way to challenge bad pharmaceutical patents?

RESPONSE: Yes. The PTAB plays an important role in the U.S. patent system to provide redress in terms of a faster and cheaper alternative venue to challenge the validity of a patent in our unitary system, including pharmaceutical patents.

6. If confirmed, are there any reforms you plan to implement that would assist in more generic drugs being able to enter the market?

- a. Please describe your views on patent thickets in relation to the cost of prescription drugs.

RESPONSE: Historically, “hard technology” innovation has been generally viewed as “incremental” whereas pharmaceutical patents have generally correlated to molecules, compounds, and the efficacy of such. These technologies have now converged, creating the prospect of incremental invention in the pharmaceutical sector. While there is no specific “quantum” of invention per se in either field, if confirmed, I am committed to ensuring the USPTO issues patents that meet the statutory requirements for patentability in every technological art area, including pharmaceuticals, and ensuring patents are not abused.

7. Do you believe that patent examiners currently have enough time to review patent applications? If not, do you have any plans to address this problem?

RESPONSE: In a unitary system housing all types of art units, some areas may require more time, some less. If confirmed, I will work with stakeholders and USPTO to evaluate the relative amount of time granted to examiners and what changes, if any, are necessary, including the provision of appropriate productivity tools, including AI.

8. Please describe any plans you may have to integrate artificial intelligence (AI) into the USPTO.

- a. What guardrails should be put in place prior to using AI at the USPTO?

RESPONSE: Non-public USPTO data and applicant data should be walled off, for one, so as to not allow training off from this pool. Any software tools contemplated for modernizing the examination process should include appropriate cyber security measures to better manage the complicated and onerous task of searching for and identifying the most relevant prior art. Enacting efficiencies will help speed the entire examination process. If confirmed, I will work with others in the USPTO on what AI tools are currently being used and how best to integrate additional AI into the USPTO's examination process.

9. Please describe your views on the issue of third-party funding of patent litigation and how you would address this issue at the USPTO.

RESPONSE: As to foreign countries, allowing funding of lawsuits against U.S. companies to gain access to our technology is unacceptable. As to domestic funding, if confirmed, I will work to ensure that the USPTO and the PTAB proceedings are used as intended by Congress, including working to make the PTAB disclosure requirements concerning funders congruent with federal district court local rules concerning the real-party in interest and notification to the USPTO of such.

Questions from Senator Tillis
for John Squires
Senate Judiciary Committee
Nomination Hearing

1. What are your thoughts regarding the need for patent eligibility reform? Do you agree that such reform is needed now, more than ever, and that it is not just a threat to innovation but that it is also a threat to our national security not to do something about it?

RESPONSE: As I testified, the area of patent eligibility suffers from clarity of precedent and sows confusion and uncertainty into our patent system. This uncertainty clouds patents, erodes confidence in our system, and is leading to a lack of American competitiveness particularly in AI and critical emerging technologies. I agree that clarity is needed and the lack of clarity is compromising our world standing and threatens our national security. If confirmed, I look forward to working with Congress and this Committee to ensure our patent laws meet the moment and serve both inventors and the Nation at large.

2. What are your thoughts regarding the need for reform of the U.S. Patent and Trademark Office (USPTO) Patent Trial and Appeal Board (PTAB)? Do you agree that for far too long the PTAB has been an arena for gamesmanship by bad actors that that such practice needs to be reined in?

RESPONSE: We have nearly 15 years of important data on the PTAB. I testified that this data seems “skewed” to me as between the Patent Trial functions of IPRs, PGRs and Derivation proceedings as one might expect a more “normal” distribution, or at least as between IPRs and PGRs. Whether this “skewing” is a result of gamesmanship by bad actors or other factors is not clear. If confirmed, I look forward to working with others at the USPTO and with Congress on ensuring that the PTAB fulfills its mission.

3. Given that the USPTO is fully funded by user fees from inventors and entrepreneurs – not taxpayers – do you believe that these fees should remain at the USPTO and that they should not be redirected to unrelated federal programs?

RESPONSE: Yes, as I testified, it is important for the PTO to retain its fees so it can be efficiently run as a business because I also believe that all Americans should benefit from the tremendous value of government-issued IP rights.

4. What specific measures will you take to ensure that the patent backlog – now at a historic high – does not continue to grow and that pendency does not increase?

RESPONSE: Several immediate steps should be explored for both their short-term and long-term benefits. With immediate effect, the Office should undertake a review and work in connection with the USTR to identify and eliminate from the system cases, especially foreign-filed that are overburdening the system. Some applicants could self-elect with petitions to suspend examination for six months, especially with large portfolios of broad ranging patents and there may be incentives attendant to that.

As I testified in my opening statement, I believe it is time for the USPTO to “lean-into” AI to provide tools to reduce backlog. Several areas should be investigated to provide immediate results in terms of utilizing generative AI, for example, on matters of written description, enablement and indefiniteness. I am aware in fact of Examiner blogs reporting favorably on the exploration of such technology utilization.

If confirmed, I will work with the USPTO and stakeholders on the best way to address the backlog and patent pendency including hiring additional examiners as well as using AI tools in examination.

5. Fundamental to the patent examination process is the prior art search. Thorough and complete and prior art searches, at every stage of examination, are key to ensuring high quality and efficient examination.

Do you agree with this and what are your general thoughts on this topic?

RESPONSE: A thorough and comprehensive prior art search is the foundation of every patent examination and the foundation of quality and confidence in the patent system. The earlier prior art can be injected into the system, the better for all stakeholders to improve quality and confidence and I believe AI tools can help further these aims.

6. The USPTO maintains both unpublished and published data which is ripe for use for training AI models. This could be of great use to patent examiners for performing prior art searches, which I outlined in a May 20, 2025 letter to the USPTO asking the agency to explore this topic in earnest.

Assuming that proper security and privacy measures are taken, do you agree with this and what are your general thoughts on this topic?

RESPONSE: Yes. Any software tools contemplated for modernizing the examination process should include appropriate cyber security measures concerning the use of LLMs and other AI-assisted tools to better manage the complicated and onerous task of searching for and identifying the most relevant prior art. Making this and other steps more efficient will help speed the entire examination process. If confirmed, I will work with others in the USPTO on what AI tools are currently being used and how best to integrate additional AI into the USPTO’s examination process.

Questions for the Record
Sen. Adam Schiff (CA)

John Arthur Squires, Nominee to be Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (USPTO)

1. Will you be an advocate for the employees at USPTO, many of whom have already been forced to move to keep their jobs, and work with the Secretary of Commerce to exempt the agency's workforce from any reductions in force?

RESPONSE: I commit to ensuring the USPTO has the workforce necessary to carry out its statutory functions and responsibilities, including providing productivity tools with which employees can excel at their jobs.

2. You have ties to the private equity fund Fortress Investment Group. According to public reporting, you helped them get into the patent litigation business by advising them on the creation of a multimillion-dollar fund. Fortress has rapidly become a major patent litigant, bringing cases against dozens of US companies.
 - a. Can you describe your involvement with Fortress IP and whether that will impact your work as USPTO Director?

RESPONSE: I have no present ties or connection to Fortress investment group. My prior work for them was around the 2013-2017 time frame. My work and advice for them was not related to litigation funding. Specifically, my work for them centered on my written scholarship and modeling of patents as derivatives for valuation and as self-standing assets per se. My solution was a "patent mortgage" wherein operating companies pledge their patents as collateral and use their loan proceeds as working capital to fund operations, expansion or the like.

At the time this work helped emerging companies in distress with valuable patents stave-off bankruptcy and avoid the dilemma of having to sell or license their portfolio at unfavorable valuations and divesting themselves of their prized assets. And, as I testified at my hearing, in 2020, Marshall Phelps reported in Forbes of several companies surviving the economic downturn brought on by Covid-19 using my very patent mortgage solution. If confirmed, I will abide by my Ethics Agreement concerning former client work for Fortress or any other former client.

3. Do you believe that approximately 68 out of 100 U.S. patents that are currently in force are defective?
 - a. If so, what should Congress be doing to improve patent quality on the front end during the patent examination process?

RESPONSE: No. The statistics I mentioned are those published by the USPTO concerning claim cancellation upon challenge at the PTAB which are a small subset of all issued patents, not a measure of quality at the front end. I also testified in response to Senator Coon's questions that this data seems "skewed" to me as between the Patent Trial

functions of IPRs, PGRs and Derivation proceedings as one might expect a more “normal” distribution, or at least as between IPRs and PGRs (and even a higher incidence than current numbers concerning Derivation proceedings).

In general, errors of all types should be avoided, including errors in not granting patent claims that should rightly issue. I believe it is to the benefit of all stakeholders if prior art is identified and applied at the earliest stage of examination or post issuance, as we benefit as a society from patents “born strong,” beginning with the original patent grant. I further believe the third party submission provisions provided in the AIA should be incentivized and better utilized to inject art as early as possible into the system. If confirmed, I am committed to working with stakeholders, the USPTO and Congress to improve patent quality on the front end and mechanisms for achieving such.

- b. What can Congress do to ensure that PTAB is effectively catching any defects that examiners miss?

RESPONSE: Quality has a place at every aspect of the examination and PTAB process and I look forward to working with stakeholders, the USPTO and Congress to make sure the tools provided are being effectively deployed and any new tools under consideration help meet Congressional intent for the PTAB and its important function.

- 4. Whistleblowers play a critical role in calling out waste, fraud, and abuse across government. If confirmed, do you commit to protecting and in no way adversely affecting, or retaliating against, the employment of any employees who report internal waste, fraud and abuse of authority by the Trump Administration, including any activity that may involve you, through the proper channels to agency management, to the appropriate agency Inspector General, and to Congress?

RESPONSE: Yes.

**Senate Judiciary Committee
Hearing on the Nomination of John Arthur Squires
to be Under Secretary of Commerce for Intellectual Property
and Director of the U.S. Patent and Trademark Office
May 21, 2025
Questions for the Record
Senator Amy Klobuchar**

In April, the Senate Judiciary Committee advanced a number of bills to stop branded pharmaceutical companies from abusing their patents to box out cheaper generic alternatives. Senator Grassley and I have led legislation, the Preserve Access to Affordable Generics and Biosimilars Act, to help put a stop to these anti-consumer deals.

1. As Director of the United States Patent and Trademark Office, what steps can you take to ensure that patents are not abused to drive up the cost of prescription drugs?

RESPONSE: I am aware of concerns of so-called patent thickets being abused in relation to the cost of prescription drugs. I believe this is a relatively new phenomenon. Historically, “hard technology” innovation has been generally viewed as “incremental” whereas pharmaceutical patents have generally correlated to molecules, compounds and the efficacy of such. These technologies have now converged, creating the prospect of incremental invention in the pharmaceutical sector. While there is no specific “quantum” of invention per se in either field, if confirmed, I am committed to ensuring the USPTO issues patents that meet the statutory requirements for patentability in every technological art area, including pharmaceuticals, and ensuring patents are not abused, including as thickets.

**Nomination of John Squires
To be Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office Questions
for the Record
Submitted May 28, 2025**

QUESTIONS FROM SENATOR CORNYN

1. Please explain your view of the role of third-party litigation finance in the context of patent litigation. Specifically:

- a. Do you believe third-party litigation finance has enabled “patent trolls” to weaponize improperly-issued patents against United States small businesses by threatening lawsuits for infringement and then offering to settle for less than the cost of litigation?

RESPONSE: Third party litigation financing may have played a part in the “troll” practice where patents are aggregated around certain sectors and asserted as “nuisance suits” I have written in opposition to such practices in the Wharton Business review, “Why Investment friendly Patents Spell Trouble for Trolls” (Knowledge@Wharton, September 24, 2015).

- b. Do you view a strong Patent Trial and Appeal Board (PTAB) as a partial remedy against this “patent troll” behavior as described above?

RESPONSE: As to poor quality patents being asserted for nuisance value, yes. Congress established the PTAB to serve as a faster and cheaper alternative to district court litigation specifically as a remedy for patent validity issues. We have nearly 15 years of important data on the PTAB. If confirmed, I look forward to working with others at the USPTO and with Congress on ensuring that the PTAB fulfills its mission.

- c. Does the United States Patent and Trademark Office (USPTO) have all the information it needs regarding the funding behind the challenges brought before the PTAB?

RESPONSE: The answer to this question is not clear. In federal district court litigation, local rules require identification of real parties in interest and notification of the USPTO of such. In general, it seems to me that these transparency vehicles as between the federal court system and the USPTO should be congruent. If confirmed, I commit to working with others within the USPTO and IP stakeholders to ensure the USPTO has sufficient information to address misuse of PTAB proceedings.

2. In 2024, foreign companies earned a majority of issued patents. What protections do you plan to put in place to ensure that foreign competitors like China cannot use U.S. IP to harm domestic industry?

RESPONSE: Congress has already enshrined review provisions in the United States Code when national security concerns are implicated. If confirmed, I commit to exploring the use of existing

regulatory obligations promulgated to effectuate these laws directed to the issuance of IP rights that implicate national security concerns to ensure that foreign competitors cannot use U.S. IP to harm domestic industry.

3. What will you do to ensure foreign adversaries do not impede American innovation through the funding of frivolous patent litigation?

RESPONSE: Allowing foreign rivals to bankroll lawsuits against U.S. companies to gain access to our technology is unacceptable. If confirmed, I plan to bring the full weight of the office to require transparency with respect to such and review any such situations for national security implications. I will work ardently to ensure that the PTAB proceedings are used as intended by Congress.

4. Two years ago, CIA Director John Ratcliffe wrote in the Dallas Morning News about “the burgeoning threat of patent trolls serving as puppets for adversaries that participate in U.S. litigation as an undisclosed third party.” The USPTO has the tools through inter partes review at the PTAB to deter these adversaries. Will you commit to requiring the agency you lead to operate the PTAB as Congress articulated in the America Invents Act and not exceed the authority granted to discretionarily deny petitions for review as previous Directors have done?

RESPONSE: Yes.

5. Would you support taxing foreign entities that finance frivolous patent litigation against United States companies?

RESPONSE: Yes.

6. During your career in private practice, you helped found Fortress Investment Group’s IP funding arm, which last year committed \$6.6 billion to litigation finance, as well as \$2.9 billion specifically to intellectual property litigation. What steps will you take to recuse yourself from decisions that would benefit Fortress?

RESPONSE: I have not represented Fortress since 2017 and have no arrangements with them, legally or otherwise.

My prior work for them was around the 2013-2017 time frame and stemmed from my scholarship and modeling of patents as derivatives for valuation and as self-standing assets per se. My solution was a “patent mortgage” wherein operating companies pledge their patents as collateral and use their loan proceeds as working capital to fund operations, expansion or the like.

At the time this work helped emerging companies in distress with valuable patents stave-off bankruptcy and avoid the dilemma of having to sell or license their portfolio at unfavorable valuations and divesting themselves of their prized assets. And, as I testified at my hearing, in 2020, Marshall Phelps reported in Forbes of several companies surviving the economic downturn brought on by Covid-19 using my very ‘patent mortgage’ solution.

I will always follow applicable government ethics laws and regulations based on guidance from the Ethics Office of the Department of Commerce to avoid actual or perceived conflicts of interest.



May 20, 2025

The Honorable Chuck Grassley
 Chairman, U.S. Senate Committee on the Judiciary
 224 Dirksen Senate Office Building
 Washington, DC 20510

The Honorable Dick Durbin
 Ranking Member, U.S. Senate Committee on the Judiciary
 224 Dirksen Senate Office Building
 Washington, DC 20510

Dear Chairman Grassley and Ranking Member Durbin:

I am writing to you in support of the nomination of John Squires to be the Director of U.S. Patent and Trademark Office.

By way of background, I am a tenured and chaired law professor at the University of Virginia. I teach and write about patent law and policy. I have co-authored one of the leading casebooks on patent law (see Robert Patrick Merges and John Fitzgerald Duffy, *Patent Law and Policy* (8th ed. 2021)); written prominent scholarship in the area; litigated some significant cases on important patent doctrines (see, e.g., *KSR v. Teleflex*, 550 U.S. 398 (2007)); and even had some of my scholarship covered in mainstream news outlets (see, e.g., Adam Liptak, *In One Flaw, Questions on Validity of 46 Judges*, N.Y. Times, May 6, 2008, <https://www.nytimes.com/2008/05/06/washington/06bar.html>). My academic profile is available here: <https://www.law.virginia.edu/faculty/profile/jfd2z/2141954>. Of course, the views expressed in this letter are my own and not necessarily those of my university or any other person or entity.

I've known John Squires since we met at an academic conference in the mid-2000's. John was at the time a lawyer at Goldman Sachs specializing in intellectual property generally and patent law more specifically. I was immediately impressed by John in part because he was taking the time to attend an academic conference. Most lawyers are busy individuals and do not make time to participate in academic and theoretical debates that can seem quite removed from the everyday world of the next billable hour or the next filing date. John was not like that, and we quickly found a joint interest in what was then one of the most important and controversial issues of the day: the type of inventions that our laws allow to be patented.

Among patent lawyers, that issue is known as the scope of "patentable subject matter" or "patent eligibility," and one of the most debated points at the time concerned whether innovations in business fields were categorically excluded from being eligible for patents. Both John and I thought that such a

categorical exclusion would be both bad law and bad policy. It was bad law because the texts of our patent laws impose no such limitation. It was bad policy because our patent system should remain open to a broad variety of innovations without preconceived notions about what fields of human endeavor might give rise to the next great innovation.

Soon after we met, a major piece of litigation began working its way through the courts. That case—which was captioned *In re Bilski* at the Federal Circuit and *Bilski v. Kappos* at the Supreme Court—was obviously destined to be a major precedent on the patentability of business methods. On its own motion, the Federal Circuit ordered en banc consideration of the issues presented in the case, and very quickly a large number of amicus entities and groups began to form to present views for and against the patentability of business methods.

At that time, John reached out to retain me as a lawyer to present arguments on behalf of Regulatory DataCorp, Inc., which was the licensee of then-pending patent applications filed by Goldman Sachs that, among other things, covered computer technology designed to detect suspicious financial transactions, including terrorist-financing schemes. (I was then, as I am now, a full-time, tenured law professor, but both then and now, I also consult as a lawyer in various cases that I think present important issues of patent law and policy.) During our joint efforts on this amicus brief, I got to know John quite well, and I was especially impressed by his good judgment.

Unlike many of the amicus briefs that went all one way or all the other, the amicus brief we co-authored took a balanced approach. On the one hand, the brief strongly supported the patentability of business methods and opposed the overly restrictive “machine-or-transformation” test of patentable eligibility that had been used by the government to deny Bilski’s patent application. As our brief argued, a categorical ban on business methods departed from broad text of the patent statute, and a restrictive “machine-or-transformation” test had no basis either in the language of the statute or in the historical practices of the U.S. patent system. Those arguments supported the patenting of business methods generally. But the brief was not one sided. It also noted that alleged invention in the patent application at issue was “a straightforward application of hedging principles that everyone knows.” RDC Br. at 26, in *In re Bilski*, No. 2007-1130 (Fed. Cir. filed April 7, 2008). Thus, the alleged invention was unpatentable as obvious (which would be fatal to any patent application in any field) and quite possibly also as non-novel (again, fatal to any patent application in any field).

Though dozens of briefs were filed for the en banc hearing, the Federal Circuit allowed only two amici to present oral arguments to the full court. Our brief was selected on the pro-business method side, and a brief filed by Bill Lee (a very prominent partner at the law firm then known as Wilmer Cutler Pickering Hale and Dorr LLP and now known as simply WilmerHale) was selected to present the anti-business method patent side. See <https://www.cafc.uscourts.gov/opinions-orders/07-1130.pdf> (listing only two attorneys for amici as having “argued” in the case).

At the Federal Circuit, the court ruled against our position by a vote of 10-2. Nine of the judges held that “the machine-or-transformation test” was “the proper test to apply.” *In re Bilski*, 545 F.3d 943, 960 (Fed. Cir. 2008). One judge, Judge Mayer, would have gone even further; he argued that “[a]ffording

patent protection to business methods lacks constitutional and statutory support.” *Bilski*, 545 F.3d at 998 (Mayer, J., dissenting). Only two judges (Newman and Rader, JJ.) took positions that were consistent with our position. The result at the Federal Circuit was a disappointment, but the Supreme Court granted certiorari to review the result and reasoning of the lower court.

At the Supreme Court level, our amicus group expanded to include well-known companies such as the financial firm American Express and the software firm SAP America. Once again, our amicus brief presented a balanced approach—supporting a broad approach to patentable subject matter that would include business method patents, but also opposing the grant of a patent on the quite obvious applications of well-known hedging techniques described in *Bilski*’s patent application.

The ultimate result at the Supreme Court was much better than the result in the Federal Circuit. Indeed, the result was very much consistent with the principled and balanced approach set forth in our amicus brief. Among the Justices at the Court, the “machine-or-transformation” test got exactly zero votes. The five-Justice majority clearly held that “[a]dopting the machine-or-transformation test as the sole test for what constitutes a [patentable process] violates [standard] statutory interpretation principles.” *Bilski v. Kappos*, 561 U.S. 593, 603 (2010). The other four Justices agreed on this point, stating explicitly that the “machine-or-transformation” test was “not the *exclusive* test” of patentability. *Bilski*, 561 U.S. at 613 (Stevens, J., concurring in the judgment) (emphasis in original). On the issue of whether business methods are patentable, the majority ruled the language of the Patent Act “precludes the broad contention that [the statute] categorically excludes business methods” from patent protection. *Bilski*, 561 U.S. at 606. The majority explicitly recognized that, under the language of the Patent Act, patentable inventions “may include at least some methods of doing business.” *Id.* at 607.

The Supreme Court also held the alleged invention in the case to be unpatentable, and that too was consistent with the approach presented in our amicus brief. As the Court majority held, the patent application at issue was directed to “the basic concept of hedging,” which is “a fundamental economic practice long prevalent in our system of commerce and taught in any introductory finance class.” *Bilski*, 561 U.S. at 611 (internal quotations omitted).

The Court majority’s ruling was a huge win for those who want to keep the patent system open to a broad class of inventions in all fields of endeavor. That includes innovations that don’t necessarily meet the wooden and restrictive “machine-or-transformation” test (which was flatly inconsistent with the Supreme Court’s 19th century ruling sustaining the patentability of Morse code—a coding system not restricted to any particular machine and not requiring any transformation of a physical object). And it includes innovations without regard to whether they can be categorized as “business” or not. The result in the case was also, however, a victory for those who do not want poor quality patents that can get in the way of meritorious inventions and bring the patent system into disrepute.

In hindsight, the Supreme Court’s decision in *Bilski* to reject categorical restrictions on the scope of patentability seems clearly right. In an age of cryptocurrency, AI and the extensive use of technology in all aspects of business, it seems ever more apparent that the Court was right to keep the patent system open to all classes of innovation.

Personally, I look back on my joint work with John Squires as one of the absolute highlights of my career. Our work was very important, especially because the *Bilski* case seems to have been very, very close. Several commentators have noted that Justice Stevens's opinion, with its categorical ban on business method patents, "has the earmarks of a majority opinion" and that some Justice must have "flipped" his or her vote. Stern, A "Flipped" Vote and then a Damp Squib, 2011 Euro. Intell. Prop. Rev. 115, 117 (2011). Some commentators have speculated that Justice Kennedy flipped (see *id.*), while other commentators have thought that it was Justice Scalia who was on the fence (see, e.g., <https://timothyblee.com/2010/06/29/justice-scalias-indecision-a-victory-for-the-patent-bar/>). Justice Stevens's position would have been terrible for the patent system—it would validate the idea that the courts could simply confine patentable inventions to some preexisting view about what innovation should look like. The majority opinion is much more forward-looking; it's a huge triumph for U.S. innovation policy in the 21st century.

John Squires was absolutely essential in forming the amicus group advocating the position that ultimately prevailed in the case. Business method patents were, at the time, hugely controversial and perhaps not so popular in business circles. John had the foresight and judgment to stick with a broad conception of innovation. It was a crucial time for U.S. patent policy, and John helped the law narrowly avoid the colossal mistake that could have happened if even just one more Justice had joined the opinion by Justice Stevens.

In the many years since the *Bilski* litigation, I have remained in contact with John Squires, and my enthusiastic support for his nomination comes both from my experience working with him in filing our *Bilski* amicus briefs and from my subsequent years of contact with John. I think John has several qualities that make him a tremendously good candidate to be PTO Director. First of all, he has good judgment and courage. During the *Bilski* litigation, a stance in favor of business method patents was not necessarily popular among financial firms, in part because some of them were the targets of patent infringement litigations based on questionable patents. John Squires had courage to speak up on the issue and the good judgment to see the right solution, which was the solution that the Supreme Court ultimately followed in *Bilski*: The patent system should be generally open to a broad set of innovations, but the patent system must also demand that patents do not cover trivial applications of long-known principles.

Beyond his good judgment, John also has an open mind. He's willing to listen—even to academics! I think that's an important quality because it shows curiosity and humility. Innovation takes many different paths, and a good PTO Director should be open to the possibility that prior ways of thinking about issues may be in need of revision.

Finally, I have come to know that John has the temperament to lead others. When we were working together on our amicus briefs, I suppose that John was my "boss," because lawyers generally have to follow their clients' instructions. Yet John was not bossy. Our work on the amicus briefs always felt like a great collaboration. In subsequent years, I've always been impressed with John's even-keeled

temperament and great sense of humor. He is someone who will inspire others to work hard because they will want to do a good job for him.

In sum, I think it would be hard to imagine a better candidate for the position of Director of the U.S. PTO. I hope the Senate confirms John in a bipartisan and (I dare to hope) unanimous vote.

Sincerely,

A handwritten signature in black ink, appearing to read "John F. Duffy". The signature is fluid and cursive, with the first name "John" and last name "Duffy" clearly distinguishable.

John F. Duffy
Samuel H. McCoy II Professor of Law
Class of 1966 Research Professor of Law

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

1. **Name:** State full name (include any former names used).

Stanley Edmund Woodward, Jr.
2. **Position:** State the position for which you have been nominated.

Associate Attorney General, U.S. Department of Justice
3. **Address:** List current office address. If city and state of residence differs from your place of employment, please listed the city and state where you currently reside.

U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
4. **Birthplace:** State date and place of birth.

1983; Wilmington, Ohio
5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

The Catholic University of America, Columbus School of Law, 2005-2008, J.D., *cum laude*, received 2008

American University, M.S., *magna cum laude*, 2004-2005, received 2005

American University, B.A., *cum laude*, 2001-2004, received 2004
6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

April 2025 – Present
Counselor to the U.S. Attorney General

United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Paid

January 2025 – Present
Assistant to the President and Senior Counselor to the President
Executive Office of the President
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500
Paid

2012 – Present
Adjunct Professor
The Catholic University of America, Columbus School of Law
3600 John McCormack Road, NE
Washington, DC 20064
Paid

2020 – 2025
Founding Partner
Brand Woodward Law, LP
400 Fifth Street, NW, Suite 350
Washington, DC 20001
Paid

2010 – 2020
Senior Counsel / Counsel / Associate
Akin Gump Strauss Hauer & Feld LLP
Robert S. Strauss Tower
2001 K Street, NW
Washington, DC 20006
Paid

2009 – 2010
Law Clerk
The Honorable Senior Judge Joan Zeldon
The Honorable Senior Judge Rufus King III
Superior Court of the District of Columbia
500 Indiana Avenue, NW
Washington, DC 20001
Paid

2008 – 2009
Law Clerk

The Honorable Judge Vanessa Ruiz
 District of Columbia Court of Appeals
 430 E Street, NW
 Washington, DC 20001
 Paid

2007 – 2008
 Teaching Assistant to Professor Roger Hartley
 The Catholic University of America, Columbus School of Law
 3600 John McCormack Road, NE
 Washington, DC 20064
 Paid

Summer 2007
 Summer Associate
 Akin Gump Strauss Hauer & Feld LLP
 Robert S. Strauss Tower
 2001 K Street, NW
 Washington, DC 20006
 Paid

2006 – 2007
 Judicial Intern
 The Honorable Senior Judge Joan Zeldon
 Superior Court of the District of Columbia
 500 Indiana Avenue, NW
 Washington, DC 20001
 Unpaid

Summer 2006
 Legal Intern
 Office of the Judge Advocate General
 The Navy Judge Advocate General's Corps
 1250 10th Street, SE
 Washington, DC 20374
 Paid

2001 – 2005
 Internet Systems Manager
 Women & Politics Institute
 American University School of Public Affairs
 4400 Massachusetts Avenue, NW
 Kerwin Hall, Room 109E
 Washington, DC 20016
 Paid

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the U.S. Military. I registered for the U.S. Selective Service System in 2001.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Super Lawyer (2024), Washington, D.C. Super Lawyers

Laura N. Rinaldi Pro Bono Lawyer of the Year (2018), District of Columbia Bar

Rising Star (2014 – 2023), Washington, D.C. Super Lawyers

Rising Star (2014), Washington, D.C. Super Lawyers

Juris Doctor, *cum laude*, The Catholic University of America, Columbus School of Law (2008)

Master of Science, *magna cum laude*, American University (2005)

Bachelor of Arts, *cum laude*, American University (2004)

Dean's List, American University (2001 – 2004)

Golden Key International Honour Society, American University (2004)

Alpha Lambda Delta, American University (2001 – 2004)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Bar Association (2008 – 2025)

DC Defense Lawyers' Association (2018 – 2025)

10. **Bar and Court Admission:**

a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

District of Columbia (Oct. 2010)

Maryland (Dec. 2008)

b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

U.S. Supreme Court (Dec. 2015)

U.S. District Court for the District of Columbia (Oct. 2012)

U.S. District Court for the District Court of Maryland (Feb. 2011)

11. **Memberships:**

a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Alumni Council, The Catholic University of America, Columbus School of Law
 President (2016 – 2020)
 Vice President (2014 – 2016)
 Secretary (2013 – 2016)

b. Indicate whether any of these organizations listed in response to 11 (a) above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To my knowledge, the above organization does not discriminate or formerly discriminate on the basis of race, sex, religion or nation origin either through formal membership requirements or the practical implementation of membership policies.

12. **Published Writings and Public Statements:**

a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

I have done my best to identify all books, articles, letters to the editor, editorial pieces and other published materials, including through a review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find, or remember. I have located the following:

Stanley Woodward, LinkedIn post entitled, “Why Congress Can’t Investigate Stone’s Commutation” (July 28, 2020), *available at* <https://www.linkedin.com/pulse/why-congress-cant-investigate-stones-commutation-stanley-woodward>.

Stanley Woodward, LinkedIn post announcing establishment of Brand Woodward Law, LP (May 2020), *available at* <https://www.linkedin.com/feed/update/urn:li:activity:6673064744397754369/>.

While an attorney at Akin Gump Straus Hauer & Feld LLP between 2010 and 2020, I regularly edited the anticorruption developments section of “Red Notice,” the Firm’s monthly newsletter on global investigations and prosecutions. I have done my best to locate copies of these notices. Copies supplied.

Civil Litigation Risks for Offerors of Digital Tokens and Cryptocurrencies (Mar. 29, 2018). Copy supplied.

President Obama Signs the Frank R. Lautenberg Chemical Safety For the 21st Century Act (Aug. 3, 2016). Copy supplied.

Surveying the Application of ‘Daimler’ in the Circuits (Dec. 14, 2015). Copy supplied.

Akin Gump Discusses SDNY Judge Berman Enjoining SEC Administrative Proceeding as ‘Likely Unconstitutional’ (Sep. 3, 2015). Copy supplied.

SDNY Judge Berman Enjoins SEC Administrative Proceeding as “Likely Unconstitutional” (Aug. 14, 2014). Copy supplied.

Circuits Are Split on Crime-Fraud Exception Reach (Feb. 9, 2015). Copy supplied.

Supreme Court Declines to Review 3rd Circuit Ruling; Crime-Fraud Exception to Attorney-Client Privilege Decision Persists (Nov. 14, 2014). Copy supplied.

b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

None.

c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

None.

d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

In March 2024, I was a guest speaker for the series, "What's the Constitution Got to Do With it? Law and Politics in the Modern Era" of the Institute of Politics and Public Service at Georgetown University in Washington, D.C. I have no notes, transcript, or recording. I appeared virtually to discuss the role of federal courts in resolving disputes between the Executive and Legislative Branches.

In March 2024, I also gave a guest lecture in person on executive privilege at American University, Washington College of Law, in Washington, D.C. I have no notes, transcript, or recording of that lecture.

In November 2022, I was a guest participant on a virtual lecture at the Catholic University of America Columbus School of Law, entitled "Big and Small Law Firm. Legal Practice Pattern in Poland." Video and transcript available here:
<https://www.youtube.com/watch?v=WmtKGPGs7cQ>.

e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

Arlington County Ex-Firefighter Charged with Jan. 6 Police Assault (Sept. 13, 2024), available at https://css.washingtonpost.com/dc-md-va/2024/09/13/brian-holmes-arlington-fire-jan6/?%20va_5.

Justice Dept. Drops Case Against Lawyer Alleged to Have Taken Somali Funds (Sept. 4, 2024), available at <https://www.washingtonpost.com/dc-md-va/2024/09/04/justice-department-drops-case-somalia-lawyer-jeremy-schulman/>

The Palisade Podcast (May 18, 2023), audio available at <https://share.transistor.fm/s/e1f0d669>

In March 2023, I gave a statement to a pool of reporters outside of the federal courthouse in D.C. after a verdict was rendered for my client, Connie Meggs, in *United States v. Crawl, et al.* No. 21-cr-28-APM (D.D.C.). To the best of my knowledge, I am unaware of whether the footage has been publicly disseminated.

Meet the Legal Nerd Who MAGA Bigwigs Are Turning to for Help (Nov. 30, 2022), available at <https://www.politico.com/news/2022/11/30/legal-nerd-maga-bigwigs-stanley-woodward-00071385>.

Maryland Lawyer Indicted in Scheme to Obtain Millions in Somali Government Assets (Dec. 7, 2020), available at https://www.washingtonpost.com/local/legal-issues/bethesda-lawyer-indicted-somali-fraud/2020/12/07/fbeeac46-38a2-11eb-9276-ae0ca72729be_story.html

Washington Post Engagement “Kristin McGough, Stanley Woodward, Jr.” (Sept. 12, 2012) available at <https://www.washingtonpost.com/express/wp/2012/09/04/kristin-mcgough-stanley-woodward-jr/>.

f. If applicable, list all published judicial opinions that you have written, including concurrences and dissents. Supply the citations for all published judicial opinions to the Committee.

I have never served as a judge.

13. **Public Office, Political Activities and Affiliations:**

a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have not run for public office.

I have held the following appointed positions:

Assistant to the President and Senior Counselor to the President
Jan. 20, 2025 – Apr. 1, 2025
Appointed by President Donald J. Trump

Counselor to the U.S. Attorney General
Apr. 1, 2025 – Present
Appointed by U.S. Attorney General Pamela J. Bondi

b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a

position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

None.

14. **Legal Career:** Answer each part separately.

a. Describe chronologically your law practice and legal experience after graduation from law school including:

i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

2008 – 2009
Law Clerk
The Honorable Judge Vanessa Ruiz
District of Columbia Court of Appeals

2009 – 2010
Law Clerk
The Honorable Senior Judge Joan Zeldon
The Honorable Senior Judge Rufus King III
Superior Court of the District of Columbia

ii. whether you practiced alone, and if so, the addresses and dates;

2020 – 2025
Brand Woodward Law, LP
400 Fifth Street NW, Suite 350
Washington, DC 20001

iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

Summer 2006
Legal Intern
Office of the Judge Advocate General
The Navy Judge Advocate General's Corps
1250 10th Street, SE
Washington, DC 20374

2008 – 2009
Law Clerk
The Honorable Judge Vanessa Ruiz
District of Columbia Court of Appeals

430 E Street, NW
Washington, DC 20001

2009 – 2010
Law Clerk
The Honorable Senior Judge Joan Zeldon
The Honorable Senior Judge Rufus King III
Superior Court of the District of Columbia
500 Indiana Avenue, NW
Washington, DC 20001

Summer 2007; 2010 – 2020
Senior Counsel / Counsel / Associate / Summer Associate
Akin Gump Strauss Hauer & Feld LLP
Robert S. Strauss Tower
2001 K Street, NW
Washington, DC 20006

2020 – 2025
Founding Partner
Brand Woodward Law, LP
400 Fifth Street, NW, Suite 350
Washington, DC 20001

January 2025 – Present
Assistant to the President and Senior Counselor to the President
Executive Office of the President
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

April 2025 – Present
Counselor to the U.S. Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

- iv. Whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator in alternative dispute resolution proceedings.

- v. Whether you have held any judicial office, including positions as an administrative law judge, on any U.S. federal, state, tribal, or local court and if so, please provide

the name of the court, the jurisdiction of that court, whether the position was appointed or elected, and the dates of your service.

I have not held judicial office.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

For the majority of my legal career, my practice consisted of a hybrid of complex commercial civil litigation and government and internal investigations. For example, while at Akin Gump, I served as coordinating counsel to a global retailer in defense of litigation involving claims in multiple jurisdictions. This required coordinating discovery responses and depositions that were uniformly consistent despite various local rules and interacting with numerous opposing counsel. I also represented a cell phone manufacturer in defense of dozens of actions alleging adverse health effects from electromagnetic field exposure. As a white-collar litigator, my experience includes high-profile investigations and prosecutions, as well as the representation of domestic and international clients on legal matters related to global, ethical, and regulatory compliance, including matters arising under the Foreign Corrupt Practices Act. I also led the Housing Law practice group of Akin Gump's D.C. Office. In 2018, I was awarded the D.C. Bar's Pro Bono Attorney of the Year Award for the representation of tenants in the District facing eviction.

When I transitioned from a larger firm to start my own practice, my individual representations included a wide range of federal executive branch departments, commissions, and agencies, including the Office of the White House Counsel, and the Departments of Justice (including investigations by Special Counsels Robert Mueller and Jack Smith), Defense, Commerce, and Interior. In civil litigation, I served as national coordinating counsel for companies involved in multiple lawsuits across the country.

- ii. Your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

I have represented a broad array of clients. I have represented numerous Fortune 100 companies and major international companies doing business within the United States, where I worked closely with their legal departments and coordinated complex international investigations or nationwide commercial litigation. I also have represented various types of individuals, including foreign individuals whose conduct touched the United States, tenants facing eviction in the District of Columbia, inmates with claims of civil rights violations, and individuals facing either life without the possibility of parole or the death penalty. I also have represented local (D.C., Maryland or Virginia) companies and associations in

employment disputes, minor litigation, and/or challenges to government action (or lack thereof). The breadth of my practice has afforded me the opportunity to work with a broad variety of clients, all of whom have required me to tailor my representation to their particular needs.

c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

i. Indicate the percentage of your practice in:

1. federal courts: 80%
2. state courts of record: 20%
3. other courts: 0%
4. administrative agencies: 0%

ii. Indicate the percentage of your practice in:

1. civil proceedings: 50%
2. criminal proceedings: 50%

For the last two years of my career, the vast majority of my practice has been criminal in nature.

d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried three federal jury trials to verdict as sole and/or chief counsel, and one as associate counsel. I tried four bench trials to verdict as sole counsel.

i. What percentage of these trials were

1. jury: 50%
2. non-jury: 50%

e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

Emergency Application for Stay of Judgment of the District Court, *United States v. Navarro*, No. 23A843. Docket and briefing *available at* <https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/23a843.html>.

Application to Extend Deadline to File for Writ of Certiorari, *Navarro v. United States*, No. 24A201. Docket and briefing available at <https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/24a201.html>.

15. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:
- the date of representation;
 - the name of the court and the name of the judge or judges before whom the case was litigated; and
 - the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

- 1) *United States v. Navarro*
No. 22-cr-200-APM (D.D.C.) (Mehta, J.)
No. 24-3006 (D.C. Cir.)
No. 23A843 (U.S.)

From 2022 until January 2025, I represented former senior presidential advisor, Peter K. Navarro, following his indictment for not appearing before the U.S. Congress to give testimony and produce documents in response to a U.S. House Select Committee subpoena investigating the events that occurred at the Capitol on January 6, 2021. I tried this case before a jury, which ultimately found Mr. Navarro guilty of two counts after finding that he did not appear to testify and produce documents in response to the Congressional subpoena. I represented Mr. Navarro in all stages of this case, including at pre-trial, trial, appeals, and an emergency application to stay the judgment of the district court filed before the United States Supreme Court.

Co-Counsel

John P. Rowley, III
SECIL Law, PLLC
1701 Pennsylvania Avenue, NW, Suite 200
Washington, DC 20006
202.642.0679

John S. Irving, IV
E&W Law, LLC
1455 Pennsylvania Avenue, NW, Suite 400
Washington, DC 20004
301.807.5670

Counsel for the United States

Raymond N. Hulser
Amanda Vaughn
Elizabeth A. Aloï
John Crabb, Jr.
Molly G. Gaston
Chrisellen R. Kolb
Mark Hoebel
U.S. Attorney's Office for the District of Columbia
601 D Street, NW
Washington, DC 20530
202.252.7566

Elizabeth B. Prelogar
Solicitor General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
202.514.2000

- 2) *United States v. Navarro*
No. 22-cv-2292-CKK (D.D.C.) (Kollar Kotelly, J.)
No. 23-5062 (D.C. Cir.)
No. 24-0451 (U.S.)

From 2022 until January 2025, I represented former senior presidential advisor, Peter K. Navarro, in defense of civil litigation brought by the government seeking the return of presidential records that the government claimed were in Dr. Navarro's possession from his tenure in the White House. I litigated the matter at each stage of the trial, which included the appeal from summary judgment to the petition to the United States Supreme Court. On appeal, I continued to litigate whether it was proper for the district court to permit the government to conduct a warrantless search of Dr. Navarro's private records for any alleged presidential records.

Co-Counsel

John P. Rowley, III
SECIL Law, PLLC
1701 Pennsylvania Avenue, NW, Suite 200
Washington, DC 20006
202.642.0679

John S. Irving, IV
E&W Law, LLC
1455 Pennsylvania Avenue, NW, Suite 400
Washington, DC 20004
301.807.5670

Trial Counsel for the United States

Brian M. Boynton
 Brian D. Netter
 Elizabeth J. Shapiro
 Clifford L. Reeves
 U.S. Department of Justice
 Civil Division, Federal Programs Branch
 1100 L Street, NW
 Washington, DC 20005
 202.514.2000

Appellate Counsel for the United States

Brian M. Boynton
 Gerard J. Sinzdek
 Jennifer L. Utrecht
 U.S. Department of Justice
 Civil Division, Appellate
 950 Pennsylvania Avenue, NW, Room 7710
 Washington, DC 20530
 202.514.2000

- 3) *United States v. Trump*
 No. 23-cr-80101-AMC (S.D. Fla.) (Cannon, J.). Opinion reported at 740 F. Supp. 3d 1245 (S.D. Fla. 2024)
 No. 24-12311 (11th Cir. July 18, 2024)
 No. 25-10076 (*sub nom. United States v. Nauta*) (11th Cir.)

From August 2022 until January 2025, I represented Waltine Nauta in the criminal investigation and eventual prosecution of President Donald J. Trump's alleged retention of classified documents after leaving office in January 2021. Special Counsel Jack Smith returned an initial indictment in June 2023 against President Trump and Waltine Nauta, which was later superseded in July 2023, to add a third defendant, Carlos De Oliveira. The charges against Mr. Nauta included conspiracy to obstruct justice, concealment of documents, and false statements. Due to the nature of the investigation and charges, much of the Special Counsel's evidence was purportedly classified, and the parties were subject to the procedures prescribed by the Classified Information Procedures Act. Accordingly, I, along with my colleagues, was required to devote a significant amount of time in a SCIF in South Florida to review discovery, draft motions, collaborate with defense counsel, and attend classified hearings.

On July 15, 2024, Judge Cannon dismissed the indictment upon consideration of President Trump's motion to dismiss the charges based on the unlawful appointment and funding of the Special Counsel, which was joined by both Messrs. Nauta and De Oliveira. The Special Counsel promptly appealed the matter to the 11th Circuit. After President Trump was elected on November 5, 2024, the Special Counsel dismissed the charges as to President

Trump, and the U.S. Attorney's Office for the Southern District of Florida withdrew their appeal in the 11th Circuit.

Co-Counsel

Sasha Dadan
Dadan Law Firm, PLLC
908 Sunrise Boulevard
Fort Pierce, FL 34950
772.579.2771

Counsel for Defendant/Appellee Donald J. Trump

Todd Blanche
Emil Bove
Kendra Wharton
Stephen Weiss
Blanche Law
99 Wall Street, Suite 4460
New York, NY 10005
212.716.1250

Christopher M. Kise
Lazaro Fields
Continental PLLC
255 Alhambra Circle, Suite 640
Coral Gables, FL 33134
305.677.2707

Counsel for Defendant/Appellee Carlos De Oliveira

John S. Irving, IV
E&W Law, LLC
1455 Pennsylvania Avenue, NW, Suite 400
Washington, DC 20004
301.807.5670

Donnie Murrell
L. D. Murrell, P.A.
400 Executive Center Drive, Suite 201
West Palm Beach, FL 33401
561.686.2700

Counsel for the United States

Jack Smith
Jay Bratt
David Harbach
Julie A. Edelstein
J.P. Cooney

Karen Gilbert
 Anne McNamara
 James Pearce
 John Pellettieri
 David Raskin
 Brett Reynolds
 Elizabeth Shapiro
 Michael Thakur
 Cecil Woods VanDevender
 U.S. Department of Justice
 Special Counsel's Office
 950 Pennsylvania Avenue, NW
 Washington, DC 20530

Michael Porter
 U.S. Attorney's Office for Southern District of Florida
 101 South U.S. Highway 1
 Fort Pierce, FL 34950

- 4) *Global Textile Alliance, Inc. v. TDI Worldwide LLC*
 No. 17 CVS 7304 (N.C. Super. Ct.) (McGuire, J.)

From approximately 2018 until 2021, I represented the plaintiff, Global Textile Alliance, Inc. Following an internal investigation, in which I also played a significant role, the company sued its former executives alleging they created an intricate web of shell companies to embezzle tens of millions of dollars. I led the representation through discovery, which entailed a substantial undertaking involving extremely aggressive defense counsel as well as the collection, processing, and review of over 1.5 terabytes of data totaling approximately seven million items and the review and production of more than 300,000 records. Notably, I successfully argued several discovery-related motions to compel on behalf of the client which spared the client from having to review over a million additional records as demanded by opposing counsel.

At the time my work concluded on this case, the matter was stayed pending resolution of a privilege issue that is on appeal to the Supreme Court of North Carolina. In 2020, the North Carolina Supreme Court affirmed the Business Court's decision. *See Global Textile Alliance, Inc. v. TDI Worldwide LLC*, 847 S.E.2d 30 (N.C. 2020).

Co-Counsel
 Alex Barrett
 Kurt Seeber
 Hagan Barrett & Langley, PLLC
 300 North Greene Street, Suite 200
 Greensboro, NC 27401
 336.232.0650

Counsel for Defendants Timothy Dolan and TDI Worldwide, LLC

Fred B. Monroe
Jennifer M. Houti
James, McElroy & Diehl, P.A.
525 North Tryon Street, Suite 700
Charlotte, NC 28202
704.327.9870

Counsel for Defendant Steven Graven

Jonathan A. Berkelhammer
Steven A. Scoggan
Scottie F. Lee
Ellis & Winters LLP
300 North Greene Street, Suite 800
Greensboro, NC 27401
336.389.5683

Counsel for Defendant Garrett Graven

Shannon R. Joseph
Jeffrey L. Roether
Morningstar Law Group
421 Fayetteville Street, Suite 530
Raleigh, NC 27601
919.590.0360

Counsel for Defendant Dolven Enterprises, Inc. and Ryan Graven

A. Lee Hogewood III
John R. Gardner
Matthew T. Houston
K&L Gates LLP
4350 Lassiter at North Hills Avenue, Suite 300
Raleigh, NC 27609
919.743.7306

Counsel for Defendant James Dolan

Eric M. David
Shepard D. O'Connell
Brooks, Pierce, McLendon, Humphrey & Leonard, LLP
Post Office Box 1800
Raleigh, NC 27602
919.839.0300

- 5) *United States v. Schulman*
No. 20-cr-434-PX (D. Md.) (Xinis, J.)

From 2017 until 2020, I represented Jeremy Schulman along with co-counsel before his indictment, including his cooperation with various executive agencies' discovery requests in connection with their investigations. Following a nearly decade-long investigation by the Department of Justice, a federal grand jury indicted a Maryland lawyer on charges of wire fraud, mail fraud, bank fraud, and money laundering. The 2020 indictment alleged the Defendant, along with others, attempted to obtain control of millions of dollars of assets of the Central Bank of Somalia located all over the world. The assets were frozen due to the Somali Civil War and political instability of the country. In connection with his and his law firm's involvement with the fraudulent scheme to recover the frozen Somali assets, the indictment alleged that Mr. Schulman personally received significant compensation for his efforts. After his indictment, I worked with co-counsel at Akin Gump to formulate his defenses before federal court. After four years of extensive post-indictment litigation, including over 25 substantive defense motions, exposing significant gaps in the prosecution's evidence, the prosecutors ultimately moved in 2024 to dismiss all charges with prejudice against Mr. Schulman.

Co-Counsel

Paul W. Butler
Allison T. Coffin
Madeline M. Bardi
Akin Gump Strauss Hauer & Feld LLP
Robert S. Strauss Tower
2001 K Street, NW
Washington, DC 20006
202.887.4000

Counsel for the United States

Allison L. McGuire
Amy M Markopoulos
Jason M Manning
1400 New York Avenue, NW
Washington, DC 20005
202.514.2000

David Ira Salem
United States Attorney's Office, District of Maryland
6406 Ivy Lane, Suite 800
Greenbelt, MD 20770
301.344.4433

Jonathan Falk Lenzner
Tarra DeShields Minnis
United States Attorney's Office, District of Maryland
36 South Charles Street, Fourth Floor
Baltimore, MD 21201
410.209.4800

- 6) *United States v. Rhodes, et al.*,
No. 22-cr-15-APM (D.D.C.) (Mehta, J.)

From 2022 until January 2025, I represented Kelly Meggs in the first seditious conspiracy trial, including all pre-trial litigation, to be held in the United States in several decades. This case was tried before a jury, who convicted Mr. Meggs of various conspiracy charges and obstruction charges. Mr. Meggs was sentenced to 12 years of imprisonment and three years of supervised release following his incarceration.

Co-Counsel for Defendant Kelly Meggs

Juli Z. Haller
The Law Offices of Juli Haller
601 Pennsylvania Avenue, NW
Suite 900
Washington, DC 20004
202.729.22201

Counsel for Defendant Kenneth Harrelson

Brady Geyer
Suite 141 Route 130 S., Suite 303
Cinnaminson, NJ 08077
856.607.5708

Counsel for Defendant Elmer Rhodes

James Lee Bright
3300 Oak Lawn Avenue
Suite 700
Dallas, TX 75219
214.720.7777

Counsel for Defendant Jessica Watkins

Jonathan W. Crisp
4031 North Front Street
Harrisburg, PA 17110
717.412.4676

Counsel for Defendant Thomas Caldwell

David W. Fischer
Law Offices of Fischer & Putzi, P.A.
Empire Towers
Suite 300
7310 Ritchie Highway
Glen Burnie, MD 21061
410.787.0826

7) Foreign Corrupt Practices Act Investigation of Pan American Energy LLC

From 2010 until 2020, I played a senior role on the investigation team in its representation of Pan American Energy LLC ("PAE"). The Department of Justice ("DOJ") and Securities and Exchange Commission ("SEC") launched investigations into alleged violations of the Foreign Corrupt Practices Act. For six months in 2011, I led a team of as many as ten contract attorneys on the ground in Buenos Aires, Argentina, through a document review (largely in Spanish) that required the redaction of all personally identifying information prior to export under local Argentine laws. Over the course of the investigation, five subpoenas were issued by the SEC, the company made numerous current and former employees available for interviews (in the United States), and, on behalf of our client, I coordinated the production of over 50 productions to the SEC and DOJ including producing hundreds of thousands of documents. In addition, similar investigations were commenced in Argentina. Ultimately, both the SEC and DOJ issued declination letters. While no opposing counsel were technically involved, I worked extensively with Mark Yost of the SEC and Steve Spiegelhalter of the DOJ.

Co-Counsel

Paul Butler
Kim Ball
Jillie Richards
Jon Vukicevich
Akin Gump Strauss Hauer & Feld LLP
Robert S. Strauss Tower
2001 K Street, NW
Washington, DC 20006
202.887.4000

Counsel for the United States

Mark Yost
U.S. Securities and Exchange Commission
100 F Street, NE
Washington, DC 20002
202.551.4500

Steve Spiegelhalter
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
202.514.2000

8) Walmart Class Action Litigation

From approximately 2014 until 2016, I played a senior role on a team representing Walmart in defense of numerous products liability actions across the country. Following the bankruptcy of the largest supplier of portable gasoline containers sold by the company,

numerous plaintiffs brought suit against the company as the retailer in the chain of manufacturer. Our team successfully consolidated and streamlined the company's efforts to respond to litigation across the country and even successfully had one action dismissed – twice – for failure to state a valid products liability claim.

Co-Counsel

Anthony Pierce
Melissa Whitaker
Robert S. Strauss Tower
2001 K Street, NW
Washington, DC 20006
202.887.4000

Counsel for Plaintiffs

Jonah Flynn
Flynn Law Firm
4200 Northside Parkway NW,
Building One, Suite 100
Atlanta, GA 30327
404.835.9660

Diane Breneman
Breneman Dungan, LLC
929 Walnut, Suite 800
Kansas City, MO 64106
816.421.0114

9) Electromagnetic Fields (EMF) Class Action Litigation

From approximately 2012 until 2016, I played a senior role on the team defending Microsoft Corporation from long-standing class action allegations alleging EMF radiation emitted by cell phones causes brain cancer. Specifically, I joined the team following the trial court's conclusion that under D.C.'s then standard for the admissibility of expert testimony, it was the role of a jury to decide the reliability of the scientific methodology propounded by the plaintiffs (the so-called *Frye* standard). Together with the joint defense team, we sought and obtained the first-ever interlocutory *en banc* appeal of a trial court order. Ultimately the team successfully persuaded the D.C. Court of Appeals to abandon the *Frye* standard and to adopt the well-known *Daubert* standard for the admissibility of expert testimony to take an interlocutory review of the trial court's ruling *en banc* – the first time the Court had done so in its history. At the time my work concluded on this case, these matters were awaiting the scheduling of a hearing on the admissibility of expert testimony. As of August 2023, the judge entered a final order granting summary judgment in favor of all defendants on all claims, which was subsequently appealed by the Plaintiffs.

Co-Counsel

Steven Zager

Caitlin Olwell
Akin Gump Strauss Hauer & Feld LLP
One Bryant Park
Bank of America Tower
New York, NY 10036
212.872.1000

Terrance J. Dee (lead counsel)
McDermott Will & Emery LLP
227 West Monroe Street
Chicago, IL 60606
312.372.2000

Counsel for Plaintiffs

James F. Green
Ashcraft & Gerel
1825 K Street, NW
Suite 700
Washington, DC 20006
202.783.6400

Jeffrey B. Morganroth
Morganroth & Morganroth, PLLC
344 North Old Woodward Avenue
Suite 200
Birmingham, MI 48009
248.864.4000

10) D.C. Landlord and Tenant Litigation

From 2010 until 2020, I was extensively involved in the Housing Law section of Akin Gump's pro bono practice, ultimately leading the group until I left the firm in 2020. In 2017 alone, I led teams of more than 68 lawyers and staff representing all of the firm's practice groups. I advised 18 clients in defense of actions seeking the eviction of their families or in actions seeking the abatement of serious and pervasive housing code violations. The impact of these efforts to assist these clients in protecting their homes was substantial: in just that year, we assisted our clients in obtaining more than \$117,000 in payouts and forgiven rent; secured the abatement of severe housing code violations for tenants throughout the District; helped one tenant move her family—an expectant mother with two children, including one with a disability—from a one-bedroom apartment to a three-bedroom apartment at no cost or increase in rent; and prevented the eviction of several other families. In June of 2018, I was awarded the D.C. Bar's Laura N. Rinaldi Pro Bono Lawyer of the Year award in recognition of my leadership of the Housing Law practice with Akin Gump's D.C. Office.

Co-Counsel

Steven Schulman (Pro Bono Practice Partner)
 Akin Gump Strauss Hauer & Feld LLP
 Robert S. Strauss Tower
 2001 K Street, NW
 Washington, DC 20006
 202.887.4000

16. **Legal Activities:** Describe the most significant legal activities you have pursued including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

I have never engaged in any lobbying activities or efforts.

In anticipation of the 2024 Presidential Election, I advised on potential Vice-Presidential candidates for then-nominee Donald J. Trump. This representation included extensive research and vetting of potential candidates, collaborating with senior officials of President Trump campaign, and assisting with the selection of the candidate.

In the months preceding the 2024 Presidential Election and thereafter, I advised the Trump-Vance 2025 Transition, Inc., on all potential presidential personnel candidates, including cabinet-level secretaries. In this capacity, I led the efforts to fully research and vet all candidates to join the incoming Trump Administration.

17. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I taught the following courses listed below at The Catholic University of America, Columbus School of Law:

Labor & Employment Law Seminar (co-taught) (LAW 585)

Advance students' professional development by fostering networking with practitioners in the field of labor and employment law. Semesters taught: Fall (2017, 2019) and Spring (2021, 2022, and 2023). Syllabi provided.

Labor & Employment Litigation Capstone (co-taught)

Provide a problem-solving approach to learning where students are presented a variety of "real-life" examples making them "practice ready." Semester taught: Spring 2018. Syllabus provided.

Labor & Employment Law (LAW 515-1134)

A doctrinal merger of two pivotal legal fields. Semester taught: Spring 2014.
Syllabus provided.

Pre-Trial Civil Litigation

Develop students' legal writing skills by engaging in all aspects of pre-trial civil litigation, including drafting and responding to pre-trial motions and discovery. Semesters taught: Fall 2012, 2013, 2014, and 2015. Syllabi provided.

18. **Deferred Income/Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

My former law partner and I are working with our accountant to wind down our firm, Brand Woodward Law, LP. As such, any additional payment will be made to me after all expenses have been paid.

19. **Outside Commitments During Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service? If so, explain.

None.

20. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

Please see my OGE-278 as provided by the Office of Government Ethics.

21. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

Please see attached Statement of Net Worth.

22. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, affiliations, pending and categories of litigation, financial arrangements or other factors that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

My wife, Kristin McGough, is involved in litigation against the Bureau of Prisons. During the nomination process, I consulted with the Department of Justice's Ethics Office and Designated Ethics Officer to identify any potential conflicts stemming from this relationship. If I am confirmed, I will continue to consult with that office and recuse myself from any matter in which recusal is required.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If I am confirmed, any potential conflict of interest will be resolved in accordance with the terms of an ethics agreement that I entered with the Department's designated agency ethics official. If confirmed, I will continue to consult with the Department of Justice's Ethics Office and recuse myself from any matter in which recusal is required.

23. **Pro Bono Work:**

An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

In June of 2018, I was awarded the D.C. Bar's Laura N. Rinaldi Pro Bono Lawyer of the Year award in recognition of my leadership of the Housing Law practice with Akin Gump's D.C. Office. In 2017 alone, I led teams of more than 68 lawyers and staff representing all of the firm's practice groups. I advised 18 clients in defense of actions seeking the eviction of their families or in actions seeking the abatement of serious and pervasive housing code violations. The impact of these efforts to assist these clients in protecting their homes was substantial: in just that year, we assisted our clients in obtaining more than \$117,000 in payouts and forgiven rent; secured the abatement of severe housing code violations for tenants throughout the District; helped one tenant move her family—an expectant mother with two children, including one with a disability—from a one-bedroom apartment to a three-bedroom apartment at no cost or increase in rent; and prevented the eviction of several other families.

My pro bono experience also includes white collar representation, including most recently joining a team from Lawyers Without Borders in providing trial practice training to the Office of the Namibian Prosecutor General and its prosecutors. And I have taken on matters defending prisoners' rights in cases arising under the Equal Protection clause of the Fourteenth Amendment of the U.S. Constitution as well as claims arising under Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, and the Americans with Disabilities Act.

Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for Stanley Edmund Woodward, Jr.
Nominee to be Associate Attorney General of the United States
May 28, 2025

1. Under Assistant Attorney General Dhillon, the Civil Rights Division is moving away from its decades long mission of enforcing laws that prohibit discrimination in hiring, housing, and voting rights. To date, the Division has lost approximately 70 percent of its personnel, which amounts to more than 250 lawyers who worked to enforce the nation's civil rights laws. The Division has historically enjoyed bipartisan support and has been described as the "crown jewel" of the Department.

If confirmed, you would oversee the Civil Rights Division. How will you ensure the Division to vigorously enforces the nation's civil rights laws with this dramatically downsized workforce?

Response: If confirmed, I am committed that the Department, including the Civil Rights Division, will have the people and resources needed to accomplish our mission.

2. On April 22, the Department of Justice's (DOJ) Office of Justice Programs (OJP or Office) notified hundreds of grant recipients across the country, without warning, that their funding had been terminated, effective immediately. According to *Reuters*, a DOGE staffer advised the Justice Department to terminate approximately \$811 million worth of grants administered by OJP. The report notes that this staffer created the list without consulting program managers at the Office, yet the White House claimed that all of his actions were approved by DOJ leadership.
 - a. **As Counselor to Attorney General Bondi, what was your role in terminating the grant for \$8.3 million to the National Policing Institute, which funds rural police departments and district attorneys' offices?**

Response: While I was generally aware that a review of existing grants was underway, I was not involved in the process and did not advise the Attorney General on any awards.

- b. **As Counselor to Attorney General Bondi, what was your role in terminating a grant for \$2 million to the Association of Prosecuting Attorneys, which would have been used to train prosecutors to investigate child abuse in juvenile detention facilities, youth correctional facilities, or group homes?**

Response: While I was generally aware that a review of existing grants was underway, I was not involved in the process and did not advise the Attorney General on any awards.

3. Abruptly slashing this public-safety funding undermines the Department’s “core mission,” as Attorney General Bondi has described it, “of keeping Americans safe and vigorously enforcing the law.” Impacted programs include those that support victims of crime, combat sexual assault and abuse in prisons, assist people with mental health disorders, reduce and prevent violence, support successful post-incarceration reentry, and more.

How can the Department of Justice fulfill its commitment to fostering public safety while terminating hundreds of grants dedicated to supporting these types of programs across the country?

Response: The Department of Justice is committed to combatting waste, fraud, and abuse. To that end, the Department terminated discretionary grants that no longer effectuate the Department’s priorities. The Department is reviewing all grant awards on an ongoing basis. After any appeals have been exhausted, the balance of funds will be reallocated with the unobligated amounts from the terminated grant awards used for purposes supporting current Departmental priorities.

4. Zealous advocacy is a key tenet of our profession, whether it was John Adams representing British soldiers during the Boston Massacre trials or public defenders representing indigent defendants. Yet, President Trump has issued executive orders that go to the heart of this issue—targeting law firms who represent litigants he disapproves of or disagrees with.

- a. **As an attorney who has represented a variety of controversial defendants, do you agree with President Trump’s decision to issue executive orders targeting these law firms?**

Response: I’m aware that the President has issued executive orders directed at law firms. Because those orders are or may be subject to litigation, it would not be appropriate for me to comment on those orders.

- b. **Since January 2025, you have served as Assistant to the President and Senior Counselor to the President. With respect to the executive orders targeting law firms, please describe your involvement in:**

- i. **Deciding which firms to target with executive orders;**

Response: Given the Department of Justice’s responsibility to provide confidential legal advice to officials throughout the government, it would be inappropriate for me to discuss whether or not I have had internal deliberative conversations within the Justice Department or with White House officials about any particular matter.

ii. Crafting executive orders that targeted these law firms; and

Response: Please see my response to Question 4.b.i.

iii. Negotiating with law firms that sought to avoid being the subject of these executive orders, including but not limited to A&O Shearman; Cadwalader, Wickersham & Taft; Kirkland & Ellis; Latham & Watkins; Milbank; Paul, Weiss, Rifkind, Wharton & Garrison; Simpson Thacher & Bartlett; Skadden, Arps, Slate, Meagher & Flom; and Willkie Farr & Gallagher.

Response: Please see my response to Question 4.b.i.

5. You have served as Assistant to the President and Senior Counselor to the President since January 2025 and as Counselor to Attorney General Bondi since April 2025. During this time period, the Justice Department has taken a number of controversial actions. Please describe in detail the role you played, if any, in the following:

a. Forcing out senior career DOJ officials or assigning them to work on immigration enforcement;

Response: Given the Department of Justice's responsibility to provide confidential legal advice, to officials throughout the government, it would be inappropriate for me to discuss whether or not I have had internal deliberative conversations within the Justice Department or with White House officials about any particular matter.

b. Firing prosecutors who worked on criminal investigations involving President Trump;

Response: Please see my response to Question 5.a.

c. Creating the Weaponization Working Group at the Justice Department;

Response: Please see my response to Question 5.a.

d. Seeking to dismiss the corruption charges against New York City Mayor Eric Adams;

Response: Please see my response to Question 5.a.

e. Disbanding a task force focusing on seizing money from Russian oligarchs;

Response: Please see my response to Question 5.a.

f. Reducing enforcement of the Foreign Agent Registration Act;

Response: Please see my response to Question 5.a.

- g. Firing the Pardon Attorney after she refused to recommend reinstating gun ownership rights for actor Mel Gibson;**

Response: Please see my response to Question 5.a.

- h. Declining to investigate the use of the commercial messaging app Signal by senior Trump Administration officials to discuss sensitive military information;**

Response: Please see my response to Question 5.a.

- i. Granting pardons to approximately 1,500 January 6 rioters, including those who assaulted police officers;**

Response: Please see my response to Question 5.a.

- j. Firing inspectors general from more than a dozen federal agencies, despite a 2022 law that requires the President to give Congress 30-days notice and explain his reasons for doing so; and**

Response: Please see my response to Question 5.a.

- k. Issuing the executive order that seeks to shut down the Department of Education.**

Response: Please see my response to Question 5.a.

- 6. According to your Senate Judiciary Questionnaire, you currently serve as Counselor to the President (January 2025-present) and the Attorney General of the United States (April 2025-present).

- a) Is it accurate that you currently hold both positions?**

Response: No. My role at the White House completed on March 31st, and I started my current role at the Department of Justice on April 1st. There was no overlap in the two roles.

- b) Are you aware of any post-Watergate precedent for simultaneously serving in senior roles in both the White House and the Department of Justice?**

Response: No.

- c) **Do you agree that serving in both of these roles simultaneously creates the appearance of improper political influence on the Justice Department?**

Response: Without further context, I do not believe it is appropriate for me to comment on the statements in this question as presented.

- d) **White House Counsel Warrington issued a memo on White House contacts with the Department of Justice which states, “DOJ exercises its investigatory and prosecutorial functions free from the appearance of improper political influence. ... The President, Vice President, Counsel to the President and a Deputy Counsel to the President are the only White House officials who may initiate a conversation with DOJ about a specific case or investigation, whether criminal or civil.” Have you been involved in any conversations about specific cases or investigations since the beginning of this Administration? If yes, please provide details.**

Response: I meet with many people within DOJ on many matters, but I can’t disclose whether or not I have had any discussions about a particular topic or any particular advice I gave or who I advised. If I disclose the fact of those conversations, it will chill the ability and willingness of people inside government reaching out to me for advice if they know I will disclose that advice in a public hearing.

Nomination of Stanley Woodward Jr.
To be Associate Attorney General
Questions for the Record
Submitted May 28, 2025

QUESTIONS FROM SENATOR WHITEHOUSE

Please answer each question and sub-question individually and as specifically as possible.

1. Under what circumstances, if any, could a federal government official legally defy a federal district court order issued in a case to which the official or the government was a party?

Response: Parties who are dissatisfied with a court order have the option to appeal the order to a higher court, up to and including the Supreme Court, and including the option to seek a stay of the court's order pending appeal.

- a. Under what circumstances, if any, could a federal government official legally defy a federal circuit court order issued in a case to which the official or the government was a party?

Response: Please see my response to Question 1.

- b. Under what circumstances, if any, could a federal government official legally defy a Supreme Court order issued in a case to which the official or the government was a party?

Response: I take issue with the premise of the question as the question poses a hypothetical. As stated in my testimony before the Committee, the President of the United States has been very clear that he will follow any order of the Supreme Court.

2. Do you agree that there are no circumstances under which a federal government official can legally defy a federal district, circuit, or Supreme Court order issued in a case to which the official or the government was a party? If your answer is not a simple "yes," please provide detailed reasoning.

Response: Please see my responses to Questions 1, 1.a. and 1.b. above.

3. What are your obligations to ensure, to the greatest extent possible, executive branch compliance with a court order, should you be confirmed as Associate Attorney General?

Response: Generally, I will advise a client, whether in private practice or in government, to comply with court orders.

4. What would be the appropriate action for a court to take in the event that the government or a public official defied a court order?

Response: A court has a number of different actions it can take should it decide a decision or order has not been complied with to the satisfaction of the court. It would depend on the facts and circumstances of any particular instance just what action would be appropriate.

5. As part of the confirmation process, have you been asked about your willingness to pursue certain criminal investigations or prosecutions? If yes, please describe.

Response: No.

- a. Has President Trump or any member of his team asked you to commit to pursue certain investigations or prosecutions? If yes, please describe.

Response: No.

6. Will you recuse from any matters where you represented President Trump's aides or allies?

Response: In any instance where a conflict of interest may potentially arise, I will consult with the Justice Department's career ethics lawyers and other officials to determine my ethical responsibilities and act accordingly.

7. On February 5, AG Bondi established a "Weaponization Working Group." Are you part of this group? If yes, what have you done as part of this group?

Response: No.

8. Have you had conversations with anyone at DOJ about investigating former Special Counsel Jack Smith? If yes, please describe.

Response: No.

9. Multiple career officials across DOJ have been reassigned or fired since January 20. Were you aware of any personnel moves before they occurred? Have you had any communications with the White House about these personnel moves? With other DOJ officials? If yes, please describe.

Response: Given my responsibility to provide confidential legal advice to officials throughout the government, it would be inappropriate for me to discuss whether or not I have had internal deliberative conversations within the Justice Department or with White House officials about any particular matter.

10. In December 2024, the Department of Justice Office of the Inspector General published a report entitled, *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*.

- a. Do you have any reason to doubt the Office of the Inspector General's conclusion that it "found no evidence . . . showing or suggesting that the FBI had undercover employees in the various protest crowds, or at the Capitol, on January 6?" If yes, please describe.

Response: I have not read the DOJ OIG report referenced in this question and therefore I have no basis to make any judgment about its conclusions.

- b. Do you have any reason to doubt the Office of the Inspector General's conclusion that none of the FBI's Confidential Human Sources in Washington on January 6, 2021, was "directed by the FBI to encourage others to commit illegal acts on January 6?" If yes, please describe.

Response: Please see my response to Question 10.a.

11. On October 21, 2022, Steve Bannon was sentenced to four months in prison after the Department of Justice charged him with criminal contempt of Congress for defying a congressional subpoena. Do subjects of a lawfully issued congressional subpoena have a legal obligation to comply with such a subpoena?

Response: I cannot comment on any pending litigation.

12. In December 2024, the Department of Justice Office of the Inspector General published a report summarizing its investigation into the Department's use of compulsory process to obtain communications records of Member of Congress, congressional staff, and members of the news media.

- a. Do you agree with the Inspector General's conclusion that "[t]he use of compulsory process to obtain records of members of the news media and congressional personnel may implicate separate and important constitutional considerations?"

Response: Please see my response to Question 10.a.

- b. If confirmed, will you ensure that each of the recommendations included in the Inspector General's report is fully implemented?

Response: I have not read the DOJ OIG report referenced in this question. If confirmed, I will follow all Department of Justice policies including, timely review and consideration of recommendations made by the DOJ OIG.

13. Did Joe Biden win the 2020 presidential election?

Response: Former President Joseph Biden was certified as the winner of the 2020 presidential election and sworn in as the 46th President on January 20, 2021.

14. Was the U.S. Capitol attacked by a violent mob on January 6, 2021? Were violent rioters who were convicted of assaulting police officers on January 6 political prisoners?

Response: I served as defense counsel for some of the accused from the events on January 6, 2021. As a consequence, it would be inappropriate for me to broadly characterize the events that took place that day.

15. Does the 22nd Amendment permit a president to be elected more than twice?

Response: The text of the 22nd Amendment to the United States Constitution speaks for itself.

Senate Judiciary Committee
Hearing on the Nomination of Stanley Edmund Woodward, Jr
to be Associate Attorney General
May 21, 2025
Questions for the Record
Senator Amy Klobuchar

1. There is bipartisan consensus that our country has a monopoly power problem. Assistant Attorney General Slater has continued to prosecute antitrust actions in cases like the ones brought against Google, Live Nation, Ticketmaster, Apple, and RealPage.

Will you commit to ensuring that the Antitrust Division continues to have the resources it needs to pursue antitrust enforcement actions like the ones referenced above?

Response: Yes.

- Do you agree that antitrust enforcement actions should be based only on the facts and the law and pressure from the White House will play no role in cases investigated or brought?

Response: Yes.

2. Last month, the Office of Justice Programs notified hundreds of grant recipients across the country that their funding had been terminated, effective immediately, including to organizations that provide victim services, law enforcement training and other public safety services. In Minnesota, this included \$5.4 million in public safety grants.

- Will you commit to expeditiously reviewing all grants that were cut off and continue funding to these organizations that advance public safety.

Response: The Department of Justice terminated discretionary grants that no longer effectuate the Department's priorities. DOJ is reviewing all grant awards on an ongoing basis. After any appeals have been exhausted, the balance of funds will be reallocated with the unobligated amounts from the terminated grant awards used for purposes supporting current Departmental priorities.

3. Under the current Administration, the Civil Rights Division has completely turned away from its critical mission to enforce the Voting Rights Act. It has been reported that the lawyers in the Voting Section have been directed to dismiss all active voting cases.
 - Given that the Supreme Court in *Allen v. Milligan* just reaffirmed Section 2 of the Voting Rights Act, which prohibits states and localities from enacting laws or taking actions that have the effect of denying or abridging the right to vote on the basis of race, will you commit to vigorous enforcement of Section 2 of the *Voting Rights Act*, including Section 2?

Response: The right to vote is a central right in our system of government and must be protected. The Department of Justice will defend the right to vote.

**Nomination of Stanley Woodward to be Associate Attorney General for the
Department of Justice
Questions for the Record
Submitted May 28, 2025**

QUESTIONS FROM SENATOR COONS

1. At any point during the process that led to your nomination, did you have any discussions with anyone—including but not limited to individuals at the White House, at the Justice Department, or at outside groups—about your loyalty to President Trump? If so, please elaborate.

Response: No.

2. If President Trump asked you to do something you judged to be illegal or unethical, would you resign? Please answer yes or no.

Response: The question poses a hypothetical, which I do not believe would occur. If confirmed, I will always follow the law, as well as uphold my oath to support and defend the Constitution.

- a. If you would not resign, what would you do? Please explain.

Response: Please see my response to Question 2.

3. Is there ever a circumstance when an executive branch agency may choose not to comply with a federal court order, until such time as that order is stayed or vacated by a higher court?

Response: Generally, I will advise a client, whether in private practice or in government, to comply with court orders.

- a. What are the remedies available to a litigant who is dissatisfied with a court order?

Response: Parties who are dissatisfied with a court order have the option to appeal the order to a higher court, up to and including the Supreme Court, and including the option to seek a stay of the court's order pending appeal.

- b. Would you ever advise a client to disregard a court order?

Response: Please see my response to Question 3.

- c. If President Trump instructed you to disobey an order from a federal judge, how would you respond?

Response: Please see my response to Question 2.

- d. If Attorney General Bondi instructed you to disobey an order from a federal judge, how would you respond?

Response: Please see my response to Question 3.c.

- 4. The Associate Attorney General oversees the Office of Justice Programs (OJP). Without warning, DOJ recently terminated hundreds of grants totaling nearly \$1 billion—many of which were administered through OJP and directly supported law enforcement.

- a. Do you agree with the Trump administration's efforts to defund the police? Why?

Response: While I reject this question as posed, there is no effort to defund the police in this Administration.

- b. If confirmed, do you commit to reviewing the canceled grants and making your own determination about whether to restore funding?

Response: The Department is committed to harnessing its resources effectively and efficiently and using those resources to accomplish the Department's priorities. The Department reviewed discretionary grant programs to ensure that each award aligns with and advances the priorities of the Trump Administration and the Department of Justice. The Department of Justice terminated discretionary grants that no longer effectuate the Department's priorities.

- c. What role do you think the federal government should play in overseeing local police forces? Please explain your answer.

Response: Local police departments throughout the country are governed by a wide variety of state and local laws as well as a variety of political management and oversight structures. In addition, there are federal laws that can be applied to many different aspects of the duties and responsibilities of law enforcement officials and the departments which employ them.

- 5. Among the terminated OJP grants, the Trump administration cut \$137 million in funding for programs to protect youth and safeguard children against abuse and neglect. These cancelled grants include funding to train and assist professionals in investigating, prosecuting, and treating child abuse in 13 states. The administration also cut funding to support training for judicial and court personnel on model practices for handling child abuse and neglect cases. Do you support these cuts? Why?

Response: Please see my response to Question 4.b.

6. Approximately 50 awards from the OJP's Office for Victims of Crime were also cut. Terminated grants include funding for services to support survivors of human trafficking and victims of sexual assault. Do you agree with this decision to cancel funding to support victims of crime? Why?

Response: Please see my response to Question 4.b.

7. The Trump administration has also eliminated OJP grants valued at approximately \$169 million to fund community safety and violence reduction programs. Among these canceled grants is Project Safe Neighborhoods, which promotes partnerships between law enforcement officers and prosecutors to effectively target local violent crime. Do you support cutting funding to community safety and violence reduction programs? Why?

Response: Please see my response to Question 4.b.

8. Do you agree that decisions to cancel DOJ-administered grants should be individually reviewed and approved by the Associate Attorney General or the head of OJP, and not made by members of the U.S. Department of Governmental Efficiency or any other entity outside of DOJ?

Response: If confirmed, I will work with other appropriate Department leadership to make decisions regarding the administration of the Department's grants.

- a. If confirmed, do you commit to ensuring that DOJ leadership and not non-DOJ entities are driving any future decisions to cut DOJ-administered grants?

Response: Please see my response to Question 8.

9. I am greatly concerned by indications that the protections of the *Privacy Act* may not have been followed throughout the federal government as data is being shared with the Department of Government Efficiency or other entities.

- a. Please describe your understanding of the *Privacy Act* and its importance.

Response: The Privacy Act of 1974, as amended, 5 U.S.C. § 552a, establishes a code of fair information practices that governs the collection, maintenance, use, and dissemination of information about individuals that is maintained in systems of records by federal agencies.

- b. If confirmed, do you commit to ensuring that the *Privacy Act* is scrupulously followed for all DOJ components that you oversee?

Response: If confirmed, I commit to ensuring that all applicable laws are followed.

10. I am concerned by how it appears senior administration officials have conducted official business on personal devices or on commercial messaging applications in ways that run afoul of executive branch responsibilities under the *Freedom of Information Act* and *Presidential Records Act*. I am especially concerned by indications that conversations may have occurred concerning classified information on devices not cleared for such use. Do you commit to ensuring that you will not conduct official business in such ways that fail to comply with the *Freedom of Information Act*, *Presidential Records Act*, or safeguarding the sensitivity of classified information?

Response: The *Freedom of Information Act* (FOIA) and the *Presidential Records Act* are two important tools for government accountability. If confirmed, I will, of course, comply with all legal obligations.

11. How would you respond if your role at the Department of Justice required you to pursue a policy directive that was unconstitutional?

Response: I do not expect that my role at the Department of Justice would require me to follow a directive that is unconstitutional. If confirmed, I will always follow the law, as well as uphold my oath to support and defend the Constitution.

12. What is the remedy if the President violates his constitutional duty to faithfully execute the laws?

Response: The question poses a hypothetical which I do not believe would occur. Without further context, I do not believe it is appropriate for me to comment on the statements in this question as presented.

13. As a DOJ lawyer, when is it appropriate to refuse to follow a directive from the President?

Response: Without further context, I do not believe it is appropriate for me to comment on the statements in this question as presented.

14. When is it appropriate for the DOJ to decide not to defend a federal law?

Response: The Attorney General has a duty to defend the validity of Congressional enactments when there are reasonable arguments available to do so. An exception exists in certain cases where there is a conflict between a federal statute and the President's Article II authority. If confirmed, I commit to following these principles.

15. Do you agree that it can be appropriate, in the interest of justice, to charge a criminal defendant with a lesser offense than the one the facts may support? Explain.

Response: If confirmed, I will review each case that comes before me on its own merits.

16. Do you agree that the DOJ has an independent obligation to evaluate the legality of the President's policy proposals?

Response: The Department's works closely with its client agencies to limit the potential for litigation and to prevent unfavorable outcomes should cases proceed in court.

17. What is your understanding of the DOJ's contact policy regarding interactions between the DOJ and White House officials?

Response: If confirmed, I will comply with all applicable Justice Manual provisions and other guidance issued by the Attorney General regarding communication with the White House.

18. The DOJ has long played a role in advising the President in his use of the clemency power and recommending cases for pardons to him.

- a. Do you think it would be appropriate for the DOJ to recommend clemency for an individual based on who the individual supported or contributed to in a political election?

Response: Article II, Section 2, Clause 1 of the U.S. Constitution grants the President power to grant pardons and reprieves for offenses against the United States. Clemency is a core Article II power.

- b. If confirmed, do you commit to not basing any clemency recommendations that you might be a part of on political considerations?

Response: Please see my response to 18.a.

19. Since President Trump took office, his administration has discredited judges, even calling for their impeachment. Elon Musk took to social media to call federal judges "corrupt" and "evil." Do you think high-level government officials disparaging judges improves or reduces their safety? Please explain your answer.

Response: Without further context, I do not believe it is appropriate for me to comment on this question as presented.

20. In a memo to all DOJ employees, Attorney General Pam Bondi stated that Department attorneys who refuse to advance arguments "deprive[] the President of the benefit of *his* lawyers." I want you to focus on the part of this statement that references Department attorneys as President Trump's lawyers.

- a. Do you agree with this characterization of Department attorneys by Attorney General Bondi?

Response: The Department of Justice represents the United States in litigation, and in lawsuits in which the President is named as a defendant, the Department represents the President in his official capacity.

21. Section 702 of the *Foreign Intelligence Surveillance Act* (FISA) is up for reauthorization this year. Do you think the Constitution requires that law enforcement obtain a warrant before accessing Americans' communications collected pursuant to Section 702?

Response: It is my understanding that Section 702 is not up for reauthorization until April 2026. In my view, Section 702 is an incredibly valuable tool to protecting against threats to our national security. At the same time, we have an obligation to protect civil liberties of Americans. If I am confirmed, I would talk to the experts in the National Security Division to get a better understanding of this issue and with the Deputy Attorney General and the Attorney General to determine what additional steps should be taken to protect civil liberties.

22. Under what circumstances may the President declare an invasion, pursuant to the *Alien Enemies Act*, and what role does Congress play in any such determination?

Response: I have not had the opportunity in my legal practice to consider this question. Should I be confirmed and if the question were to arise I would consult the applicable law and court cases and consult with attorneys in the Department of Justice to understand the issue and develop legal options and strategies.

**Nomination of Stanley Edmund Woodward, Jr. to be the
Associate Attorney General of the U.S. Department of Justice
Questions for the Record
Submitted May 28, 2025**

QUESTIONS FROM SENATOR CORY A. BOOKER

1. Do you believe that involvement in the federal criminal investigations and prosecutions of President Trump alone, without other evidence of wrongdoing, misconduct, or unsatisfactory job performance, is grounds for the demotion, reassignment, or termination of Department of Justice (DOJ) personnel?

Response: Any disciplinary actions towards current or former Department of Justice personnel should be undertaken based on the facts of each specific situation in a manner consistent with Department policies, applicable law, and the Constitution.

2. Do you believe that involvement in investigations or prosecutions of individuals related to the January 6 Capitol riot alone, without other evidence of wrongdoing, misconduct, or unsatisfactory job performance, is grounds for the demotion, reassignment, or termination of DOJ personnel?

Response: Please see my response to Question 1.

3. Do you believe that political affiliation alone, without other evidence of wrongdoing, misconduct, or unsatisfactory job performance, is grounds for the demotion, reassignment, or termination of DOJ personnel?

Response: Please see my response to Question 1.

4. If President Trump directs you to take an illegal action, how would you respond?

Response: The question poses a hypothetical which I do not believe would occur. If confirmed, I will always follow the law, as well as uphold my oath to support and defend the Constitution.

5. If any official in the Department of Justice directs you to take an illegal action, how would you respond?

Response: Please see my response to Question 4.

6. If any member of the Administration directs you to take an illegal action, how would you respond?

Response: Please see my response to Question 4.

7. President Trump has said, “I have absolute right to do what I want to do with the Justice Department.”¹ Do you agree that a sitting president has absolute power? If yes, please explain the legal basis for this position.

Response: Without further context, I do not believe it is appropriate or possible for me to comment on the statements in this question as presented.

- a. If not absolute, how much power do you believe the President has over the Department?

Response: Please see my response to Question 7.

8. Do you believe that there was any basis for the Department of Justice’s investigations and prosecutions of President Trump?

Response: Without further context, I do not believe it is appropriate for me to comment on this question as presented.

9. Please provide your understanding of the Hatch Act.

Response: I understand that the Hatch Act prohibits certain political activities by federal employees. Should a matter arise that implicates the Hatch Act or any other federal statute, I would roll up my sleeve to generate an informed view of that statute.

- a. Do you believe that asking DOJ personnel their views about investigations or prosecutions to assess their political leaning is a violation of the Hatch Act?

Response: Employees who are regulated by the Hatch Act should abide by its provisions. Whether a question to any Department of Justice official constitutes a prohibited act under that or any other statute would turn on the facts surrounding that circumstance.

10. Will you commit to consulting with career officials at DOJ regarding your potential conflicts of interest?

Response: With regards to potential conflicts of interest and decisions on recusals, I will consult with appropriate officials and make decisions based on the facts and applicable law and policy.

11. Will you follow the guidance of career officials at DOJ regarding your potential conflicts of interest and recusals?

¹ Michael S. Schmidt & Michael D. Shear, *Trump Says Russia Inquiry Makes U.S. ‘Look Very Bad,’* N.Y. TIMES (Dec. 28, 2017), <https://www.nytimes.com/2017/12/28/us/politics/trump-interview-mueller-russia-china-north-korea.html>.

Response: With regards to potential conflicts of interest and decisions on recusals, I will consult with appropriate officials and make decisions based on the facts and applicable law and policy.

12. Have you spoken or corresponded with Elon Musk since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

a. At any point, did you discuss DOJ or matters related to DOJ, including personnel matters?

Response: No.

b. Did you ever discuss demotions, reassignments, or terminations of personnel, whether specific individuals or generally?

Response: No.

c. Did you ever discuss potential personnel to be hired or appointed in any capacity at the DOJ?

Response: No.

13. You have substantial experience providing pro bono services to individuals facing eviction and experiencing serious and pervasive housing code violations in their homes. Please describe why you took on this pro bono legal work and the impact it has had on your legal practice and professional development.

a. What benefits does pro bono legal work provide to the legal profession?

Response: I have long believed that as attorneys we have a duty of service to our community. To so many, the law is beyond understanding. And so, with the ability to learn the law comes the responsibility to use that gift for a greater good. Nowhere is this belief more poignant than at the Department of Justice. If confirmed, I pledge to seek justice for all.

b. What benefits does pro bono legal work provide to those who cannot afford legal representation?

Response: One example of the benefits of pro bono legal work comes from my personal experience. Beginning in law school, I traveled to Biloxi Mississippi to volunteer in the wake of Hurricane Katrina. This trip profoundly changed my view of the role of the law.

We met with families living in trailers advising them of the federal assistance available to help them rebuild. While my colleagues would visit 10 or 12 homes a day, I often managed only to visit one in the morning and one in the afternoon. As I

sat on makeshift porches sipping homemade iced tea, I came to realize that if given the opportunity I would do good with my ability to understand the law.

It was, in part, this desire to serve my community that motivated me to found and lead the housing law practice at the firm where I worked for more than ten years. There, I led teams of attorneys in defending tenants with housing code violations facing eviction. That experience was equally enlightening for these clients could not be evicted under the law—but that simple concept was foreign to them because the law was foreign to them.

- c. Should attorneys who take on pro bono legal representation, including pro bono capital defense or immigration representation, be penalized or stigmatized merely for providing pro bono legal services?

Response: Without further information, I do not believe it is appropriate for me to comment on this question as presented.

14. During your tenure in private practice, you represented Kelly and Connie Meggs.

- a. How did the Meggs retain you as counsel?

Response: I cannot answer that question without violating the attorney-client privilege.

- b. How many hours did you bill on each matter related to the Meggs?

Response: Please see my response to Question 14.a.

- c. As a firm client, did the Meggs pay your standard billing rate?

Response: Please see my response to Question 14.a.

- d. As a firm client, did anyone other than the Meggs, whether an individual or other entity, pay for your legal services on his behalf? If yes, please provide the amount, the name of the individual or entity, and matter for the payment.

Response: Please see my response to Question 14.a.

15. In your capacity as legal counsel, have you ever learned that a client intended to provide or had already provided false testimony under oath? If yes, please explain the circumstances and any actions you took based on that knowledge.

Response: Please see my response to Question 14.a.

16. Under what circumstances would it be acceptable for an executive branch official to ignore or defy a federal court order?

- a. Should an executive branch official who ignores or defies a federal court order be held in contempt?

Response: Generally, I will advise a client, whether in private practice or in government, to comply with court orders.

- b. Can you unequivocally state that executive branch officials must comply with federal court orders?

Response: Please see my response to Question 16.a.

- c. Can you unequivocally state that executive branch officials must comply with temporary restraining orders and preliminary injunctions issued by federal district court judges?

Response: Please see my response to Question 16.a.

- 17. If you are confirmed as Associate Attorney General, you will serve as the third highest-ranking official in the Department of Justice, supervising several of DOJ's litigating and grant-making components, including DOJ's Office of Justice Programs (OJP).

In April 2025, OJP notified hundreds of grant recipients across the country, without warning, that their funding had been terminated effective immediately. Prosecutors, police and sheriff's departments, judges, mental health service providers, academics, and more depend on these grant programs to advance public safety. Among other public safety objectives, the affected grant programs provided support for victims of crime, assisted people with mental health disorders, supported successful reentry, and combated opioid and substance abuse.

- a. Did you participate in the decision to terminate these OJP grants? If yes, please describe your involvement in this decision and provide the names of the other individuals who participated in this decision.

- i. How were the grants that were terminated chosen?

Response: The Department is committed to harnessing its resources effectively and efficiently and using those resources to accomplish the Department's priorities. The Department reviewed discretionary grant programs to ensure that each award aligns with and advances the priorities of the Trump Administration and the Department of Justice. The Department determined that certain awards do not effectuate the Department's priorities, and accordingly, were terminated.

- ii. What were the factors considered in making the determination to terminate?

Response: The Department determined that certain awards do not effectuate the Department's priorities, and accordingly, were terminated.

- iii. Where the affected grantees were state or local jurisdictions, did the political party of state or local officials in those jurisdictions influence the determination to terminate?

Response: No.

- iv. What is the legal basis for terminating grant funds that are statutorily required?

Response: Awards were terminated pursuant to the Department's authority under 2 C.F.R. § 200.340(a)(4).

- b. Did you have any knowledge that DOJ OJP was going to terminate these grants before the recipients were notified on April 22, 2025? If yes, please describe what you knew about the decision and how you learned of it. Please include the names of any individuals from whom you learned this information.

Response: While I was not involved in the specific decisions, I had general knowledge that a review of existing grants was underway.

- c. Did any White House officials review the grants to be terminated or otherwise have any involvement in the decision to terminate the grants? Provide their names.

Response: Not to my knowledge.

- d. Are you aware of any plans to terminate any other OJP grants in the future?

Response: At this time, I am unaware of any future plans to terminate grants, but a review is underway.

- e. If confirmed, will you commit to reviewing each of the terminated grants for reinstatement?

Response: There is already an appeals process in place.

- f. If confirmed, will you commit to ensuring that the decision to reinstate terminated grants of state or local jurisdictions will be made without regard to the political affiliation or party of state or local officials in those jurisdictions?

Response: Yes.

18. Since November 2024, have you discussed DOJ grant funding with anyone from Elon Musk's DOGE? If yes, provide names and the mode, date, and contents of all discussions.

Response: No.

19. Since November 2024, have you discussed DOJ grant funding with anyone from the White House? If yes, provide names and the mode, date, and contents of all discussions.

Response: Not that I recall.

20. Does the Fifth Amendment of the U.S. Constitution apply to non-citizens present in the United States?

Response: The Fifth Amendment of the U.S. Constitution speaks for itself.

21. Is *Griswold v. Connecticut*, 381 U.S. 479 (1965), binding precedent?

Response: *Griswold v. Connecticut* is binding precedent of the Supreme Court and entitled to respect as such.

22. Is *Lawrence v. Texas*, 539 U.S. 558 (2003), binding precedent?

Response: *Lawrence v. Texas* is binding precedent of the Supreme Court and is entitled to such respect.

23. Is *Obergefell v. Hodges*, 576 U.S. 644 (2015), binding precedent?

Response: *Obergefell v. Hodges* is binding precedent of the Supreme Court and is entitled to such respect.

24. What considerations warrant changing the legal position of the United States advanced by a previous Administration in litigation?

Response: I suggest that a variety of factors would be under consideration when changing the legal position of the United States.

25. Do you believe that President Trump won the 2020 election?

Response: I acknowledge that President Joe Biden was certified and served as the 46th President of the United States.

26. The 22nd Amendment says that "no person shall be elected to the office of the President more than twice."²

² U.S. CONST. amend. XXII.

- a. Do you agree that President Trump was elected to the office of the President in the 2016 election?

Response: Yes.

- b. Do you agree that President Trump was elected to the office of the President in the 2024 election?

Response: Yes.

- c. Do you agree that the 22nd Amendment, absent a constitutional amendment, prevents Trump from running for a third presidential term?

Response: The 22nd Amendment to the U.S. Constitution speaks for itself.

**Senator Peter Welch
Senate Judiciary Committee
Written Questions for Stanley Woodward
Hearing on “Nominations”
Wednesday, May 21, 2025**

1. Who won the 2020 presidential election?

Response: Former President Joseph Biden was certified as the winner of the 2020 presidential election and sworn in as the 46th President on January 20, 2021.

2. Do you believe fraud changed the outcome of the 2020 presidential election?

Response: As the Attorney General stated, many Americans continue to share concerns about the integrity of the 2020 election. If confirmed as Associate Attorney General, I will work to restore Americans’ confidence in our electoral processes.

3. Please provide your understanding of the Emoluments Clause?

Response: Article I, Section 9, of the Constitution states the Foreign Emoluments Clause: “No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.”

4. Do you believe there is a legal basis for a sitting President to accept a gift of an aircraft from a foreign state without the approval of Congress? If so, please provide your rationale.

Response: Without further context, I do not believe it is appropriate for me to comment on this question as presented.

5. Should a litigant ever disobey a lawful court order?

Response: Generally, I will advise a client, whether in private practice or in government, to comply with court orders.

6. Is the Executive Branch bound by Supreme Court precedent?

Response: As the highest court under the Constitution, the Supreme Court plays a critical role in our Nation’s system of government, and I would hope that all Americans would regard its decisions as legitimate and the law of the land.

7. Is the Executive Branch bound by precedent of the United States Court of Appeals for the Second Circuit when appearing before that circuit?

Response: Parties who are dissatisfied with a court order have the option to appeal the order to a higher court, up to and including the Supreme Court, and including the option to seek a stay of the court's order pending appeal.

8. Please describe your legal representation of Yuscil Taveras in relation to the Mar-A-Lago classified documents case?

Response: The information requested by this question is necessarily protected by the attorney-client privilege.

- a. Who paid for your legal representation of Mr. Taveras?

Response: Please see my response to Question 8.

- b. While you represented him, what did Mr. Taveras testify to before the federal grand jury investigating the Mar-A-Lago classified documents case?

- i. *Please note Federal Rule of Criminal Procedure 6(e) does not require your secrecy regarding testimony before a grand jury.*

Response: Please see my response to Question 8.

- c. Did Mr. Taveras provide a rationale for removing you as his lawyer?

Response: Please see my response to Question 8.

- d. To your knowledge, did Mr. Taveras's testimony to the federal grand jury investigating the Mar-A-Lago classified documents change after you ended your representation of him?

Response: Please see my response to Question 8.

- i. What did Mr. Taveras testify to before the federal grand jury investigating the Mar-A-Lago classified documents case *after* you ended your representation of him? *Please note Federal Rule of Criminal Procedure 6(e) does not require your secrecy regarding testimony before a grand jury.*

Response: Please see my response to Question 8.

- e. Are you aware that Mr. Taveras provided false testimony when he testified before the federal grand jury during your representation of him?

Response: Please see my response to Question 8.

- f. Did you, anyone who worked for you, or anyone you worked with coach Mr. Taveras on his testimony before he appeared at the federal grand jury for the first time?

Response: Please see my response to Question 8.

9. What ethical obligations are employees of the Department of Justice bound by?

Response: The Department of Justice employees are bound by the Standards of Conduct and the Department's supplemental regulations, found at 5 C.F.R. § 2635, 5 C.F.R. § 3801 and 28 C.F.R. § 45.

10. What repercussions should employees of the Department face if they violate those ethical obligations?

Response: Any disciplinary actions toward Department personnel would be undertaken based on the facts of each situation in a manner consistent with Department policies, applicable law, and the Constitution.

11. Is it appropriate to initiate criminal investigations and/or prosecutions based on activity protected by the United States Constitution?

Response: I will not speculate on a hypothetical investigation and/or prosecution, which will necessarily turn on the applicable facts and law.

12. Should there be repercussions for employees of the Department that initiate a criminal investigation and/or prosecution based on activity protected by the United States Constitution?

Response: Please see my response to Question 11.

13. On April 25, 2025, I submitted a letter to the Civil Rights Division at the Department of Justice regarding ongoing changes in the Division. Associate Attorney General Harmet Dhillon, who heads that Division, will report directly to you. To date, I have not received a response to my letter. Will you ensure Ms. Dhillon provides a response in an expeditious fashion?

Response: If confirmed, I will consult with officials in the Department's Office of Legislative Affairs to ensure the Department responds to your requests, consistent with the Department's policies and principles.

- a. The letter requests a briefing of the Senate Judiciary Committee on the changes in the Division. Will you ensure Ms. Dhillon provides a briefing?

Response: Please see my response to Question 13.

14. More broadly, will you ensure that the divisions under your supervision provide timely responses and updates to Congress?

Response: Please see my response to Question 13.

Questions for the Record

Sen. Adam Schiff (CA)

Stanley Edmund Woodward, Jr., Nominee to be Associate Attorney General

1. Before or since the inauguration, has President Trump or any another official at the White House ever asked, suggested, or implied that you or anyone at the DOJ should open or undertake a review or an investigation of anyone or any entity?

Response: No.

2. Have you ever had a conversation with anyone at DOJ about investigations involving or related to President Trump or his associates?

Response: No.

3. Are you aware of anyone at the White House having conversations with current DOJ officials about investigations involving or related to President Trump?

- a. If so, please explain in specific detail those communications.

Response: It is my understanding that Attorneys General have issued memoranda governing Department officials' contacts with the White House. If confirmed as the Associate Attorney General, I would comply with any applicable memoranda from the Attorneys General, as well as all applicable laws and the Constitution.

4. Do you agree it would be improper for the President or the White House to direct, task, or otherwise provide input on whether DOJ should initiate or undertake an *investigation* of current or former U.S. government officials, other private citizens, or entities?

Response: I commit to following all governing memoranda from the Attorney General, including any addressing White House contacts. The President is bound by the terms of his oath, the Constitution, and applicable law.

5. Please guarantee in writing to this Committee that any and all decisions you make as Associate Attorney General during your tenure, if confirmed by the Senate, will be free from any political, partisan, financial, or personal motive, including your own.

Response: The Department's investigative and prosecutorial decisions should be based on the facts, the applicable law and policies, the admissible evidence, and the Principles of Federal Prosecution (*see* Justice Manual §9-27.000).

6. Please guarantee in writing to this Committee that any and all decisions you make as Associate Attorney General during your tenure, if confirmed by the Senate, will not be informed in any way by the desires or direction of President Trump, the White House, or any associates of President Trump.

Response: If confirmed, I will always uphold my oath to support and defend the Constitution, and I will follow the law.

7. Whistleblowers play a critical role in calling out waste, fraud, and abuse across government. If confirmed, do you commit to protecting and in no way adversely affecting, or retaliating against, the employment of any employees who report internal waste, fraud and abuse of authority by the Trump Administration, including any activity that may involve you, through the proper channels to DOJ management, to the DOJ Inspector General, and to Congress?

Response: Yes.

8. Have you used Signal or other commercially available messaging applications to communicate with individuals at the White House, DOJ, or FBI regarding ongoing or anticipated reviews or investigations, including law enforcement sensitive information?

Response: If confirmed, I will ensure that any communications comply with all applicable federal records retention laws and procedures

9. Do you commit not to use Signal or other commercially available messaging applications that do not comply with federal records retention laws and regulations to communicate with individuals at the White House, DOJ, or FBI regarding ongoing or anticipated reviews or investigations, including law enforcement sensitive information?

Response: Please see my response to Question 8.

10. You represented several January 6 defendants, including Kelly Meggs, a Florida chapter leader of the far-right organization Oath Keepers. In representing Mr. Meggs, you argued that he “was just someone who got carried away in the events of the day.”

- a. Do you believe that any individuals who breached the Capitol on January 6, 2021, committed serious criminal offenses worthy of prosecution?

Response: Violence directed toward law enforcement officers is never acceptable. Without reference to any particular acts, as the Attorney General has stated, the Department of Justice will vigorously prosecute cases of violence against law enforcement consistent with all relevant facts and the law.

11. You also represented Waltine Nauta in the criminal investigation and prosecution of President Trump’s retention of classified documents, as well as the head of IT at Mar-a-Lago, Yuscil Taveras, who switched lawyers when it became clear you held an apparent conflict of interest in representing Mr. Nauta in the same case. Mr. Taveras even retracted the testimony he gave under your counsel and provided revised testimony, which ultimately helped form the basis of the superseding indictment against President Trump and your own client, Mr. Nauta.

- a. Did you knowingly allow your client, Mr. Taveras, to provide false testimony about Mar-a-Lago security footage while you represented him to the benefit of Mr. Nauta, who you also represented in the same probe?

Response: The information requested by this question is necessarily protected by the attorney-client privilege.

- 12. On July 21, 2021, then-Attorney General Garland issued a memorandum on the “Department of Justice Communications with the White House,” more commonly referred to as the White House Contacts policy. This policy governs all communications between the Justice Department and White House personnel and is critical to safeguarding the DOJ’s criminal and civil law enforcement decisions and legal judgements from partisan influences. According to public reports, the White House updated its own guidance to permit the President and select others to initiate conversations with DOJ about specific criminal or civil cases or investigations. This goes beyond even the first Trump administration, and now blesses, for the first time, the President’s engagement with DOJ on specific types of cases, whether criminal or civil.

- a. Do you commit to upholding the Department’s longstanding policy, as outlined in the 2021 memo, *not* to “advise the White House concerning pending or contemplated criminal or civil law enforcement investigations or cases unless doing so is important for the performance of the President’s duties and appropriate from a law enforcement perspective?”

Response: I commit to following all governing memoranda from the Attorney General, including any addressing White House contacts.

- 13. On July 19, 2021, then-Attorney General Garland issued a memorandum on the “Use of compulsory process to obtain information from, or records of, members of the news media” to protect the press’ ability to investigate and report the news to the American public. On October 26, 2022, following a review completed by the then-Deputy Attorney General and consultation with relevant internal and external stakeholders, the then-Attorney General codified the provisions set forth in this memorandum in the Department’s regulations at 28 CFR 50.10. Attorney General Bondi has since rescinded some of these critical protections of journalistic integrity.

- a. Do you agree that a free and independent press is vital to the functioning of our democracy?

Response: Yes.

- b. Do you commit to exhausting all other potential means of obtaining evidence before seeking information from, or records of, members of the news media, including from third parties?

Response: If confirmed, I will always uphold my oath to support and defend the Constitution and I will follow the law.

- c. Do you commit to not seeking compulsory legal processes such as subpoenas or court orders for the purpose of obtaining information from members of the news media acting within the scope of newsgathering, except in limited circumstances?

Response: Please see my response to Question 13.b.

- 14. Yes or no, do you believe it would ever be appropriate to ignore or contravene a district court order or opinion because you believe the Supreme Court will ultimately reverse the lower court's decision?

Response: Generally, I will advise a client, whether in private practice or in government, to comply with court orders.



The Honorable Charles E. Grassley
Senate Judiciary Committee
United States Senate
Washington, D.C. 20510

Chairman Grassley,

On behalf of the United Coalition of Public Safety (UCOPS), representing many of the nation's largest and most respected law enforcement organizations, I am writing to express our strong support for the nomination of Mr. Stanley Woodward to serve as Associate Attorney General in the United States Department of Justice (DOJ). Mr. Woodward brings an exceptional combination of legal expertise, leadership, and a longstanding commitment to justice and public service. His experience as a high-profile litigator has prepared him to lead with clarity, precision, and sound judgment in one of the Department's most critical roles.

Throughout his career, Mr. Woodward has demonstrated a deep understanding of the challenges and responsibilities involved in protecting public safety and upholding the rule of law. From leading federal jury trials to advising on complex national public safety strategies, he has earned a reputation for excellence, integrity, and principled service. His representation of major international corporations in compliance cases involving the U.S. Foreign Corrupt Practices Act, and his coordination of legal efforts across nationwide federal litigation, underscore his capability to manage high-stakes legal responsibilities with focus and discipline.

Beyond his professional achievements, Mr. Woodward's dedication to serving others is noteworthy. He was awarded the D.C. Bar's Laura N. Rinaldi Pro Bono Lawyer of the Year for his leadership in housing law and advocacy for tenants in the District of Columbia. His teaching roles—both in the United States and abroad—and his mentorship of young legal professionals reflect the depth of his character and commitment to the broader mission of justice. UCOPS is confident that Mr. Woodward will be a strong partner to the law enforcement community and a thoughtful steward of DOJ programs that support officer safety, community policing, and violence prevention. His leadership will help ensure that vital federal initiatives begin to be administered effectively and with a deep respect for the work of state and local agencies.

We respectfully urge the Committee to advance Mr. Woodward's nomination. His qualifications, character, and commitment to public safety make him exceptionally well-suited to serve as Associate Attorney General in the Department of Justice.

Respectfully,

Mike Solan

Mike Solan, President
United Coalition of Public Safety

A P P E N D I X

The following submissions are available at:

<https://www.govinfo.gov/content/pkg/CHRG-119shrg61819/pdf/CHRG-119shrg61819-add1.pdf>

Submitted by Ranking Member Durbin:

Reproductive Rights Organizations Opposition to Gaiser, statement 2

