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CONFIRMATION HEARING ON FEDERAL APPOINTMENTS

HEARING BEFORE THE COMMITTEE ON THE JUDICIARY UNITED STATES SENATE ONE HUNDRED SEVENTEENTH CONGRESS FIRST SESSION

MAY 26, 2021

Serial No. J-117-8

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CONFIRMATION HEARING ON FEDERAL APPOINTMENTS

WEDNESDAY, MAY 26, 2021

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

The Committee met, pursuant to notice, at 10 a.m., in Room G50, Dirksen Senate Office Building, Hon. Richard J. Durbin, Chair of the Committee, presiding.

Present: Senators Durbin [presiding], Grassley, Leahy, Feinstein, Whitehouse, Klobuchar, Coons, Blumenthal, Hirono, Booker, Padilla, Ossoff, Cornyn, Lee, Cruz, Hawley, Cotton, Kennedy, and Blackburn.

Also present: Senators Heinrich, Luján, Menendez, and Cassidy.

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

Chair DURBIN. This hearing will come to order.

Today, the Committee is holding its sixth nomination hearing of the 117th Congress as we continue to process the Biden administration's nominees. We have before the Committee this morning six nominees. Welcome to all.

Tiffany Cunningham, nominated to the Federal Circuit, will be on the first panel, and then the second panel includes Margaret Strickland, nominated to the U.S. District Court for the District of New Mexico; David Chipman, nominated to be Director of Bureau of Alcohol, Tobacco, Firearms, and Explosives, known as ATF; Ur Jaddou, nominated to head the U.S. Citizenship and Immigration Services, USCIS; Anne Milgram, nominated to be the Administrator of DEA, or Drug Enforcement Administration; Ken Polite, nominated to be the Assistant Attorney General for the Criminal Division.

Before I introduce two of these nominees, I want to say a word about the nominations process. I want to thank the White House for sending us nominees with extraordinary experience and credentials for the positions to which they've been nominated. I want to make sure that we understand we need to do our part, here in the Judiciary Committee and in the United States Senate, to make sure that we have Senate-confirmed leaders in the executive branch.

Many of the positions that are being—aspiring to be filled today by these nominees have been vacant long periods of time. For example, former President Trump never nominated an Administrator for the Drug Enforcement Administration. There hasn't been a Sen-

ate-confirmed head of that Agency in 6 years, since 2015. The confirmation process not only serves to gauge a nominee's qualifications, but it's an important challenge to the Senate and to this Committee to do their job. The prior administration relied heavily on acting officials, took the Senate out of the process. This administration is trying to bring the Senate back into its constitutional role.

Turning to the nominees, I want to first introduce Tiffany Cunningham, nominated to the Federal Circuit. Ms. Cunningham was born in Detroit, Michigan. She spent almost 20 years in Chicago. I'm proud to call her a fellow Illinoisan. Her credentials are extraordinary; undergraduate degree in chemical engineering from MIT, law degree from Harvard Law School, clerkship on the Federal Circuit. Ms. Cunningham has spent almost two decades as an intellectual property litigator and has worked on every aspect of patent litigation, from the inception of the case, through discovery, trial, and appeal.

Further, she has represented clients from any number of fields; mechanical engineering, chemicals, pharmaceuticals, biotechnology, computer science, and the auto industry. Her clients include Fortune 500 and other high-tech companies.

Given her experience representing both plaintiffs and defendants, she understands the importance of the law being applied evenhandedly. Ms. Cunningham will be ready from day one to serve on the bench. She has technical expertise, deep knowledge of patent law, and almost 20 years of experience as a litigator. Finally, I would note that, when confirmed, Ms. Cunningham will be the first Black judge to serve on the Federal Circuit. This history—historic nominee will bring both professional and racial diversity to the court.

I also have the privilege of introducing David Chipman, nominated to be the director of the ATF. Mr. Chipman, 25-year law enforcement veteran, after beginning his career as a Special Agent with the General Services Administration's OIG, Mr. Chipman joined ATF in 1988, when it was still part of the Treasury Department. He served as Special Agent with multiple field offices in many locations, including Virginia, Texas, and Michigan, and led a number of components of the ATF in Washington, including the Firearms Enforcement branch and the Policy Development Education Branch.

While at ATF, Mr. Chipman led or assisted in multiple efforts to combat gun trafficking and the proliferation of gun violence. He also worked tirelessly to bring more attention to the health, safety, and wellness of law enforcement officials nationwide.

Since leaving ATF, Mr. Chipman has continue DHS work advancing bipartisan, commonsense measures to protect responsible gun ownership while reducing the use of law—of firearms against law enforcement officers and innocent individuals. Mr. Chipman has quite literally been on the front lines in a fight against gun violence. As a gun owner himself and an advocate for principled, constitutional gun safety measures, Mr. Chipman is singularly positioned to lead ATF and tackle the gun violence epidemic facing our Nation.

It's worth noting, as well, that Mr. Chipman would be only the second confirmed ATF Director in the agency's history. I want to repeat that. He would be the—only the second confirmed ATF director in the agency's history and the first director to ever have served as an ATF special agent.

His knowledge of the Agency and its purview is unparalleled. In my estimation, he has what it takes; acumen, leadership experience, and commitment to lead the ATF. With that, I turn to my friend and Ranking Member, Chuck Grassley.

Senator GRASSLEY. You don't have to answer this now, Mr. Chairman, but I would think that science ought to be advanced enough to show us on this virus that we don't have to have this spacing that we have now. Would you check that out for me?

Chair DURBIN. If you want to sit closer to me, I'll arrange that. [Laughter.]

Senator GRASSLEY. I do, yes. Yes. I think we ought to get to the point where we have some more—I'd like to be able to actually see our witnesses, so maybe think about it. Okay. Thank you.

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

Senator GRASSLEY. Today, we're here for six nominees, one for the circuit, one for the district, and four executive nominees.

The nominee for the Federal Circuit, Tiffany Cunningham, seems very well qualified. The Federal Circuit is a specialty court. It hears mostly patent cases. It does also hear some other appeals as well, including Federal taking, and so I'm going to have some questions for Ms. Cunningham on that subject.

The district nominee, Margaret Strickland, is another of President Biden's Criminal Defense Judges. This is the fourth Criminal Defense Judge that we've considered.

I want to be very clear that there's nothing wrong with being a Criminal Defense Attorney. Some of President Trump's excellent judges, like Paul Matey of the Third Circuit, Raag Singhal of Florida, and Clifton Corker of Tennessee, were Criminal Defense Attorneys. They were out to protect their clients' constitutional rights, all of them.

Like I said before, there's nothing wrong with the position that an organization—that Demand Justice takes. We ought to have equal consideration or thoughts given by that organization compared to some things that were said about judges that came with Federalist backing. Groups like Demand Justice have made it clear that's not what they want. They seem to think that these criminal defense judges will defund the police from the bench. I think we should try to find out what kind of Criminal Defense Judges we're getting; a Bill of Rights Judge or a Demand Justice Judge.

We also have some executive nominees. Former Attorney General Milgram and Mr. Polite seem to be—have relatively broad support. Mr. Polite, in particular, has received strong letters of support from Republicans like Brian Benczkowski and Alice Fisher, who aren't the usual suspects supporting Democrat nominees. That's pretty impressive.

I have concerns regarding Ms. Jaddou, a nominee to be director of USCIS. During her time as Chief Counsel for that organization,

that Agency, during the last several years of the Obama administration, the Agency created various parole programs that are not consistent with the language or the intent of the Immigration and Nationality Act. Should she be confirmed, I have concerns about her willingness to further stretch the limits of parole authority, and I hope to get some clarification in her views during today's hearing, and I didn't get that clarification when I had a telephone conference with her.

I'm also troubled by statements that she has made on other issues, such as the use Title 42 Expulsion Authority at the southern border, funding for immigration enforcement agencies, and asylee law. I believe all of these issues are worthy of thorough questioning before this Committee. I regret that today's format hearing will hinder our ability to explore each of these topics, so I will probably have questions in writing on those issues.

Last, we have Mr. Chipman. Ever since Mr.—not Chapman, Chipman. Ever since he was announced, I have been hearing from alarmed constituents who care about their rights under the Second Amendment. Mr. Chipman seems to have worked for every prominent gun control group in the country. He's been described by CNN as, quote, "a fierce advocate for gun control," end of quote. There isn't a liberal hobbyhorse on guns that he hasn't ridden, whether it's misleading the public about modern sports rifles, arguing against popular magazine sights, or advocating for universal background checks.

Of particular concern is the contempt with which he seems to view ordinary Americans who buy and carry firearms. By the way, Mr. Chairman, I don't think I've pulled a trigger of a gun in the last 40 years. If I do, I don't remember when. I'm not one of these guys that has an arsenal of guns on my farm or anyplace. I just come from this from the standpoint of the Constitution.

In regard to Mr. Chipman, to pick just one example, he said last year, quote, "If you keep gun—" quote, "If you keep gun—the gun store open, there's a risk of first-time buyers who are largely buying out of fear and panic and untrained," end of quote.

ATF is a significant law enforcement Agency. We mostly hear about it when it messes up, whether it's Waco, Operation Fast and Furious, or the Chicago stash house scandals. Day to day, ATF plays a significant role in the legal trade of firearms in this country. Many see putting a command—committed gun control proponent like Mr. Chipman in charge of ATF is like putting a tobacco executive in charge of the Department of Health and Human Services or ATF in charge of the Portland Police Department. I hope he can alleviate those fears today as we question him. I yield.

Chair DURBIN. Thank you, Senator Grassley. We have four or five Members, Democrats and Republicans, who would like to say a word of introduction on behalf of one of the nominees. First, from the State of New Mexico, we have both Senators. The senior Senator, Senator Heinrich, is joining us remotely, I believe. He'll introduce Ms. Strickland. The floor is yours, Senator Heinrich.

**STATEMENT OF HON. MARTIN HEINRICH,
A U.S. SENATOR FROM THE STATE OF NEW MEXICO**

Senator HEINRICH. Chairman Durbin and Ranking Member Grassley, it's really my pleasure and honor this morning to introduce Margaret Strickland, the President's nominee to be District Court Judge for the District Court of New Mexico. Ms. Strickland was born and raised in the southwest border region, where this district court seat presides. She attended New Mexico State University and the University of Texas at El Paso before attending law school at New York University.

Ms. Strickland returned to the southwest after law school and started her career with the Las Cruces office of the New Mexico public defender, representing clients in the juvenile drug court and in felony defense work.

In 2011, Ms. Strickland formed her own law firm, continuing her public service work representing indigent defendants in Federal court. Ms. Strickland litigated both criminal and civil cases, including a significant number in the Federal District Court located in Las Cruces, New Mexico. She's also appeared before the New Mexico Court of Appeals, the New Mexico Supreme Court, and the Tenth Circuit Court of Appeals, and filed before the United States Supreme Court.

Ms. Strickland served on the board of New Mexico Criminal Defense Lawyers for over a decade, including as president. In 2018, the Federal District of New Mexico appointed her to represent all Criminal Justice Act lawyers as a panel representative. Ms. Strickland has also done significant volunteer work with programs that reduce the rate of euthanasia for companion animals. In fact, she and her husband, Greg, foster dogs and puppies so that they can be placed in a home rather than euthanized.

If confirmed, Ms. Strickland will be faced with one of the busiest Federal dockets in the country and inherit a heavy back load of cases. I am confident that her experience and her incredible work ethic will best position her to immediately get to work. Ms. Strickland is a highly qualified nominee with the right experience, the right temperament, and the right disposition to be a fair-minded District Court Judge.

The ABA agrees with the majority, giving her a well-qualified grading. She has spent her entire professional career working in the community in which she will sit. She knows intimately the impact the legal system has on everyday Americans. She understands that serving as a judge is very different from serving as an advocate. She is ready and prepared for the shift from zealously and effectively representing clients to fully applying the law to the facts of a specific case.

I also want to take a quick moment to recognize Ms. Strickland's husband, Greg, and their son, George, who I am certain are so proud to celebrate this moment. I enthusiastically support Ms. Strickland's nomination for District Court Judge for the District of New Mexico. I hope that all of the Members of this Committee will join me in supporting this highly qualified nominee. Thank you both.

Chair DURBIN. Thank you, Senator Heinrich. Next, we have the junior Senator from New Mexico, our new colleague, Senator Luján.

**STATEMENT OF HON. BEN RAY LUJÁN,
A U.S. SENATOR FROM THE STATE OF NEW MEXICO**

Senator LUJÁN. Mr. Chair, it's my honor to be before the Judiciary Committee today to help introduce Margaret Strickland for consideration to serve on the U.S. District Court for the District of New Mexico in Las Cruces.

Ms. Strickland, as my colleague Senator Heinrich shared, was born and raised in the southwest and would bring significant legal experience and judicial experience to the district court. Ms. Strickland has spent the last 15 years practicing law in New Mexico, including before the New Mexico Court of Appeals, the New Mexico Supreme Court, and the Tenth Circuit Court of Appeals and the United States Supreme Court. As a former public defender, she would bring much-needed professional diversity and perspective to our Federal courts.

Ms. Strickland has strong ties to the New Mexico legal community, including being elected by her peers to the board of New Mexico Criminal Defense Lawyers, where she served for over a decade in different positions, including as president. In 2018, she was appointed by the Federal District of New Mexico to represent all Criminal Justice Act Lawyers as the panel representative.

With a proven record of service and leadership, I'm confident that Ms. Strickland will continue to serve all New Mexicans equitably on the district court once confirmed. She is a highly qualified nominee, and it's my honor to stand with her today. Thank you, Mr. Chairman.

Chair DURBIN. Thank you, Senator Luján. Next, we have Senator Padilla to introduce Ms. Jaddou. I think he's going to join us shortly. In the meantime, I'll ask if Senator Menendez is available, also by remote, to offer one of the two introductions of Ms. Milgram, our DEA nominee. Senator Menendez, please proceed.

**STATEMENT OF HON. ROBERT MENENDEZ,
A U.S. SENATOR FROM THE STATE OF NEW JERSEY**

Senator MENENDEZ. Thank you, Mr. Chairman, Mr. Ranking Member, Esteemed Colleagues. Today, I'm pleased to join Senator Booker in introducing Ms. Anne Milgram, President Biden's nominee for Administrator of the Drug Enforcement Agency.

Ms. Milgram's experience as a local, State, and Federal prosecutor, a State attorney general, a philanthropy executive, and a respected voice on criminal justice reform make her an exceptional nominee. Ms. Milgram grew up in East Brunswick, New Jersey, was drawn to public service at a young age, even serving as a congressional page. She went on to earn her B.A. from Rutgers College, a Master of Philosophy from the University of Cambridge, and law degree from New York University. After clerking for U.S. District Court Judge Thompson in Trenton, New Jersey, Ms. Milgram got her start in the Manhattan District Attorney's office.

In 2001, she joined the U.S. Department of Justice's Civil Rights Division as special litigation counsel for human trafficking. There, Ms. Milgram won several convictions under newly enacted human trafficking laws, an issue that is deeply intertwined with illicit drug trade.

Then in 2007, after serving as counsel in his U.S. Senate office, New Jersey Governor, Jon Corzine, nominated her to serve as attorney general. In this position, Ms. Milgram oversaw a criminal justice division with 21 prosecutors, 30,000 law enforcement officers across New Jersey, a managerial experience that leaves her well prepared to oversee the DEA's 9,000 employees. As attorney general, Ms. Milgram led investigations into gang activity, organized crime, mortgage fraud, illegal trafficking, and more. She also pursued innovative, data-driven approaches to fighting crime in New Jersey, including a 2007 partnership with the Bureau of Alcohol, Tobacco, Firearms, and Explosives to help New Jersey trace illegal firearms recovered at crime scenes.

Yet, Ms. Milgram is best known for her ground working—reform policing in the city of Camden, then known as the most violent city in America. Using analytics and crime data to create a more responsive police force, within 1 year, she helped achieve a 40 percent reduction in violent crime in Camden.

In 2011, she founded the Criminal Justice Initiative at the Laura and John Arnold Foundation to continue her focus on leveraging technology to advance criminal justice reform. There she developed a public safety risk assessment tool to provide judges with more holistic decision-making information and helped invest over \$55 million in efforts across the country to prevent violent crime and create a more humane criminal justice system.

Today, she is a professor of Practice and Distinguished Scholar in Residence at New York University School of Law, where she launched the Criminal Justice Lab.

My colleague, Anne Milgram is uniquely positioned to lead the DEA and advance the Biden administration's effort to combat the opioid epidemic, stop the flow of dangerous substances like fentanyl into our country, and build safer communities. In my view, the DEA can only benefit from her vast experience, her eye for innovation, and her reputation for excellence. I urge her swift confirmation. Thank you, Mr. Chairman.

Chair DUBIN. Thank you, Senator Menendez. Senator Booker, you're now recognized.

**OPENING STATEMENT OF HON. CORY A. BOOKER,
A U.S. SENATOR FROM THE STATE OF NEW JERSEY**

Senator BOOKER. Thank you very much. Mr. Chairman, there is a privilege Senators get, to introduce someone from their State, but this is a deeper privilege, that some of my colleagues have had, is I get to introduce somebody from my State who I have known for almost 30 years.

About 29 years ago, I met Anne Milgram when—and by the way, I'm not under oath, so I will say 29 years ago, I was 21 and she was 5. I met her when we were both finalists in New Jersey to go on for—to go on to the final round to be Rhodes Scholar candidates. I have since got to know a lot of the people that interviewed us that day, and they made it clear to me that she was the outstanding standout of the duo that would go on to the final round. Anne made an impression me on that day, back in 1992, that I will never forget, and I tracked her career since then.

It was 15 years ago that she and I both landed in important positions in our State. I was the Mayor of the State's largest city, and she was the attorney general for the State of New Jersey. Newark was in crisis. We had spiking violent crime. The drug crisis in our city was palpable. Residents were afraid, and the biggest issue people talked about in our public polling was the crisis of crime.

What we got in Anne Milgram was, for our city, a champion, someone that had a depth of knowledge about the issues from her being a prosecutor, an advocate for civil rights, and she became, for the State of New Jersey, a nationally known pioneer in public safety. My colleague, Senator Menendez, has already mentioned the statistical data that supports the simple truth. She helped to drive down crime to historic lows in places all over the State of New Jersey.

For me, she was an extraordinary partner who had a holistic understanding of what real public safety is. It is not a police officer on every corner. It is this understanding that these issues go deeper, that there is an intrinsic tie between public safety and ideals of justice, transparency, and accountability. Her success as an attorney general led to her continuing that pathway of being a pioneer. She went to work with the Arnold Foundation and helped to further advance ideals of reform in how we address safety and security in our communities.

She has now become one of the preeminent experts on the very issue she would be dealing with should she be confirmed. She is someone that gives me hope about our country that we cannot be chained to the drug war policies of the past but find ways that actually produced evidence-based results.

I am so confident in her leadership, not just because of the pattern of her career of success after success, successful innovation after pioneering triumph, but I know her as a person. I know her character. I know her core. She is an extraordinary American. She is a celebrated leader in the State of New Jersey, and I am confident for our country, in this time when we are still dealing with the travesties of a failed war on drugs, that she will do for this country what she did for cities like Camden and Newark, deliver public safety and a deeper, more meaningful justice for all. Thank you.

Chair DURBIN. Thank you, Senator Booker, for that inspiring statement. Finally, before we return to Senator Padilla, one of our colleagues from the great State of Louisiana is going to introduce Mr. Polite. I understand Senator Cassidy may be joining us by remote. I hope so. Senator, are you with—

Senator CASSIDY. You should be seeing me, Mr. Chair.

Chair DURBIN. I hope so.

Senator CASSIDY. Do you have me? Do you have me?

Chair DURBIN. You can proceed, and, I think, we will find you. There you are.

Senator CASSIDY. I should be on.

Chair DURBIN. There you are.

Senator CASSIDY. You got me?

Chair DURBIN. Yes. Please proceed.

Senator CASSIDY. Got you. Thank you.

**STATEMENT OF HON. BILL CASSIDY,
A U.S. SENATOR FROM THE STATE OF LOUISIANA**

Senator CASSIDY. Thank you, Chairman Durbin and Ranking Member Grassley. It is a privilege to introduce New Orleans native and former U.S. attorney for the Eastern District of Louisiana, Kenneth Polite. He is the nominee for the Assistant Attorney General for the Criminal Division in the Department of Justice.

Mr. Polite has succeeded with his intelligence, hard work, and support from his family. He started life in the Calliope Projects in New Orleans, raised by a single mom driven to provide a future for her children. Her mother—his mother, Rosalind, took classes at Xavier University, gained employment in the State Probation and Parole typing pool, which enabled her to move off of public assistance and out of the projects into her own home. She taught her children the power of education by, among other things, taking them to the public library every weekend. It paid off. Mr. Polite received a full scholarship to De La Salle High School. He graduated as valedictorian and subsequently graduated from Harvard University and Georgetown Law School.

With this background of hard work and dedication and two decades of litigation and management experience in criminal, civil, and compliance law, Mr. Polite is clearly qualified.

He's also highly recommended from official—by officials across the political spectrum back home. Republican Louisiana Attorney General Jeff Landry wrote a letter to this Committee saying of Mr. Polite's time as U.S. attorney for the Eastern District of Louisiana that he was, quote, "not only an effective crime fighter, but also an invaluable member of the community."

Mr. Polite is also endorsed by Mayor LaToya Cantrell of New Orleans and the city of New Orleans Department of Police, sheriffs, district attorneys, faith-based leaders, as well as the F.B.I. New Orleans field office, former Special Agent in Charge Michael Anderson, and former Assistant Special Agent in Charge Daniel H. Evans.

I look forward to the Committee and the full Senate taking up and approving Mr. Kenneth Polite's nomination. Thank you, Mr. Chairman.

Chair DURBIN. Thank you, Senator Cassidy. Has Senator Padilla joined us by remote, I hope, to introduce—

Senator PADILLA. Yes, I'm here.

Chair DURBIN. Please proceed.

**OPENING STATEMENT OF HON. ALEX PADILLA,
A U.S. SENATOR FROM THE STATE OF CALIFORNIA**

Senator PADILLA. Thank you, Mr. Chairman, and I apologize for the back and forth. We're wrapping up the markup in Environment and Public Works. I do expect to join you in person in a little while, but in the meantime, I want to thank you and Ranking Member Grassley for the opportunity to introduce Ur Mendoza Jaddou from the great State of California as President Biden's nominee to be the director of the U.S. Citizenship and Immigration Services at the Department of Homeland Security.

USCIS plays a critical role in our immigration system, as every Member of this Committee knows. It is the agency tasked with

processing and adjudicating visa applications, asylum petitions, and employment authorizations. It also handles the process for granting citizenship to immigrants who have worked hard to come to the United States and pursue the American dream. Ms. Jaddou has spent her long and distinguished career working to improve the lives of immigrants in the United States.

This work is personal to me and to her, I, as a son of immigrants and her as a daughter of immigrants. Her mother was from Mexico and her father was from Iraq. Ms. Jaddou grew up in the California border community of Chula Vista, which is just 7 miles north of the Mexican border. She knows firsthand what it means to be from an immigrant family and how much immigrants contribute to the diversity of our country and to the fabric of our communities and, of course, to our economy.

I believe Ms. Jaddou is uniquely qualified to serve as director of USCIS at this critical time. In 2014, she was named chief counsel for USCIS, where she led an office of 270 attorneys around the country, who provided legal advice to the Agency. This included advising on policies and programs, changes in statutes and regulations, and other complex legal issues. During her time as chief counsel, she also worked closely with the DHS Office of General Counsel and her counterparts at Immigration and Customs Enforcement and Customs and Border Protection.

Her understanding of immigration law and how USCIS functions is second to none. Her career began on Capitol Hill as counsel to Congresswoman Zoe Lofgren. She went on to become the Majority Chief Counsel to the House Immigration Subcommittee when Congresswoman Lofgren was named Chair of that Subcommittee. She also served as deputy assistant secretary for regional, global, and functional affairs at the State Department's Bureau of Legislative Affairs, and most recently, she served as director of DHS Watch, a project of America's Voice.

I want to close with a story that Ms. Jaddou shared with me that perfectly demonstrates her passion for this work, for immigration law, and her commitment to service. While she was a student at UCLA Law School, there was no tenured immigration law professor on staff or an immigration law clinic where she and her peers could help immigrants with their cases. Instead of being deterred, she sought the guidance of her professors, and she and her classmates started their own immigration law clinic. I think it embodies the passion and initiative that we need in the next director of USCIS.

She's the right person to lead this Agency, and I strongly support her nomination. I urge you all to do the same. Thank you very much.

Chair DURBIN. Thank you very much, Senator Padilla. Now, I'd ask our first nominee on the first panel, please stand to be sworn. [Witness was sworn in.]

Thank you. Let the record show that the witness answered in the affirmative. Ms. Cunningham, please proceed with your opening remarks.

**STATEMENT OF TIFFANY CUNNINGHAM, NOMINEE
TO BE UNITED STATES CIRCUIT JUDGE
FOR THE FEDERAL CIRCUIT**

Ms. CUNNINGHAM. Good Morning. Thank you, Chairman Durbin. Thank you, Ranking Member Grassley. Thank you to the entire Committee for scheduling this hearing. I also appreciate the Committee's flexibility in the scheduling because I had to attend to a pressing family emergency. I also want to thank President Biden for the nomination. I'm truly humbled and honored. I have some people here to introduce, some people who are present in the room and also some people who are unable to attend.

I'm going to start with the people who are unable to attend. First, I want to introduce my mother. Her name is Patricia Mae Cunningham. She was born and raised in Paducah, Kentucky. She was a high school English teacher, teaching in the Detroit public schools for almost 30 years. She's also literally an embodiment of my heart outside of my body. As I sit before this Committee, my heart is partially broken because my mom is facing a very serious medical issue, which is the only reason she is not present today. I love you, Mom, and I will see you again very soon.

Next, I want to introduce my father. His name is Elisha Donald Cunningham. He was born and raised in Talladega, Alabama. He is a veteran of the Vietnam War. He worked in the automobile industry for approximately 50 years. I love you, Dad, and thank you for being there to support Mom through this difficult challenge.

Next, I want to introduce my aunt, Dorothy Clemons. She was a longtime resident of the Washington, DC, area and like a second mother to me. She worked for the Federal Government for most of her life, and in addition, unfortunately, she cannot be here because she passed away in 2015. I'm confident that she is watching and sending her support. I want to thank the larger Cunningham family, the larger Clemons family, my friends, loved ones, significant other, and other people who have really sent their support my way.

I want to turn to introduce the people who are present in the room today, starting with Dr. Muneera Kapadia. I've known her since we were 6 years old. She was my first best friend. She drove all the way from North Carolina to be here to support me today.

Next to her is Judge Qiana Lillard. I've known her since freshman year of high school, and she is also a very dear friend and supported me on this journey today.

Next to her is Ms. Jan Anne Dubin. She is a consultant in Chicago and another dear friend, and I thank her for her support.

Last but not least, I want to thank my colleagues at Perkins Coie for all of their support. I truly appreciate it. Without further ado, I look forward to answering the Committee's questions.

[The prepared statement of Ms. Cunningham appears as a submission for the record.]

Chair DURBIN [Presiding]. Thank you, Ms. Cunningham. Yours is an amazing story that brings you to this moment before the Senate Judiciary Committee and aspiring to this judgeship. It really is star studded, the things you have done, chemical engineering from MIT and Harvard and so forth. Let me ask you this question. At this point in your career, you seem to be at the top of your game. Why do you want to give it up to be on the bench?

Ms. CUNNINGHAM. Thank you for that question, Senator. I can tell you that this is literally my dream job. I recall when I was fortunate enough to clerk for the court in 2001 to 2002, one of the first days walking around and really seeing the pictures of the judges on the walls. I saw a court that had fine, fine jurists, but it was very homogeneous, if I must admit. There were all white Judges and only two women at that time. At that point in time, I kind of put in my mental vision board that I hoped that one day I could be a judge in that court. I'm truly humbled to be sitting here before you today, and it's really a dream job that I've aspired to.

Chair DURBIN. You've seen a number of judges as a litigator, as a clerk. What do you think are the shortfalls of some and the benefits that others bring to the bench?

Ms. CUNNINGHAM. Thank you for that question, Senator. In general, I have been very fortunate to both clerk for a wonderful judge and also appear in front of wonderful judges across the country. In general, I have appeared in front of judges that really have upheld all the standards of being a good judge. These are fair, impartial, unbiased people who come to the judging without any sort of pre-judgment. I feel like that is really great. In terms of being a judge, and if I were fortunate enough to be confirmed, I really would bring those same qualities to the bench and also really make sure that I carefully gave every party a chance to be heard and carefully studied the arguments and fully applied the law to the facts of the case.

Chair DURBIN. Some critics argue that the jury system is—may not be up to the 21st century challenges, that many issues coming before juries are so technical, so complicated, that the average layman—laywoman, layman—would have difficulty understanding them and really coming to a conclusion that is the basis for a verdict or a decision. You're in one of those rarefied atmospheres of the law where there is just that sort of technicality and complexity. What has been your observation on the performance of juries with those challenges?

Ms. CUNNINGHAM. Senator, I've been fortunate enough to try a number of cases, and I've seen juries really meet the task. They absolutely will pay attention to all of the arguments. What has been incumbent on really all of the advocates is to make sure to explain the technology so it's understandable to a layperson. That really is a duty of every zealous advocate and something that I have really tried to fulfill in my role as an advocate to date.

Chair DURBIN. Thank you. Senator Grassley.

Senator GRASSLEY. Thank you very much. Congratulations to you, Ms. Cunningham.

It is important for the Federal Circuit to protect the rights of private property owners under the Fifth Amendment taking clause. I'm going to give you some facts. At the Supreme Court, taking clause relief was granted to 35 percent of private property owners between 1979 and 2015, where in State and Federal courts, excluding the Federal Circuit, the success rate of regulatory takings claims from that same period of time was nine and nine-tenths percent. Last, Justice Thomas has cited data showing that only one and sixth-tenths percent of the taking claims under Lucas were

successful from 1992 to 2017 in the Federal Circuits, where you will be seating—sitting. These aren't exactly apple-to-apples comparisons, but there is a trend there.

Do you think it's a problem that the takings claims seem to be far less successful in the Federal Circuit than in other tribunals, and what do you think accounts for the difference?

Ms. CUNNINGHAM. Thank you, Senator, for that question. In general, I think that I—while I've told you already, I've been a patent litigator for the last 20 years and have not actually litigated any takings cases, what I can tell you is that if I were fortunate enough to be confirmed, I would take that area very seriously, no pun intended, and would also be sure to faithfully apply the law to the facts of any case before me. In terms of the statistics, I believe that the court faithfully tries to apply the law to the facts of a case, so, I think, it really depends very much on the facts of each case that comes before the court.

Senator GRASSLEY. If you'll do no more for me than just take that into consideration, that we seem to get less relief under the taking constitutional rights than—in the Federal Circuit than we do at other tribunals, I would consider that quite an accomplishment today. In the wake of the *T.C. Heartland*, what do you see as the role of the Federal Circuit in enforcing proper venue in patent cases?

Ms. CUNNINGHAM. Thank you for that question, Senator. *T.C. Heartland*, obviously, the venue case that came down, has led to cases being filed in different jurisdictions and potentially a shift of some of the cases from some of the jurisdictions where they were filed previously. In general, I feel like the Federal Circuit will, of course—and I recognize that if I were fortunate enough to be confirmed, would be bound by all Supreme Court precedent, including that case, and I would faithfully apply that case to any of the issues that came before me.

Senator GRASSLEY. Okay. My last question, as a general matter, do you think it's appropriate for district judges to actively create favorable patent venues in their courts?

Ms. CUNNINGHAM. Thank you for that question, Senator. In general, I think that district court judges, just like all judges, need to be bound by the rule of law and just being focused on applying the law to the facts of each case without really taking into consideration regarding what sorts of cases they might want to appear before them.

Senator GRASSLEY. Thank you, Mr. Chairman.

Chair DURBIN. Thank you, Senator Grassley. The next Senator seeking recognition is Senator Coons.

Senator COONS. Mr. Chairman, if I might, I'll defer to my colleague from New Jersey, who would like to make just a minute of brief remarks.

Chair DURBIN. Of course.

Senator BOOKER. Yes, I just wanted to have 60 seconds. You know, these—we have these hearings, and this is one of those moments where I feel this sense of exhaustion and exaltation at the same time. We are in this period, almost 250 years of American history, where we still are counting the first Black person to do this, the first Black person to do this. I just wanted to say for this

moment, and have no questions for the witness, how extraordinary it is that she is a history maker and a rule breaker, should she be confirmed.

This is a long and tortured history of Federal courts in this country, from Dred Scott to *Plessy v. Ferguson* to even recent decisions that trouble me on voting rights. We have to mark these moments where we are making extraordinary progress. The witness before us today is an extraordinary human being by any measure, and I just want to say for the record that the history of our country, our ancestors, Black and white, a rainbow coalition of people that have struggled to make a day like this possible, our ancestors are rejoicing, and I'm so grateful to see the witness before us today. Thank you.

Chair DURBIN. Thank you, Senator Booker. Senator Coons.

Senator COONS. Thank you, Mr. Chairman. Ms. Cunningham, welcome. You have very strong credentials and have represented some of America's most successful and best-resourced companies, companies like Intel or Microsoft or General Motors.

I'm someone who, in IP, is always concerned about balance, balance in policy, balance in experience, balance in advocacy. I just am interested in your views, broadly, as well as your experience around solo inventors, small start-up companies, because often, they have quite different experiences in our IP system and different views on the importance of patent protection, in particular. Have you represented a small start-up company or a solo inventor, or are you aware of the challenges that sometimes face these smaller players when they seek protection under our patent system?

Ms. CUNNINGHAM. Thank you, Senator, for that question. My representations have been very broad. I've represented both individuals and large companies, as you already indicated, and also smaller companies. I do have that breadth of representation.

Senator COONS. What do you see as the differences in how a General Motors or a Microsoft experiences our patent system versus the somewhat iconic, I know, garage inventor?

Ms. CUNNINGHAM. Sure. I think usually the differences come down to kind of the resources that are available to the companies versus the smaller individuals. Really, ensuring equal access for everybody, including the garage inventor, as you indicated, as well as the large companies that may be more well-heeled, is important in our system.

Senator COONS. We're in the middle, on the floor of the Senate right now, in debating and hopefully moving toward a final vote on a bill designed to strengthen innovation, R&D, our competitiveness as a country. I'm concerned about China's ongoing theft of American intellectual property. I'm also alarmed by the contrast between China's recent efforts to bolster its IP regimes and the weakening of protections for creators and innovators in our system. How do you view the challenge or the potential threat to our global leadership in IP by China?

Ms. CUNNINGHAM. Thank you for that question, Senator. In general, I've seen some statistics, for example, that show that China's involved in potentially 60 percent or so of trade secret cases, and I'm aware of some of the theft concerns and some of the issues that I believe this body and Congress at large are considering.

I also am aware of a fairly recent suit where there was essentially an anti-suit injunction that took place, and then the Texas court—it was the Eastern District of Texas, I believe, before Judge Gilstrap. It looks like you're familiar with this particular decision I'm describing, Senator Coons. In that particular case, it was a situation where the Texas court decided that that court could go ahead and proceed on the merits. I think that's another concern, and I think it interrelates with the concern that you flagged.

Senator COONS. One of the areas that Senator Tillis and I worked hard to try and find some common ground and some path forward on in the last Congress is subject matter—the eligibility to Section 101 Jurisprudence. I would argue we have heard from many former heads of the P.T.O., many practitioners in the field, even judges on the circuit to which you've been nominated, that there is profound uncertainty about the path forward in Section 101 Jurisprudence.

I recognize there's real limitations on what you can say in a confirmation hearing, but do you believe the Federal Circuit could provide greater clarity or certainty in this area? Are you concerned that some critical technologies around things like artificial intelligence or personalized medicine are now not eligible for patents or there's lack of real clarity and that's impacting our competitiveness as a country, particularly in these two critical areas?

Ms. CUNNINGHAM. Thank you for that question, Senator Coons. I know this is an area that, I think, is near and dear to your heart as well to some of the other Senators' hearts. In general, in terms of Section 101, I think the impact of the *Alice* and *Mayo* decisions and kind of that framework, the two-step framework that it looks like you're familiar with that was set up, has led to decisions where there is more in terms of cases where really there are Section 101 invalidation decisions that come down. It comes down in a variety of areas. As you indicated, because some of these cases may likely come before me, I can't speak to it because I completely understand my duty to not prejudge matters.

Senator COONS. Understood.

Ms. CUNNINGHAM. I do recognize that this is an important area and an area that deserves attention and an area that the Supreme Court is considering taking up a cert petition on as well.

Senator COONS. Last question, if I could. A decade ago, we passed and the President signed into law the America Invents Act. One of its core goals was increased efficiency and the improvement of patent quality and the reduction duplicative litigation. A decade later, is it your impression that that goal has been achieved or not, and what, if anything, has surprised you about the implementation or interpretation or real world impacts of that legislation?

Ms. CUNNINGHAM. Thank you, Senator, for that question. In general, as you indicated, that legislation was passed in 2011, and it really has led to a number of—especially, I.P.R. petitions have really been a boon effort. I think that has led to more people really seeking, from the P.T.O., sort of the invalidity decisions that they may want to try to get in place or at least challenging the validity of a patent before the P.T.O. as opposed to strictly before the district courts.

I feel like it has led to some decrease in filings, at least in terms of dealing with some issues in terms of invalidity before the district courts. Again, I feel like, as a nominee, I can't speak to exactly where all these things would go because various issues, of course, come before the Federal Circuit. I do recognize that the A.I.A. has had a huge impact and was really the biggest change since the 1952 Patent Act.

Senator COONS. I appreciate—I'm glad that you have been nominated by our President, and I look forward to supporting you and appreciate your answers to my questions, constrained as they are by the context in which you appear, and look forward to your service on the Federal Circuit. Thank you, Ms. Cunningham.

Ms. CUNNINGHAM. Thank you.

Chair DURBIN. Thank you, Senator Coons. Senator Hirono was hoping to be here, but apparently, she hasn't made it yet, I'm sorry to say. I want to thank Ms. Cunningham for her testimony, and I also want to say, reminiscent of what has been said by Senator Booker, when you're in a category of a first, you have to be the best. I believe President Biden has found, in your nomination, that kind of quality. We thank you.

You may be receiving written questions following the hearing from Senators, which we hope you will diligently respond to as quickly as possible. Ms. Cunningham, thank you for your testimony today.

Ms. CUNNINGHAM. Thank you.

Chair DURBIN. With that, we move to our second panel. I ask for everyone's patience while we finalize the setup for five nominees. Take a minute or two to put the name tags and seats in position.

[Pause.]

Senator GRASSLEY. Hey, I was just thinking, when I asked you do we have to be socially distanced—

Chair DURBIN. I think we have the five witnesses, and we'll hear from them in their opening statements after they stand to be sworn, please.

[Witnesses are sworn in.]

Let the record again reflect that the panel has, in its entirety, answered in the affirmative. I think, Ms. Strickland, you are the first to proceed with an opening statement, please.

**STATEMENT OF MARGARET IRENE STRICKLAND,
NOMINEE TO BE UNITED STATES DISTRICT JUDGE
FOR THE DISTRICT OF NEW MEXICO**

Ms. STRICKLAND. Thank you. First, I want to say thank you, Senator Durbin and Ranking Member Grassley, for setting this hearing. I want to thank President Biden for the honor of this nomination. I want to thank my home State Senators, Senator Heinrich and Luján, for their support, their recommendation, and their kind opening statements on my behalf.

I would like to acknowledge my parents, who, I know, are watching this back home in New Mexico; my husband, who was able to come to this hearing today to support me; and parents, my in-laws, who are watching our son at home so that my husband could be here at the hearing today. I want to also thank my law partner for

all of her support during this process and all of the Committee Members for your time.

With that, I'm—I'll be glad to answer all of your questions.

[The prepared statement of Ms. Strickland appears as a submission for the record.]

Chair DURBIN. Thank you very much. I believe, Mr. Chipman, you are next and may proceed with your opening remarks.

**STATEMENT OF DAVID H. CHIPMAN, NOMINEE
TO BE DIRECTOR, BUREAU OF ALCOHOL,
TOBACCO, FIREARMS, AND EXPLOSIVES**

Mr. CHIPMAN. Good morning, Chairman Durbin, Ranking Member Grassley, Members of the Committee. Thank you, Senator Durbin, for your generous introduction earlier. I'm honored to be here today and grateful to President Biden for nominating me to the position of director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives. I thank my wife, Tara, who is here with me, and my family, including my children, Carson and Allison, for all their love and support.

ATF's mission is critical to our Nation's public safety. If confirmed, I will proudly lead the bureau and serve, once again, alongside its dedicated and talented agents, investigators, and professional staff as they work every day to keep our communities safe from criminal shootings and other violent crime, firearms trafficking, bombings, arson, and more. When I first joined ATF in 1988, at the age of 22, I swore an oath to defend my country, uphold our Constitution, and protect the American public. During 25 years of public service, until my retirement as a special agent in 2012, I honored that oath every day.

I know the danger that agents face in the field to ensure public safety and bring criminals to justice. As a young agent, I was a certified explosives specialist on the National response team and a tactical operator on the special response team, ATF's version of SWAT.

I understand the physical and emotional stress that agents are under, particularly when working on crimes involving mass casualties and destruction. I was an investigative first responder to the 1993 bombing of the World Trade Center in New York and the 1995 bombing of the Federal Building in Oklahoma City. I have felt the pride that ATF agents experience when they prevent gun violence or apprehend criminals who violate our Nation's gun laws. I disrupted firearms trafficking organizations that funneled hundreds of firearms along the Iron Pipeline from Tidewater, Virginia, to New York. I arrested a straw purchaser who bought a handgun that a child used to shoot a cop.

The leadership positions I held at ATF grounded me in what it will take to improve bureau operations and morale. I have supervised agents in the field multiple times. I used that experience to develop new approaches to combat homicides committed with firearms, impacting communities across the United States. While at ATF headquarters during the Bush administration, I was responsible for all ATF field policies and procedures. I later oversaw all firearms programs and foreign offices for the entire bureau. I

launched the Violent Crime Impact Team program, credited with preventing gun homicides in 15 targeted cities.

During my last several years at ATF, I had fiscal responsibilities. I oversaw large budgets, including the \$50 million field operational budget, ATF's \$80 million spectrum relocation program, and the \$60 million assets forfeiture program.

These experiences, hard won over the course of decades, will serve as my guide if I'm confirmed to lead the ATF. The bureau has excelled at investigating crime since the days of Eliot Ness. My leadership mission will be to sharpen ATF's focus while striving to prevent more violent crimes from occurring in the first place. I look forward to answering your questions today, and thank you.

[The prepared statement of Mr. Chipman appears as a submission for the record.]

Chair DURBIN. Thank you, Mr. Chipman. Ms. Jaddou, please proceed.

**STATEMENT OF UR MENDOZA JADDOU, NOMINEE
TO BE DIRECTOR, UNITED STATES
CITIZENSHIP AND IMMIGRATION SERVICES**

Ms. JADDOU. Thank you, Chairman Durbin. Thank you, Ranking Member Grassley. I greatly appreciate the honor to be considered by this Committee for Director of U.S. Citizenship and Immigration Services. I would especially like to thank Senator Padilla, my home State Senator from beautiful California, for your kind and gracious introduction. I'd also like to thank Senator Feinstein for opening the door to Federal service as a summer intern in your San Diego office 25 years ago.

I come before you today the product of a uniquely American experience. My late dad, a Chaldean Catholic from northern Iraq, came to America as a bright-eyed foreign student in the 1950s, with dreams of freedom, democracy, and opportunity. He also found love and marriage of almost 50 years to my late mom, an immigrant from Mexico, beautiful inside and out, who arrived with an equally ambitious American dream. My parents would go on to raise three daughters and strive for their American dream in a southern suburb of San Diego, less than ten miles from the U.S.-Mexico border.

My husband, Peter, my rock, who's right behind me, is here today, along with our two amazing daughters, Suli and Luna, my sun and moon. Peter's family shares a very similar story. His parents, Coptic Christians from Egypt, immigrated to America to serve in the medical field. His dad served as a doctor in the U.S. Navy as a lieutenant commander. His mom trained and became a radiation oncologist, helping thousands of cancer patients through very difficult times.

America has been strengthened by the big dreams, hard work, and contributions of millions of immigrants and refugees who have come to our shores to forge a better life for themselves and their children. At the heart of a functioning immigration system is an agency that effectively processes immigration and naturalization applications under the law, like those of my family and so many others. This means that USCIS must process applications fairly, efficiently, and in a humane manner; be accessible, transparent, and

accountable; and safeguard the integrity of the system and ensure the security of the Nation.

My most immediate responsibilities, if confirmed, will be to return the Agency to firm solvency, resolve dramatically increasing processing times and backlogs, and utilize 21st century tools. I'll work to ensure that USCIS retains the confidence of the American public as an agency able to fulfill its mission. In addition, I'll work to ensure that the hardworking and dedicated men and women, my former colleagues at USCIS, have the resources, support, and leadership they need to carry out their roles without undue difficulty.

I'd like to thank the President for nominating me, Secretary Mayorkas, and many others who have supported me through this process. Thank you very much for considering me for the honor of serving as USCIS Director.

[The prepared statement of Ms. Jaddou appears as a submission for the record.]

Chair DURBIN. Thank you, Ms. Jaddou. Ms. Milgram, you may now proceed.

**STATEMENT OF ANNE MILGRAM, NOMINEE
TO BE ADMINISTRATOR OF DRUG ENFORCEMENT**

Ms. MILGRAM. Thank you, Chairman Durbin, Ranking Member Grassley, and Members of the Judiciary Committee for the opportunity to appear before you today. I'm grateful to President Biden for nominating me to this important position, and I want to extend my deepest thanks to Senator Booker and Senator Menendez for their very kind introductions.

At the outset, I want to thank my family for their love and support. My husband and my nephew are here with me today. My parents, my sister, and her family and our son are watching on TV. As I sit here today, I cannot help but think about my grandfather and my great-grandfather, both police officers who rose to become the chief of police in South Amboy, New Jersey. I know that they would be incredibly proud to see their granddaughter nominated to lead the dedicated, passionate, and tenacious professionals at the Drug Enforcement Administration.

Today, the DEA is called upon to address some of the most significant challenges in our Nation. We are in the midst of an ongoing crisis of prescription opioid addiction. It is a homegrown problem, where most of those addicted to opioids begin by taking prescription drugs that they are prescribed or that they find in the medicine cabinets of their families and friends. The prescription opioid crisis has now transformed into a National epidemic that is driven by the distribution of illicit fentanyl, which is senselessly costing hundreds of thousands of American lives.

There are sophisticated international drug trafficking organizations that are brazenly distributing highly addictive drugs in our communities, accompanied by waves of senseless violence. Americans in the grips of addiction are far too often unable to get the necessary treatment and support that they need. We need to confront these challenges head-on, and I intend to do that.

I also recognize that Members of this Committee and across Congress have spent countless hours working on solutions, and if I am confirmed, I look forward to collaborating with you to ensure that

we make tangible, sustained, and measurable progress. My experience vigorously enforcing the law, both public safety and public health, will serve me well in this role.

I have been an Assistant District Attorney in the Manhattan DA's office, a Federal prosecutor, and the State Attorney General for New Jersey, where I led the 9,000-person Department of Law and Public Safety.

As attorney general, I also oversaw the police department in Camden, New Jersey, which was then one of the most dangerous cities in America. Today, it is not. We worked tirelessly in partnership with the DEA and with other law enforcement agencies to reduce violence in Camden and to improve community relationships. As a result, violence dropped by more than 40 percent in one year. Today, Camden is at historically low rates of crime and violence.

If I am confirmed, I will bring this results-oriented focus in leading the professionals at the DEA as they carry out their vital mission to make our communities safer and healthier. I'm grateful for the opportunity to answer your questions. Thank you.

[The prepared statement of Ms. Milgram appears as a submission for the record.]

Chair DURBIN. Thank you, Ms. Milgram. Mr. Polite.

**STATEMENT OF KENNETH ALLEN POLITE, JR.,
NOMINEE TO BE ASSISTANT ATTORNEY
GENERAL, CRIMINAL DIVISION**

Mr. POLITE. Chairman Durbin, Ranking Member Grassley, Members of the Committee, thank you for today's hearing. I offer particular thanks to Senator Cassidy for his kind introduction and to both Senators Cassidy and Kennedy for their courtesies throughout this nomination process. Thank you both for your service to our Nation and to the great State of Louisiana. I am grateful to President Biden for nominating me to serve in this important role at this important time.

My wife, partner, and advocate, Dr. Florencia Greer Polite, is here with me today, along with our wonderful daughters, Gabrielle and Lena. Watching from afar are my mother, Rosalind; my father, Kenneth Sr.; my supportive in-laws, Gloria and Theodore; my siblings, Damion, Tyrrel, and Catrina; and scores of other friends, colleagues, and family members.

Senators, I come from humble beginnings, the oldest child born to teenage parents in New Orleans, raised in some of the city's most poverty-stricken areas, including the Calliope Project in the Lower Ninth Ward. My life was nonetheless rich with my family's love and, most importantly, my mother's sacrifice, investment, and commitment to my education.

From Harvard University and Georgetown Law to a Third Circuit clerkship with my mentor, Judge Tom Ambro, to prestigious law firms and courtrooms and boardrooms to today's hearing and beyond, I am always representing and always reaching back to the community that helped shape me into a servant leader.

I hail from a family of public servants. My mother recently retired after 34 years of service in the U.S. Department of Housing and Urban Development. My father was a 37-year veteran of the New Orleans Police Department. My brother Damion is a Captain

in the Army Reserves and a detective with the Houston Police Department. Yet despite our connections to law enforcement, our family, like many Americans, has felt the pain of losing a loved one, my brother, to street violence. I carry his memory with me every day.

I bring a wide-ranging legal perspective to this role, having served as the United States Attorney in the Eastern District of Louisiana, as well as, as an assistant U.S. attorney in the Southern District of New York, as well as, as a defense attorney with law firms in New York, New Orleans, and in Philadelphia. I also bring the unique insight that comes with serving as a chief compliance officer for a Fortune 500 company.

If confirmed, I look forward to leading and working alongside the tremendous public servants in the Criminal Division. Its work, which includes combatting cyberthreats, COVID relief fraud, and exploitation of our Nation's most vulnerable populations, is more essential than ever. Moreover, it requires even greater collaboration with U.S. attorneys' offices and Federal, State, local, Tribal, territorial, and international law enforcement partners. I look forward to answering your questions. Thank you.

[The prepared statement of Mr. Polite appears as a submission for the record.]

Chair DURBIN. Thank you, Mr. Polite. What an amazing array, in this panel, of talent and experience, and we thank you, each and every one of you, for your willingness to engage in public service. We have questions to ask. With this panel, I wish I could ask each of you 5 minutes of questions, but I'll—you'll be spared from that ordeal, and we'll try to keep this as condensed as possible. I do want to start with Mr. Chipman.

Mr. Chipman, first, thank you for serving in law enforcement and risking your life for this Nation. We cannot ever thank you enough and your family for standing by you in this commitment.

Buckle your seatbelt. You want to be the head of the ATF, hang on tight. They're coming after you, buddy. They are creating some fictional stories about your life and your experience, and you're going to have to try to weather this storm. It's going to be rough from time to time. I want to give you an opening opportunity.

It seems that some on the political fringe are willing to say whatever it takes to try to sink your nomination. That includes peddling baseless claims about your work as an ATF special agent in Waco, Texas, and statements that you made regarding attacks on a helicopter supporting ATF operations at Waco. I also understand they've gone so far as to Photoshop your face on somebody else's body to try to establish that you were in Waco or some other place when you weren't.

Now is your chance to at least open up by telling us the facts. Would you comment on the role—your role at Waco, the purported photograph, and the statements you made regarding the helicopter attack?

Mr. CHIPMAN. Thank you, Chairman Durbin, for the opportunity to address these issues. First, I was directed to report to Waco in May 1993. That was in the month after the events at Waco had concluded. My role was to be assigned to a group of DOJ employees who were investigating the events there, and one of the reasons I

was selected is because I had no involvement in the actual case that was being examined.

With regards to a photo that I too have seen on the internet, this is not me. It is, in fact, a real photo that comes from the time of Waco. It has a stamp on it that showed that it was evidence. During the course of the investigation, I interviewed all of the ATF agents at Waco, and that is not an ATF agent.

Then finally, the question about what I believe you're responding to is I had the opportunity to do a event on Reddit. Reddit is one of those things where people fire questions at you, and you have to type very fast. I got a question about the lethality of the .50 caliber rifle and how often it was used in crime in the United States, and I was trying to be candid and say that the only case that I knew of that .50 calibers were used was at this incident at Waco that I was familiar with.

I was also familiar that Branch Davidians had, in fact, shot two of the planes—excuse me, helicopters. There were bullet holes and I saw the pictures of that. I could have done a better job by describing them as being forced down because of the gunfire as opposed to shot down, which might have left the impression that they were blown out of the sky, which they were not. I regret that confusion I added.

Chair DURBIN. Thank you very much, and I'm sure you'll have ample opportunity to answer that and similar questions as we proceed. Ms. Milgram, I think one of the really startling things that I learned in this Judiciary Committee many years ago, as we consider the role of the DEA, was the responsibility of the Drug Enforcement Administration of the United States Federal Government to determine each year how many opioid pills would be produced by pharmaceutical companies across our Nation.

Between 1993 and 2015, the Agency which you are hoping to lead allowed production of oxycodone to increase 39-fold, from three and a half tons to 151 tons, with DEA approval. Senator Kennedy and I authored legislation to require DEA in their quota setting to take into account the fact that that was way too many, and there were many people who were abusing it and too many overdose deaths. I'm encouraged that the quota has gone down from 14 billion opioids on the market in 2016 to 9.7 billion in 2019, but that is still too much. Those pills are enough—that quota is enough for every adult in America, every adult in America, to have a 2-week supply of opioids. Haven't we learned our lesson? Have you addressed this issue? Are you aware of it?

Ms. MILGRAM. Senator, thank you for that question, and thank you also for the leadership that both you and Senator Kennedy have shown in raising this issue and in passing the SUPPORT Act.

I agree with you that drug diversion remains of critical, critical and urgent importance for the DEA. We've seen, between 2019 and 2020, approximately 90,000 Americans have overdosed. Again, many of those individuals are starting on opioids through their medicine cabinets and through the medicine cabinets of their family and friends. I share your concern about this issue. You have my commitment that, if I am confirmed, I will—this will be a high priority issue to look at the quotas and to work with you, I hope, and other Members of this Committee on this important issue.

Chair DURBIN. I'll just say to my colleagues, it is hard to understand how the pharmaceutical industry can, year after year, ask for approval for the production of billions of these opioid pills when we're going through this scourge of overdose and all the heartbreak that it brings with it. I hope the DEA will finally stand up and say, "Enough." Thank you very much, Ms. Milgram. Senator Grassley.

Senator GRASSLEY. One question for Ms. Strickland. What, if any, is your relationship with the group Demand Justice or its leaders, like Brian Fallon and Chris Kang?

Ms. STRICKLAND. Thank you for the question, Senator. I have spoken with Mr. Kang.

Senator GRASSLEY. That's the answer to your question. You've had one conversation with him?

Ms. STRICKLAND. I believe I've spoken to him twice, maybe three times.

Senator GRASSLEY. Okay. For Ms. Jaddou, as you're aware, the Immigration and Nationalization Act grants Homeland Security the authority to temporarily parole an alien into the country on a case-by-case basis for specific reasons. Unlike with DACA, aliens who are paroled into the United States are eligible to adjust their status and obtain green cards.

The Vice President has said—and called for granting parole in place to countless young people who are living in the United States illegally. This would have the effect of bypassing Congress and giving millions of people living illegally in the United States a path to legal status or U.S. citizenship, unlike some of us who would like to do that if we could get it done reasonably on a bill passed in Congress.

Do you agree with the Vice President's proposal to grant parole in place to potential millions of so-called Dreamers?

Ms. JADDOU. Thank you, Senator, for the question. My job as USCIS director, if I'm confirmed, will be to work with the attorneys in the Agency to understand that provision and understand who it could apply to. I would have to study what the Vice President is recommending or suggesting, and I would have to work with the people who understand the provision of law and apply it to the facts of the individual on a case-by-case basis to determine that answer.

Senator GRASSLEY. Okay. Then let's go to the law. One more question for you. How is letting an entire class of people receive parole consistent with an immigration law's clear language that parole should only be on a case-by-case basis for specific reasons?

Ms. JADDOU. Thank you, Senator. One of the things that USCIS does as it adjudicates—it adjudicates on a case-by-case basis. Individuals must submit a form that is the general access that people have to any sort of request made before the Agency. They must provide quite a bit of information about themselves before they can even be considered. Many background checks are done on each individual case, and an adjudicator says yes, no, may request additional information. That's where—how adjudication is done.

Senator GRASSLEY. Mr. Chipman, on March 25th this year, Senator Johnson and I wrote to ATF asking for records relating to the October 2018 Hunter Biden firearm incident. In response to my letter, ATF has refused to provide any records, citing the Freedom of

Information Act, which is totally irrelevant to ATF's responsibility to comply with legitimate Congressional oversight requests. Congress isn't subject to FOIA restrictions, and ATF's use of the law as a shield is incompetent.

If confirmed, what steps will you take to produce records to this Committee relating to Hunter Biden's October 2018 firearm incident?

Mr. CHIPMAN. Senator Grassley, thank you for asking me this question. If I am confirmed as ATF director, I will abide by all ATF policies and DOJ policies to ensure that you receive the records that you require.

Senator GRASSLEY. This matter has been all over the news. What else do you need to learn before you can make a decision to do what I ask you to do?

Mr. CHIPMAN. Senator, I am familiar with what I've seen in the news. I think if I'm confirmed as ATF director, it'll be my responsibility to respond based on the facts, and I'm sure that there would be more facts available to me if I am confirmed.

Senator GRASSLEY. I will submit the rest of my questions for answer in writing.

Chair DURBIN. Thank you, Senator Grassley. Senator Leahy.

Senator LEAHY. Thank you, Mr. Chairman. Mr. Chipman, as you know, the ATF's National Tracing Center in West Virginia is our country's only crime gun tracing facility. When a gun is found at a crime scene, law enforcement authorities want to find the gun's last-known owner, they submit a trace request to the National Tracing Center. The National Tracing Center receives nearly 1,700 trace requests every day, every day. It's on a pace to receive 550,000 requests this year as all—a record high. Incredible number—amount of time-sensitive work for the NTC.

I know from my days in law enforcement how important it was to trace a gun found at a crime scene. It could be the key to solving the crime, preventing others. I think most Americans would be shocked if they knew this is the observed reality of crime gun tracing at the ATF's National Tracing Center. Laws have been passed that forced you into that situation. Congress, at the behest, I think, of some of the gun lobby, prohibited ATF from electronically searching gun sales records currently in its possession. You have tens of millions of these records being stored in metal shipping containers in the parking lot, some of them frayed, decayed, barely legible.

Again, a number of us on this Committee have served in law enforcement, and we know how important it is to be able to trace a gun. Anything else you want to trace, we'd do it electronically, scan it. Any agency in the 21st century would do that. You are forced by the laws that we passed, foolish laws, to have this labor-intensive process, which, of course, hinders law enforcement all over the country. I think, we have to act swiftly to bring the ATF into the 21st century. Just yesterday, I reintroduced the Crime Gun Tracing Modernization Act. It's supported by the Justice Department. It would allow ATF to electronically search crime gun records.

Mr. Chipman, my question is do you agree that further improving the efficiency of crime gun tracing is going to help law enforcement throughout the country?

Mr. CHIPMAN. Thank you, Senator, for this question, and thank you for being so passionate about something that's just so critical to not only the functions of State and local law enforcement, which ATF supports, but the mission of ATF to disrupt firearms trafficking.

As a young agent in Norfolk, Virginia, there was not a single trafficking case that I was able to make that didn't rely on the Tracing Center, and I can confirm those pictures are accurate, at least as of 10 years ago, when I oversaw the activities there, that we have dedicated Federal employees that are just meeting obstacles that are inhibiting the ATF from doing a good job. That is telling local cops where crime guns came from, which is just a very valuable lead.

Senator LEAHY. I'm told that electronic traces could potentially save hundreds of thousands of hours on traces overall. I think that's why so many law enforcement agencies support my legislation. In fact, Mr. Chipman, I'd like to enter letters of support from the Federal Law Enforcement Officers Association and the Major Cities Chiefs Association.

[The information appears as a submission for the record.]

Chair DURBIN. Without objection.

Senator LEAHY. Since 2013, Mr. Chipman, I've been working with ATF on bipartisan legislation to curb straw purchasing and firearms trafficking. I worked with Senator Collins and Chairman Durbin to reintroduce that legislation to help us stop these kind of straw purchases. Why is that important, that we be able to do that?

Mr. CHIPMAN. It's critical. One of the most significant cases I ever was able to make in my ATF career was actually in Waco. We had a officer shot by a juvenile, and I was able to trace the gun using the Tracing Center and was able to identify that an adult had straw purchased this gun for the child.

You know, this is what places everyone in danger, and it's something we've known has occurred for a long time, and I think that working collaboratively with the licensees to teach them how to observe this criminal behavior and stop it but also investigating these crimes is just absolutely essential.

Senator LEAHY. I now close with this. I'm a gun owner, but when I go to the gun store in Vermont to buy a gun, they say hi to me and, "I saw your cousin the other day. Every—how are you doing? Oh, by the way, we have to do a background check on you." I say, "Fine." I want it to be done for everybody. I don't want straw purchases. Most gun shop owners don't want some of these gun show things where they can have straw purchases. Thank you, Mr. Chairman.

Chair DURBIN. Thank you very much. Senator Cornyn.

Senator CORNYN. Mr. Chairman, before my 5 minutes starts, I'd like to just respectfully note my objection to five executive branch nominees here all for very significant Senate-confirmed positions, and the Chairman has given us these five nominees and 5 minutes to ask them questions. This is a—to me, it's a—trivializes our constitutional responsibility of advice and consent. I don't think we have much choice but to proceed to try to ask what questions we can, but this is really a joke. When it comes to our Constitutional

responsibilities, I understand the eagerness of the Chairman and the administration to move nominees as fast as they can. It's a frustration for every—every administration, every Senate majority. This is really beyond ridiculous, and I just would respectfully note my objection.

Chair DURBIN. Senator, if I could respond? We're doing our best to move these nominees in a timely fashion. But I——

Senator CORNYN. This is a drive-by hearing, is what this is.

Chair DURBIN. I would like to add for the record that many of the vacant—many of the positions they are seeking were either left vacant or filled by temporary appointment under the previous administration. This administration is bringing the nominees for Senate confirmation.

Senator CORNYN. Mr. Chairman, I support the nomination and will, in all likelihood, vote for the confirmation of some of these nominees, but there's some I have serious questions about that I'd like to have a chance to ask them. Having noted my objection, let me just proceed.

Ms. Jaddou, in 2015, the Permanent Subcommittee on Investigations here in the Senate did a extensive multiyear investigation into the placement of unaccompanied children with sponsors here in the United States. They documented that, in one case, the Office of Refugee Relocation placed eight children in a forced labor condition. Basically, what happened is human traffickers posed as sponsors, and then ORR placed these unaccompanied children with sponsors who then trafficked them and used them for forced labor. Do you believe the current procedures that are in place to vet sponsors for placement of unaccompanied children are acceptable?

Ms. JADDOU. Thank you, Senator, for that really important question. As a mother, the protection of children is—I can't even describe how important it is, not only to me personally but parents everywhere.

On this specific issue, as the director of USCIS, if I'm confirmed, this is not generally the area where I would have a specialty, and I don't necessarily have a specialty in the placement of children in specific homes. I am aware that USCIS currently is assisting in the mission of Homeland—that HHS, Health and Human Services, at the moment, and they have been trained under the current procedures. Unfortunately, I have not been brought up to speed on those issues, and I would certainly—that would be one of the first things I would want to do, to ensure that the officers of USCIS have the greatest amount of information and training available to them to place children in safe and loving homes.

Senator CORNYN. Are you aware that, as of May 24th, 2021, that the Biden administration has 18,187 children in custody?

Ms. JADDOU. I was not aware of that specific number, but I have heard it's a larger number.

Senator CORNYN. Are you aware that, since the Permanent Subcommittee on Investigations conducted this multiyear investigation into the placement of unaccompanied children with sponsors, there has been no change in the policy. In fact, there is no government agency that is responsible for following up on the placement of these children. Are you aware of that?

Ms. JADDOU. As I stated, sir, I was not aware. That's not a process that I'm a specialist in. I don't have much expertise in that area. Certainly, to the extent that USCIS officers, if I'm confirmed, are involved in that process, I would like to learn as much about it, and I thank you for bringing that to my attention. I would definitely like to take a look as soon as I'm confirmed.

Senator CORNYN. As a matter of fact, on March the 11th, 2021, the Biden administration entered into a new memorandum of understanding regarding unaccompanied children, terminating the cooperation between HHS, ORR, ICE, and CBP with regard to vetting the background of the sponsors with whom these unaccompanied children are placed. In other words, as bad as this Committee report is, and it dates back to 2015, there's been no change in the—in the follow-up of these children that are being placed with potential traffickers, people who would subject them to forced labor, assault them, abuse them, exploit them. The Biden administration has just made that harder to vet because they terminated the memorandum of April the 13th, 2018.

Mr. Chipman, I wanted to ask you, do you recognize the—an individual right to keep and bear arms?

Mr. CHIPMAN. Thank you for that question, Senator. The Supreme Court has recognized that right. I'm a gun owner myself. The answer is yes.

Senator CORNYN. Is a law-abiding gun owner a threat to public safety, in your view?

Mr. CHIPMAN. Thank you for that question, Senator. If the term law-abiding means someone has lawfully possessed a gun, there are often occasions that that person then goes on to commit a violent crime. If you're just saying characterize the majority of gun owners, the majority of gun owners are law abiding.

Senator CORNYN. What's the role of the ATF or the Federal Government in restricting the right of law-abiding gun owners to keep and bear arms? You said that some of them may go on to commit crimes, but so far, we're not living with, I guess, the movie *The Minority Report*, where we had the capacity or ability to investigate pre-crimes. What restrictions would you place on the right of a law-abiding citizen to keep and bear arms under the Second Amendment?

Mr. CHIPMAN. If I'm confirmed as ATF director, it's ATF's responsibility to primarily enforce the National Firearms Act, the Gun Control Act, and our priority will be, you know, focusing on people who break Federal laws and attempt to, you know, intervene before they kill someone. That is a balance that we need to strike, but again, the Constitution is the guardrails to that activity.

Senator CORNYN. I'll just say, in conclusion, if the Chairman will give me just a moment, that, I think, one of the areas that I do think that ATF needs to focus on is unlicensed firearms manufacturers that are not currently obligated, like Federal firearms licensees are, to conduct background checks. Indeed, this is a loophole through which some individuals—for example, the shooter in Odessa, Texas, a few years back, circumvented the background check system by buying a AR-15 lookalike from a unlicensed firearms manufacturer. I hope that's an area you will look at and work with us on.

Mr. CHIPMAN. Thank you, Senator, and if confirmed, I will strive to work with you on that, and I thank you for your dedication improving the NICS system.

Chair DURBIN. Thank you, Senator Cornyn. Senator Feinstein.

Senator FEINSTEIN. Thanks, Mr. Chairman. While we are sitting here, we have a gunman in San Francisco shooting down people. The press say at this time maybe six to seven people have been killed. Mr. Chipman, gun violence is so prevalent in this country. What are the first steps you will take to do something about it, if any?

Mr. CHIPMAN. Senator, well, I wanted to say thank you for that question, but first, I'm sorry to hear that news. I wasn't aware of that. If I'm confirmed as ATF director, one of our priorities at ATF will be focusing on gun trafficking and the unlawful transfer of legal guns to criminals, and perhaps, in this case, you know, a crime like this could be prevented. As ATF tries to solve crimes, we will have to strive just as hard to prevent them from ever happening in the first place.

Senator FEINSTEIN. I thank you. You know, and I guess I've been listening to these questions being asked and responded to for more than 20 years now, and nothing changes on the streets. I think we all need to think a little bit about that. You know, this is a gun-happy nation, and everybody can have their gun, but what is happening out there in the killing of innocents should be protected by our laws. Unfortunately, we're not making the laws that can protect people from this kind of gun crimes.

Last fiscal year, the number of inventory inspections conducted by ATF to ensure that weapons are not diverted to criminals fell to just over 5,800. My understanding, that's down from 13,000 in Fiscal Year 2019. The—your Department is sitting by, and all of this is happening. At the same time, gun sales were spiking around the Nation. Even before the pandemic, ATF inspected less than 15 percent of licensed dealers in a year. I'm not a great fan of those numbers. If confirmed, what will you do, specifically, to increase the number of ATF inspections?

Mr. CHIPMAN. Thank you for this question, Senator. It's a very important question. If confirmed, very early on in my tenure, I want to find out the reasons for that drop in statistics. One thing strikes me is I'm unsure how COVID impacted the ATF work force. Certainly, when just looking at the numbers, we have to ensure that ATF inspectors are targeting those firearms dealers most at risk.

I also see in those numbers that a large percentage of the inspections result in no findings, which suggests that, in those cases, they're—the dealer is compliant. I think a whole review of what's going on to make sure that the limited resources that ATF—is used efficiently to further this mission is absolutely critical, and thank you for bringing up this important point.

Senator FEINSTEIN. Thank you. I will do everything within my power to see that you have the staff to do this if you really show that you're going to do it because I am increasingly concerned, as the numbers of mass shootings go up, people dying, and that is happening on our streets right now. Gun sales are spiking across the Nation. ATF's record has decreased from—as I understand it,

down to 15 percent of licensed dealers being inspected in a year. Is that a correct figure? It was in The New York Times, May 2, 2021.

Mr. CHIPMAN. Senator, thank you for that question. It is my understanding that ATF has not yet been able to meet a self-imposed goal of inspecting dealers every 3 years. It's something that ATF is mandated to do with explosives dealers. I think it's a good goal. Again, if I'm confirmed, I will get to the bottom of this situation, and I thank you for your dedication in doing what you can to provide ATF the resources to get this important mission done.

Senator FEINSTEIN. I hope you do that. I'm going to hold you to it. If you don't, you're going to hear from me. Thank you very much.

Mr. CHIPMAN. Yes, Senator.

Senator FEINSTEIN. Thank you, Mr. Chairman.

Chair DURBIN. Thank you, Senator Feinstein. Senator Lee.

Senator LEE. Thank you, Mr. Chairman. Like Senator Cornyn, I'd like to make a brief statement not counting against my time at the outset. I just want to express agreement with what Senator Cornyn said, and while I'm certainly sympathetic to the need to get through nominees, it is different than establishing that we need to have all five of these nominees in a single panel in a single hearing. If we need to have more hearings, fine. If we need to have more panels of the same hearing, that's fine too. This is a difficult spot. To cover this many nominees of this much significant in one hearing can be tough. Thank you for letting me address that.

Mr. Chipman, I'd like to start with you. I believe Senator Cornyn referred briefly to a statement that I independently found concerning, a statement that you had posted on Reddit back in 2019, when you said, quote, "While at ATF, I conducted studies involving people who failed background checks to determine how many later committed crimes with a gun. Many did. This is a perfect opportunity to arrest people before committing crimes rather than responding after the fact," close quote.

I find this statement very troubling, especially troubling for someone who's been nominated to serve as the ATF director, because, even setting aside for a minute the Second Amendment, even before you get to the Second Amendment, this violates our most fundamental rules of due process, talking about a desire to arrest people before committing crimes rather than after the fact. It's not how our criminal justice system works. If that's how you view people, that is concerning to me.

This is compounded by other comments you've made that, to me, reflect a certain degree of disdain toward gun owners and, in particular, new gun owners.

On April 3rd of 2020, just over a year ago, you gave an interview with Cheddar News, and you were talking about increases in gun sales, especially first-time gun owners who had decided to purchase a gun for the first time during the pandemic. In the interview, you openly mocked first-time gun owners, saying that they were, quote, "more like Tiger King," and then advising them in quite a mockery to hide their gun, quote, "behind the cans of tuna and beef jerky they have stored in a cabinet and only bring that out if the zombies start to appear," close quote.

When I first saw this, I watched the clip and I read the clip several times, hoping that I was missing context, hoping that there was something else there that would make this less troubling. It concerns me that you, as the nominee to be the director of the ATF would have such a flippant and, if I may say so, utterly condescending attitude toward first-time gun owners in this country. I say this as a former Federal prosecutor, one who worked with ATF agents and agents from many other agencies. This is a troubling, flippant attitude for somebody who's going to head this Agency.

You may find it interesting to learn that a survey of Federal firearms licensees conducted by the National Shooting Sports Foundation shows that retailers supported the highest average percent increase in sales to Black Americans during the first half of 2020, with large increases also to women and to Hispanic Americans and Asian Americans as well. Why would you choose to insult so many of your fellow Americans with a statement like this based on the fact that they've purchased a gun?

Mr. CHIPMAN. Senator, thank you for allowing me the opportunity to address both of these comments that, I believe, were misunderstood and taken out of context. I'll start with the first.

When I was talking about the prosecution of people who had lied and tried to buy a gun, clearly those people who lie and try have committed a serious Federal felony. What I suggested is, if we did research, we could determine which of those people were most likely to later commit some violent crime. I do believe it would be ATF's mission, that of prosecutors, to prosecute those people who committed a serious Federal felony before, you know, striking again and killing someone. With respect to the other quote, I'll just say briefly—

Senator LEE. Are you saying that what you, in fact, meant was before committing other crimes and after committing a predicate crime? Is that what you're telling me that you meant when you said, "This is a perfect opportunity to arrest people before committing crimes rather than responding after the fact?" Is that what you meant?

Mr. CHIPMAN. Senator, thank you for the question, and thank you for the opportunity to clarify. What I said was that I think that, in certain circumstances, it is absolutely the mission of ATF to arrest people for lying on a Federal firearms form, a 5-year felony—

Senator LEE. Right, because that's a crime. That is a crime.

Mr. CHIPMAN. It's the one I was speaking about in the quote that you were saying, sir.

Senator LEE. Okay. You said before committing crimes.

Mr. CHIPMAN. Before committing an additional violent crime, which is something I was seeing at ATF, that people would lie and try and then go through other means, acquire a gun, and hurt someone.

Senator LEE. Okay. That statement was sort of in invisible brackets? Is that what you mean? Or is that just what you're saying that you meant?

Mr. CHIPMAN. At the time, I did my best to communicate and clearly, as exemplified here, I fell short. I will try to do better.

Senator LEE. Okay. How about the other statement?

Mr. CHIPMAN. With regards to the comments that I made on Cheddar, that was a lengthy interview. What I was trying to use is self-deprecating humor. The person who had a gun stored behind tuna and beef jerky was me. I was saying that all of us were acting in new ways as a response to COVID, and I thought that people should be very clear that when they bring a gun in their home, they need to be properly trained.

Again, we have oftentimes the ability to talk to the media. Sometimes that's taken out of context, and I'm sorry for any confusion I made when I was trying to point out the fact that sometimes bringing a gun into your home, if you're untrained, is a particularly dangerous thing to do.

Senator LEE. Yes, it does concern me that these—these statements that you say are taken out of context or misunderstood are not themselves out of context. When you view them in context against other statements you've made, statements—including statements that you made while you were representing, as a lobbyist, Americans for a Responsible Solution.

You were talking about silencers, about sound suppressors used on firearms. You said, "You know what protects your hearing better than a silencer? Earplugs." You went on to say that making it easier for people to purchase silencers would make it easier for active shooters to inflict serious harm on our communities without being protected by trained law enforcement professionals. Now, The Washington Post, hardly a bastion of conservative, right-wing-nutcase journalism, gave that three Pinocchios.

You were even more acerbic. You were even more aggressive and, I believe, even more reckless, when you gave a similar comment to The Salt Lake Tribune, my hometown paper, in response to legislation I had filed dealing with sound suppressors for firearms, recognizing that there are legitimate medical reasons why someone might want to protect their hearing using a combination of earplugs and sound suppressors.

You said, quote, "The only people that benefit from this bill are gun lobbyists and criminals who want easier access to deadly weapons. That's why this irresponsible legislation couldn't get passed when Republicans had complete control of the Congress. Instead of making it easier for firearms that could be used in ambushes and other attacks to enter our streets, Congress should focus on making the job of police officers who are trained to serve and protect the communities and their families safer."

You're saying that the only people who could benefit from them are gun lobbyists and criminals who want to kill people. Is that statement also taken out of context? If so, what was the additional context? How does this reflect the careful, measured judgment of one who would be in charge of enforcing our Nation's gun laws?

Mr. CHIPMAN. Senator, thank you for the question about silencers, which have been regulated under the National Firearms Act since the 1930s. The effort to take the silencer out of that regulatory regime that has prevented silencers by more frequently being used in criminals, as an advocate, I thought that that was the wrong approach.

Senator LEE. Yes, you made that quite clear. That's not what I'm complaining about. What I'm complaining about is that you said

the only people who could support this are gun lobbyists and people who want to engage in illegal shootings, people who want to engage in mass shootings, or something like that. Do you stand by that statement?

Mr. CHIPMAN. Senator, I was trying to contrast the fact that silencers are legal. You purchase them——

Senator LEE. No. No.

Mr. CHIPMAN [continuing]. Through the National Firearms Act. The people who want them unregulated are those that want to have easier access.

Senator LEE. Look, you're not going to spit downwind and then tell us it's just raining. I mean, I'm sorry. There is no reasonable reading of this statement that could be interpreted this way. "The only people that benefit from this bill are gun lobbyists and criminals who want easier access to deadly weapons." Is it not also true that some people might want to protect their hearing while shooting?

Mr. CHIPMAN. Senator, as I said before, it's my belief that those who want to buy silencers to protect their hearing, there's a method to do that. There are many companies that sell National Firearms Act weapons, and there's a process to do that. I was addressing was making it easier for criminals to use silencers, a threat that our Nation has really avoided because of a strong law passed in 1930.

Senator LEE. Yes. All right. Look, I get it. My time has expired. That's not what you said. That's not what you said at all, nor is that the impact that this bill would have. The fact is that most people don't get sound suppressors because of the regulatorily and expensive, time-consuming, burdensome process that is imposed by this law. I think this is very concerning for someone who's had a series of inflammatory statements, very concerning that we're considering confirming you to be our lead law enforcement officer for our gun laws. Thank you, Mr. Chairman.

Chair DURBIN. Senator Whitehouse.

Senator WHITEHOUSE. Thank you, Chairman. Mr. Polite, I assume you'll agree that it's wrong to pursue a criminal case for political purposes.

Mr. POLITE. Certainly, Senator. That is correct.

Senator WHITEHOUSE. Is it also wrong to duck a case for political purposes?

Mr. POLITE. Senator, considerations related to politics should play no role in enforcement or prosecutorial decision-making.

Senator WHITEHOUSE. There's room for misuse on both sides. It would be wrong to pursue a case for political reasons, and it would be wrong to duck a proper case for political reasons also, correct?

Mr. POLITE. That's correct, Senator.

Senator WHITEHOUSE. Did you read Judge Gleeson's brief in the *Flynn* case?

Mr. POLITE. I am familiar with the brief, Senator.

Senator WHITEHOUSE. Would you read it before I vote for you?

Mr. POLITE. Certainly, Senator.

Senator WHITEHOUSE. Great. Thank you. Ms. Milgram, in Rhode Island, we have integrated peer recovery specialists into law enforcement. Sometimes they ride along. Sometimes they follow-up. It

has been an enormously successful program that many of our police departments have not only come to participate in but come to love.

Whoever is handling the mic, could they please deal with that? Like, turn down my volume. May I hold the time while we fix this? How are we feeling? It's just—let me try again. Can you hear me? I think my mic is off now. All right. Hello? Off. You get a pause while we sort out the microphones. Okay. Am I back yet? No.

[Voice heard off microphone.] Can you all hear that?

Chair DURBIN. This microphone is not working.

Senator WHITEHOUSE. Are we back?

Chair DURBIN. No.

Senator WHITEHOUSE. Are we back? All right. What I'm told is that we are audible online but maybe not through the speakers in the room. I will just try to speak loudly enough that we can hear each other across the gap.

I mentioned this integration of peer recovery specialists into law enforcement. As DEA administrator, how would you respond to that kind of initiative?

Ms. MILGRAM. Senator, I really appreciate the question and the work that you're doing in your State. When I did work around reducing violence in the City of Camden, many years later, we went back to look at the overlap of health and crime in the city. We did a study, and we found that 67 percent of the individuals who were frequent users of the healthcare system were also frequent users of the criminal justice system. Underlying that is substance abuse, mental health, and homelessness.

I very much agree with you that we have separated, in many ways, law enforcement from public health, but that, if we want to have the safest communities we can, we need to be thoughtful about addressing many of these things that can be—

Senator WHITEHOUSE. While DEA is an enforcement Agency, you would support the integration of peer recovery and addiction workers into law enforcement's work?

Ms. MILGRAM. Senator, I've spent the better part of the past 3 years at NYU working with law enforcement, with the Indianapolis Police Department, and with McLean County, Illinois, to build a screening tool for law enforcement to be able to identify individuals suffering from substance abuse and mental health. If I'm confirmed, I would very much look forward to working with you and others to address the overlap of health and crime, and I would look forward to that opportunity.

Senator WHITEHOUSE. Yes. Senator Cornyn and I are working on legislation to expand what's happening with respect to peer recovery, recovery integration, into a larger behavioral health and crisis intervention integration with law enforcement. Would you support those initiatives as well?

Ms. MILGRAM. Senator, I would very much look forward to working with you and Senator Cornyn on these. The question in my mind, just to put it very basically, is how do we make our communities safer and healthier. To me, anything that can get us there are things that—sorry—are things that we should be pursuing. I didn't mean to scream. I apologize.

Senator WHITEHOUSE. No, I think they just turned the speakers back on. That's why that happened. Would you also comment on

how important it is for DEA to look at the money side of the international narcotics trafficking industry as opposed to just the drug supply side?

Ms. MILGRAM. Yes, Senator. There is no question that one of the core missions of DEA is to dismantle the most significant individuals and organizations that are engaged in narcotics trafficking, and a significant aspect of that is following the money, looking at whether it's money laundering or other financial transactions that are happening, not just in the United States but also around the world. I'm grateful for the leadership you've had on this issue, and I would also look forward to working on that with you and other Members of the Committee.

Senator WHITEHOUSE. Good. Thank you. As the Chair of the International Narcotics Trafficking Caucus, I want to focus in this area, and we look forward to working with you.

Finally, Mr. Chipman, can you think of any position that you have taken regarding firearms that you would pursue at ATF that is out of step with majority views of the American public?

Mr. CHIPMAN. Senator, thank you for that question, and the answer is no.

Senator WHITEHOUSE. Let me just take a second if I close out. I think I actually got a little extra time as we switched the clock because of the microphone, so I'll end. I do want to express my appreciation to Chairman Leahy for his work on gun tracing. As a U.S. attorney and as my State's attorney general, we really tried to focus on getting information to investigators as quickly as possible from crime scenes and to be able to trace back where guns and ballistics, shells, for instance, came from so that you could, in real time, be working on preventing further crimes.

We are long overdue getting that problem fixed. I just wanted to express my appreciation to Senator Leahy for his work on this, and he is well supported in the caucus trying to make sure that we get this done. Thank you. Look forward to working with you on this ballistics and gun tracing side.

Mr. CHIPMAN. Thank you, Senator.

Chair DURBIN. Thank you, Senator Whitehouse. Senator Cruz.

Senator CRUZ. Thank you, Mr. Chairman. Mr. Chipman, a minute ago, Senator Whitehouse asked you if any of your views on guns are out of step with the majority of the American people. The AR-15 is one of, if not the most popular rifle in America. It's not a machine gun. It's a rifle. Your public position is that you want to ban AR-15s. Is that correct?

Mr. CHIPMAN. Senator, thank you for the question, and thank you for our visit yesterday and offering me a Dr. Pepper. It made me reminisce about my time in central Texas. Now, to your question, with respect to the AR-15, I support a ban, as has been presented in a Senate bill and supported by the President. The AR-15 is a gun I was issued on ATF's SWAT team, and it's a particularly lethal weapon, and regulating it as other particularly lethal weapons I have advocated for. As ATF director, if I'm confirmed, I would simply enforce the laws on the books, and right now, there is no such ban on those guns.

Senator CRUZ. You want to ban the most popular rifle in America. A minute ago—and you noted there is a Senate bill. Senator

Feinstein had a bill to ban some 2,000 specified rifles and other firearms in her bill. In 2013, the Democrats had a majority in the Senate. It was the Harry Reid Senate. We voted on the Senate floor on Senator Feinstein's so-called assault weapon ban. Do you know how many Senators voted for it?

Mr. CHIPMAN. No, I do not.

Senator CRUZ. Forty. Sixty voted against it. In a Democratic Senate, a supermajority voted against a ban. Part of the reason they voted against the ban, as you're aware, is during the Clinton administration there was a ban in effect. The Department of Justice studied the effect of that law and discovered that it had no measurable impact on violent crime. Is that right?

Mr. CHIPMAN. Senator, I did enforce this law for 10 years as an ATF agent. I'm unfamiliar with the study that you are pointing out, and I apologize for that.

Senator CRUZ. When you and I met in my office last night and discussed it, I asked if there were any data to suggest that the ban was effective, and what you said in the office is you were not aware of any data, that the data was—I think, mixed is the term you used.

Mr. CHIPMAN. Yes, Senator. What I said to you yesterday, you've accurately stated it. I think it was mixed, which, you know—I stand by that remark. I think my recollection is that evidence was shown that the limitation on magazine size had an impact. I also believe that later studies showed that the use of assault weapons in mass shootings had declined during that period, but, you know, that's how I would like to characterize my views on that.

Senator CRUZ. You also said, when you and I talked yesterday in the office, that Senator Feinstein's bill, which a supermajority of Senators voted against in a Democratic Senate, you said that bill didn't go far enough, and you wanted an even broader ban to ban—you said it didn't go far enough. Is that right?

Mr. CHIPMAN. Senator, thanks for that question and the ability to clarify. What I did say is that Senator Feinstein's bill did not address those firearms that are currently in the possession of Americans, and then I did share with you my view as an advocate, which would be quite different than someone actually enforcing the law on the books, that those firearms could be treated under the NFA and regulated that way, which would deal with those currently in the possession of Americans.

Senator CRUZ. When you say it didn't go far enough, you mean that you don't just want to ban the manufacture of those rifles, you don't just want to make it illegal to sell those rifles, but you want to actively have government go after the people who currently possess firearms, and if they don't register and submit to all of the onerous restrictions of the National Firearms Act, presumably confiscate their weapons?

Mr. CHIPMAN. Senator, what I've said publicly is that, as an advocate, I prefer a system where the AR-15 and other assault weapons are regulated under the National Firearms Act.

Senator CRUZ. Let me shift to Ms. Jaddou. You and I also had a conversation this week. Do you consider so-called birth tourism to be a problem?

Ms. JADDOU. Thank you, Senator. Thank you, and thank you for taking the time to meet with me yesterday. I really appreciated that. Yes, we did have a quite fruitful discussion on that issue. I believe we ended with the thought that we need to collect some information and the data is not there. I also noted that, as a mother and as someone who's been through quite a difficult delivery, the incredible interest in protecting the health of a mother, the health of a new baby, and ensuring that we can do the best we can so that women and their babies are protected.

Senator CRUZ. Ms. Jaddou, with all respect, I don't find that answer remotely credible. You said in my office you didn't consider birth tourism, an 8-month-pregnant or 9-month-pregnant woman getting a tourist visa to come to America to have a child on American soil so that child is an American citizen, that you didn't consider it an abuse of our laws. It's an obvious and transparent abuse of the laws.

I will point out last December Federal prosecutors indicted six people running a birth tourism operation in Long Island where Turkish women would pay between \$7,500 and \$10,000 dollars to travel to New York on tourist visas to give birth and return to Turkey with American-citizen babies. In 2019, The New York Times referred to the birth tourism industry as, quote, "thriving." Is it your position that this doesn't occur, that The New York Times was wrong, that there's not a blatant abuse of our immigration system?

Ms. JADDOU. To the extent that anybody is committing fraud or assisting in anybody committing fraud or misrepresentation, that has—not only makes someone inadmissible to the United States, but also there are criminal penalties. I understand—I'm not familiar with the case you just mentioned, but I'm familiar with other ones that a sister Agency inside the Department of Homeland Security in the past, Immigration and Customs Enforcement, has addressed.

Senator CRUZ. Thank you.

Chair DURBIN. Senator Klobuchar.

Senator KLOBUCHAR. Thank you very much, Mr. Chairman. Congratulations to all the nominees. I think I'll start with you, Mr. Polite, down there. You were appointed by a Republican Louisiana Governor to serve on the Louisiana Civil Service Commission and currently have the support of Louisiana's Republican Attorney General, who praised you for being not only an effective crime fighter but also an invaluable member of the community.

In your view, have you earned that support? How do you work together? I always think of prosecutors, when I had my old job, as ministers of justice, that you have to, of course, focus on community safety and convicting the guilty but also protecting the innocent, which, to me, also involves things like conviction integrity units, drug courts, and the like. If you want to briefly respond.

Mr. POLITE. Senator, thank you so much for that question, and my view is very similar to what you articulated, Senator, that my role as a U.S. attorney, while certainly focused on issues of enforcement, was much broader than that. It was to be a community problem solver, and so to utilize all of the tools at our disposal, not just enforcement but tools such as prevention and intervention and even reentry, particularly in a State like Louisiana, where incarcer-

ation rates were so high. All of those tools were critical to our work, and it required outreach to many different components within our communities, across State, local, and Federal law enforcement, but also outside of government to actually achieve those goals.

Senator KLOBUCHAR. Very good. Thank you. Mr. Chipman, it's not lost on me that, as we're having this discussion with you, or several Members are, about guns, that there is another mass shooting with fatalities near San Jose.

We have worked hard. There are Republicans, like Senator Toomey, that have worked on the background check issue and tried to get that done. We know the vast majority of Americans support rational gun violence legislation, and a piece of this is for many years, I've led the legislation to close a dangerous loophole in the law that allows domestic abusers to buy a gun simply because they're not married to their victims. This bill actually was included in the Violence Against Women Act over in the House and got a number of Republicans voting for it, and it's something that I think we can advance.

Could you comment about that? Do you agree that we should keep guns out of the hands of all convicted domestic abusers?

Mr. CHIPMAN. Thank you, Senator, for this question, and thank you for your dedication to domestic violence, which remains the most dangerous call police will ever respond to. As an ATF agent in central Texas, one of the most significant cases I worked was a pipe bomb sent by an estranged boyfriend to a woman who worked at a probation and parole office. Domestic violence is something that ATF agents regularly deal with on the job, and there's no greater threat than those offenders who have access to a gun. It would be one of the top priorities I had if I am confirmed as ATF director.

Senator KLOBUCHAR. Very good. Thank you very much. Ms. Milgram, I enjoyed our discussion, and we talked about opioids, something that I've been working on for quite a while with a number of Republicans on this Committee as well as Democrats. What do you see DEA's role—we talked about the documents from a recent trial showing drug manufacturers mocking what they called "hillbillies" in West Virginia. I do suggest—I know there's shared belief on this issue, but this mocking of the Beverly Hillbillies song, where drug executives were—actually put in words mocking the people they got hooked on the drugs, was an outrageous thing I'd never seen until last week, and it just shows how heartless this addiction was where people were profiting off of people's own addictions, many times resulting in death.

Could you quickly address what the DEA—you see as the priorities?

Ms. MILGRAM. Senator, I share your concern on this issue. America is in the midst of an opioid crisis, and fentanyl, which has now come to our cities and streets, is really fueling this addiction opioid crisis today. I share your concern that there are two pieces of this.

First, it's the pharmaceutical companies and the manufacturers and others that have essentially put us in a situation today where we must regulate opioids and the prescription drugs that people

are being given. There's a huge function in the DEA's diversion work that is a part of that, and it will be a priority for me.

The other piece is really stopping the illicit fentanyl from coming into our country, where individuals who—most of whom first become hooked through prescription drugs, are then turning to heroin, to illicit fentanyl, and to other substances. We're seeing just way too many overdose deaths in our country.

Senator KLOBUCHAR. Okay. Thank you. Last, Ms. Jaddou, I really enjoyed our conversation as well. It—we talked about the fact that, for so many of us in our States where we have needs for immigrant workers, permanent workers, temporary workers, and the like, this is becoming a near crisis, especially in northern Minnesota in our tourism industry, in some of our farmlands, and others. We also rely on all levels of education from immigrants that are part of our economy.

One of those is in medical. Yesterday, Senator Collins, Rosen, Ernst, and I led—introduced a bipartisan bill that I've long been leading. I took it over from Senator Conrad when he left. The Conrad State 30 and Physician Access Act, which increases the number of international doctors trained in the U.S. to remain in the country if they practice in rural or underserved areas. I remind people that more than 25 percent of our U.S. Nobel Laureates were born abroad, and 70 of America's Fortune 500 companies were started by people born in other countries.

How can USCIS help to ensure we are attracting talent to come to our country at all levels and work with us on this really crisis of not having enough doctors in underserved areas, one of the reasons you see Senator Collins and Senator Ernst join me on this bill?

Ms. JADDOU. Thank you, Senator. I really appreciated the time talking with you yesterday, and when we talked about this issue, as you know, I worked on it when I was a Hill staffer back in the day on the House side, and I completely appreciate and understand this issue. A family member, my father-in-law, came through a program, a little different but somewhat similar to ASSIST, in the U.S. Navy. I can personally appreciate the program.

Professionally, from USCIS, what we can do is to ensure that the processing of the applications surrounding that is not something that is slowing down the process, that we are doing it efficiently and in an accessible manner, and of course, to ensure the integrity and security of the system.

Senator KLOBUCHAR. Excellent. Thank you all for—

Ms. JADDOU. Thank you.

Senator KLOBUCHAR [continuing]. Your pointed and brief answers so I could get all my questions in. I appreciate it.

Chair DURBIN. The patience of your Chairman.

Senator KLOBUCHAR. The patience of our Chairman, yes.

Chair DURBIN. Senator Hawley.

Senator HAWLEY. Thank you, Mr. Chairman, and thanks to all of the witnesses for being here.

Mr. Chipman, if I could just start with you. Since leaving the ATF, you've served as a policy advisor or provided support for, I think, just about every national gun control group in the country, or close to it: the Brady Campaign to Prevent Gun Violence, the

Coalition to Stop Gun Violence, Mayors Against Illegal Guns, and most recently the Giffords group.

My question is, given your policy bias—I mean, you clearly have a very distinct policy point of view. You alluded to this with Senator Cruz a moment ago. How can America's hundreds of millions of law-abiding gun owners have confidence that you won't try to restrict their Second Amendment rights if you're confirmed as ATF director? I mean, what assurances can you give them that you will limit your efforts to criminals who misuse weapons and leave law-abiding firearms owners to themselves?

Mr. CHIPMAN. Senator, thank you for this question because it's really important. As I've said, for 25 years, I enforced the law on the books. Every day, me and other Federal agents tried to catch the bad guys. I mean, that's what the mission was. It was trying to keep the public safe.

During those 25 years, I saw gaps in the law that really prevented us from doing the job I knew the American public wanted us to do. Look at that 25 years. I was not going wayward with law-abiding gun owners. I never received complaint of that sort. I'm prepared to return to that job. My passion after leaving ATF was to make ATF and our enforcement of gun laws more effective to keep us all safe. I understand, if I'm confirmed, I will have to earn the confidence and your respect and trust to keep doing that.

Senator HAWLEY. Let me ask you about some of your work for the Giffords group. In the landmark U.S. Supreme Court case *District of Columbia v. Heller*, which happened—was handed down when I was actually working at the U.S. Supreme Court, the Giffords Law Center that year, if memory serves, authored an amicus brief arguing that there is no individual right to own a firearm under the Second Amendment. The Supreme Court, famously, found otherwise.

Do you share your employers belief that the Second Amendment does not protect an individual right to keep and bear firearms?

Mr. CHIPMAN. Thank you for your question, Senator. I do not. I'm a gun owner. I respect that the Supreme Court has recognized this right, and if ATF director, I will ensure to uphold that right.

Senator HAWLEY. Very good. You think *Heller* was rightly decided, just to be clear about this?

Mr. CHIPMAN. Senator, I'm a cop, not a lawyer. What I know is the law is the law, and the Supreme Court plays a role in recognizing what those rights are. You know, as an agent, I felt like we were going down a highway. Our mission was to prevent crime, and the Constitution were those guardrails to keep us in line. At times, when the road was uncertain, we had signposts, and those were attorneys who we asked advice and counsel.

If confirmed as ATF director, that's the balance that I would strike. The bottom line is our job is to prevent crimes from—apparently, that is ongoing right now, that other Members have suggested, and that would be my sole duty.

Senator HAWLEY. I just want to be clear on this because you said that you do think that the Constitution supports—protects the individual right to keep and bear arms. That was the holding of *Heller*. You've been a policy advocate now for quite a number of years, and I think that your views, and you've discussed some of them today,

are fair game. I just want to be clear on this. You think *Heller* was rightly decided, is that correct?

Mr. CHIPMAN. Yes, sir.

Senator HAWLEY. Okay, great. Thank you. That's helpful. Let me ask you about something you said in 2012. In an interview—I think it was on MSNBC—you said that the Secret Service should not carry guns. You said their whole role is to cover and evacuate, and you went on to say possibly we need to think of strategies like that in schools. Is that still your view?

Mr. CHIPMAN. Senator, I trust that you have—and your staff have actually picked something I've said. I do not believe I ever said that. I might have said this, which is I was trained to work with the Secret Service. I have observed that part of that training is that you have to get your body in between you and the person you're protecting, and you often don't have the opportunity to even draw your gun. That is something that I would say. I have never advocated that the Secret Service should not carry guns, ever.

Senator HAWLEY. Did you mean to suggest then that schools should have unarmed guards, that they shouldn't be able to protect students with firearms? I mean, I'm trying to understand the import of your comments.

Mr. CHIPMAN. Senator, thank for the question about schools. I mean, this is something that we've all debated and tried to figure out a solution to the mass violence we've seen in schools. We know how to keep buildings safe. I came in one today. I do not believe that the best approach is to arm people to win gunfights in schools.

Senator HAWLEY. You're opposed, then, to having armed guards in schools? You think that they shouldn't be armed?

Mr. CHIPMAN. As an advocate and as a firearms expert, I've rendered my opinion that I believe that there are better ways to secure schools. If I'm confirmed as ATF director, largely, this is not going to be the focus of ATF. Our focus would be to prevent people who would do harm at schools from ever getting guns in the first place. Hopefully that addresses the question as you've asked.

Senator HAWLEY. Wouldn't that just leave the guards who are there, the law enforcement who are there, to act as human shields? I mean, is that essentially your view?

Mr. CHIPMAN. Senator, no, it's not. I'm sorry if I'm not explaining this correctly. We came into a building today secured so that guns would not be brought in. I'm more a believer of hardening targets so that guns could never enter a school, so that armed people inside would not be faced with other armed people. You know, metal detectors is something used in some schools, and I've suggested that that's a possible, you know, view that States and localities will have to make for themselves.

Senator HAWLEY. I do have some additional questions for you which I'm happy to give to you for the record, as well as we'll give to you for the record your comments on that 2012 interview that I referred to and give you a chance to follow-up more fully on that. Thank you, Mr. Chairman.

Chair DURBIN. Thank you, Senator Hawley. Senator Cotton. I'm sorry. Senator Blumenthal, then Senator Cotton.

Senator BLUMENTHAL. Thanks, Mr. Chairman. I want to pursue the line of questioning, Mr. Chipman, that you just finished with

my colleague Senator Hawley because, I think, you said something very telling, and it ought to be compelling to this Committee and to the United States Senate. You said, "I'm a cop, not a lawyer." As the head of ATF, you'd be the top cop in that Agency, which has agents who enforce the law just like cops do. You wouldn't be making law, would you? You'd be enforcing it.

Mr. CHIPMAN. No, I'd be enforcing it, and I'd be relying on attorneys, as I did through my entire career, if that road became uncertain. That's just standard practice.

Senator BLUMENTHAL. In 25 years as an agent at the ATF, you liked some of your targets, maybe personally, and you didn't like others. You thought some laws were really good and maybe didn't like others, but you enforced them against people without fear or favor, correct?

Mr. CHIPMAN. In some ways, it's easy. You enforce the law on the books. There's not—and you want to do it safely, and you want to keep yourself safe.

Senator BLUMENTHAL. The President of the United States has issued a proposed regulation dealing with ghost guns, that, in effect, would require that all firearms have serial numbers. I strongly support it. I've introduced legislation that would ban ghost guns, as they're called, that lack serial numbers. In a hearing that I recently held in my Subcommittee on The Constitution—not mine; I Chair it—the following fact was disclosed.

In—between January 1, 2016, and March 4, 2021, ATF attempted to trace almost 23,946 ghost guns, but only 151 traces could be completed. That's less than 1 percent. What happens in investigations when guns can't be traced?

Mr. CHIPMAN. Thank you for this question, Senator. What happens is, it makes the case very difficult to solve. We can rely on other technologies to help, but certainly, tracing the serial number of a product is critical. It's how we solved the World Trade Center bombing and the Oklahoma City bombing. It's absolutely essential to law enforcement to be able to trace a gun.

Senator BLUMENTHAL. There's nothing ghostlike about ghost guns. They look like guns. They shoot like guns. They kill like guns. They are guns. In my home State of Connecticut, we've banned ghost guns. The law of one State really can't protect the citizens of that State because guns can be brought from other States. Now, people can actually assemble these guns in their homes, make them out of plastic on machines.

In your experience, is the serialization of firearms the same as a gun registry? Because I know some of my colleagues and some people are very fearful that the serialization of guns, which is now a requirement on all guns sold by licensed manufacturers, will be turned into some kind of national registry. That isn't true, is it?

Mr. CHIPMAN. No, Senator. It was clear as an ATF agent that such a registry is prohibited by law. The only registry that exists is in the National Firearms Act. The bottom line is that serial number, even before ghost guns, was something that criminals would try to remove, especially firearms traffickers, and so this is a real threat to firearms trafficking.

Senator BLUMENTHAL. Thank you. Ms. Jaddou, you and I had a wonderful conversation, and I want to just commend to my col-

leagues your personal story. Your mom and dad, your entire family is really a model of what citizenship should mean in this country, the way you've contributed and your entire family.

I want to focus on the use of parole powers, which you and I discussed briefly. There are about 3.5 million people in the family based visa backlog and hundreds of thousands more in the employment-based visa backlog. This problem is now completely out of hand. It's a disgrace to this country. I know this administration didn't create it, but I'm hoping that you will address it. I've spoken to you previously about recapturing unused visas, which I hope you will explore.

To circumvent the visa backlog problems, Congress specifically granted DHS the authority to grant parole on the basis of urgent humanitarian need or significant public benefit, as you know. It seems reasonable that the reunion of families who have an approved immigrant visa petition but who are stuck, literally just stuck, waiting for a visa to become available is an urgent humanitarian need.

I'm—would like to ask you, would you consider creating a parole program for children and spouses of those with approved visa petitions? Such a step would have enormously beneficial consequences to thousands of people.

Ms. JADDOU. Thank you, Senator, and I especially appreciated the time talking with you. It was extremely enjoyable getting to know you.

With regard to your question, that is certainly something I would like to take a look at if I'm confirmed. I—of course, it would require reviewing the parole provision with regard to the individuals you're mentioning and to determine whether the law allows for such facts. That would—something I'd be happy to work with you and your office on.

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

Chair DURBIN. Now, Senator Cotton.

Senator COTTON. Thank you, Mr. Chairman. I want to add my voice to the objections raised by Senator Cornyn and Senator Lee about scheduling a panel with five witnesses, one of which is a lifetime judicial appointment, the other four of which are very important appointments to the executive branch.

Chair DURBIN. Senator, would you allow me to respond be—and not at the expense of your time?

Senator COTTON. Please. Please.

Chair DURBIN. Senator, in the last Congress, on the following occasions, we had one court nominee followed by a second panel with five nominees, judicial and executive nominees; October 4th, 2017; December 13th, 2017; May 9th, 2018; June 6th, 2018; August 22nd, 2018; October 17th, 2018; May 22nd, 2019; December 4th, 2019. These panels included lifetime appointees, and as you can see, in eight different occasions under Republican leadership, they had exactly the same format as today.

Senator COTTON. No time like the present to change our ways. As a new Member of the Committee, I'm observing that I don't think that we should have four important executive branch nominees in front of us at a time. Thank you.

Mr. Chipman, you testified to Senator Lee that it's a serious felony to lie on a background check application, and I agree. The ATF form 4473 asks, "Are you an unlawful user of or addicted to any drug or uncontrolled substance?" If an applicant checks yes, they cannot purchase a firearm.

On March 25th, Politico reported that Hunter Biden, President Biden's son, applied for a handgun that was later thrown in the trash and had to be recovered by Secret Service agents in 2018. Politico reported that Hunter Biden completed this background check and answered no to the question of whether he was an unlawful user of or addicted to any drug.

Hunter Biden has since published a book and gone on a nationwide book tour, conducting numerous interviews stating that he was, in fact, very much addicted to drugs at the same time that he purchased this firearm. This would mean that, by his own admission, Hunter Biden lied on that form, and, by your earlier testimony, committed a serious felony. Should Hunter Biden be prosecuted for breaking this law?

Mr. CHIPMAN. Senator, thank you for your question. If I'm confirmed as ATF director, it will be my responsibility to enforce all Federal laws without political favor. I do not know any factors in this particular case, but I am familiar with the press account of it.

Senator COTTON. My understanding is the statute of limitation is only 5 years and that this happened in 2018. Mr. Biden is obligated to keep a record of that form for up to 5 years himself. This should be a fairly easy case to investigate. Can I get your commitment that, if you are confirmed, you will, in fact, look into this matter and refer it for prosecution if you find that Hunter Biden violated the law?

Mr. CHIPMAN. Senator, what I will assure you is that, if ATF director, I will ensure that all violations of law are investigated and referred. I'm not sure that it has not been investigated.

Senator COTTON. I hope it has. If the facts are as clear-cut as they appear to be, based on Mr. Biden's own admission, I would expect to see criminal charges forthcoming. I would say that when a case is as high profile as this, if there is not an answer for the American people and public, it severely undermines the confidence in our gun laws as well as the ATF and the Department of Justice if there are not criminal consequences.

I want to turn to a second matter now, Mr. Chipman. You have called for an assault weapons ban. I have a simple question for you. What is an assault weapon?

Mr. CHIPMAN. Senator, an assault weapon would be, in the context of the question you asked, what Congress defines it as.

Senator COTTON. You're asking us to ban assault weapons. We have to write legislation. Can you tell me, what is an assault weapon? How would you define it if you were the head of the ATF? How have you defined it over the last several years as your role as a gun control advocate?

Mr. CHIPMAN. Senator, if I'm confirmed as ATF director, you know, my recollection is the only process by which ATF is weighed in is that I know there is a Demand Letter Program, which requires multiple reports—multiple sale reports on the southwestern border. ATF in that program has defined an assault rifle as any

semiautomatic rifle capable of accepting a detachable magazine above the caliber of .22, which would include a .223, which is, you know, largely the AR-15 round.

Senator COTTON. You believe that every weapon that takes a detachable magazine that can take a .22 round or 5.56 in military parlance should be defined as an assault weapon?

Mr. CHIPMAN. Let me clarify. What I believe I just said is any semiautomatic rifle with—

Senator COTTON. Okay, any semiautomatic rifle.

Mr. CHIPMAN. What—

Senator COTTON. That's the—a detachable magazine that takes a 5.56 or .22 round should be defined as an assault weapon?

Mr. CHIPMAN. Senator, you asked me if ATF had used this term, and I was sharing with you my knowledge of a program in which ATF has defined this term. It is in the Demand Letter 3 program. That rifle is a semiautomatic rifle capable of accepting a detachable magazine with a round greater than a .22 caliber. In those cases, firearms dealers on the southwest border are required to make a multiple sale report to ATF.

Senator COTTON. I'm amazed that that might be the definition of assault weapon. That would basically cover every single modern sporting rifle in America today. Let me put it this way. If I wanted to buy an assault weapon, and I walked into Walmart or Cabela's or some other firearm dealers, and I looked up on the wall where they were labeling their weapons, would there be a label on the wall for assault weapon?

Mr. CHIPMAN. I don't believe, Senator—and thank you for this question—that the firearms industry has used the term assault rifle in their marketing since there was a ban on it. It was after that that they changed their use of the term assault rifle to the modern sporting rifle.

Senator COTTON. I've been in Walmarts, and I've been in Cabela's, and I've seen that you can find sections for pistols or handguns or for shotguns or for rifles because those are actual kinds of firearms. I think our exchange here illustrates that there really is no such thing as an assault weapon. That is a term that was manufactured by liberal lawyers and pollsters in Washington to try scare the American people into believing that the Government should confiscate weapons that are wildly popular for millions of Americans to defend themselves and their families and their homes.

Chair DURBIN. Thank you, Senator. Senator Hirono.

Senator HIRONO. Thank you, Mr. Chairman. I'm going to ask the panel to respond to my two initial questions en masse. First question, since you became a legal adult, have any of you ever made unwanted requests for sexual favors or committed any verbal or physical harassment or assault of a sexual nature? Everybody on the panel, please.

Ms. MILGRAM. No, Senator.

Ms. JADDOU. No, Senator.

Mr. CHIPMAN. No, Senator.

Ms. STRICKLAND. No, Senator.

Mr. POLITE. No, Senator.

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

Ms. MILGRAM. No, Senator.

Ms. JADDOU. No, Senator.

Mr. CHIPMAN. No, Senator.

Ms. STRICKLAND. No, Senator.

Mr. POLITE. No, Senator.

Senator HIRONO. This is a question for Ms. Milgram. We all know that our country is in the throes of an opioid crisis. I would like to point out that Hawaii continues to be plagued by meth, and Honolulu actually just set a five-year high for drug-related deaths, with 197 such deaths in 2020, and this was largely driven by meth overdoses.

I know that, you know, you are going to be very focused on the opioid crisis, and I'm glad that you mentioned that there is an overlap of health and behavioral health aspects to this addiction, but I hope that you will also allocate DEA resources to ensure that issues like the meth problem in Hawaii do not get short shrift as the Agency focuses on the opioid crisis.

Ms. MILGRAM. Senator, thank you for that question. I share your concern about methamphetamine. In the United States, there are large quantities of methamphetamine and other narcotics coming across borders, being shipped by mail. This is a critical aspect, and it's part of the core mission of the DEA so you have my assurance that, if I'm confirmed, that it will continue to be part of that core mission.

Senator HIRONO. Thank you. Ms. Jaddou, I'm glad that we had a chance to talk briefly, and you mentioned in our discussion, and you also said today that the heart of the immigration system is the processing of applications. There is a huge backlog on the processing of various kinds of applications where sometimes people have to wait months and months for applications to be processed.

I would like to have your commitment, as you did in our discussion, that you—this will be one of the first areas that you will address because you do consider the processing of applications to be at the heart of what USCIS does.

Ms. JADDOU. Thank you so much, Senator, and I really appreciate the time we had together. I absolutely—you absolutely have my commitment on that. It is my top priority.

Senator HIRONO. You have been with the USCIS during the Obama administration, and why are you choosing to return to an office that you have been before?

Ms. JADDOU. Thank you, Senator. I understand the intrinsic value of a functioning legal immigration processing agency, and that's what USCIS does. I have been on the Hill. I have taken those phone calls from constituents. I have seen it myself in my life. At USCIS, when I was chief counsel, I saw that the simple act of opening an envelope with an application can create backlogs if not done well, and I also understand that partner agencies are really important to the process.

I look forward to using the relationships and the knowledge that I have already gained in my time working on the Hill and at USCIS to now convert it into working as the director of the Agency.

Senator HIRONO. Thank you. Mr. Chipman, just as Ms. Jaddou, you are going back to an Agency with which you have a lot of experience. How do you think the experience—your previous with ATF will help you in your role as director?

Mr. CHIPMAN. Thank you for that question. It's a great question. Much of that experience, I was an agent, and I know what it takes to do that job, so, I think, I'll be able to connect with the employees that I would lead. I also know how important it is for a leader to be accountable, and that's what I want to be for the troops.

Senator HIRONO. You've been asked a number of questions about whether or not—obviously, you have been an advocate for sensible gun safety legislation, but I just want to note for the record that, of course, you will be enforcing the law, so you'll be following the law, something that I wish some people in the previous administration also did.

When we look at the issue of gun violence—and even as we speak, there is a mass shooting apparently happening in California—that there are those among us who think that the way to deal with the scourge of gun violence in our country is to enable ever more guns in our country. Mr. Chapman, while I—Chipman, while I don't expect you to weigh in on that point, it is very clear, is it not, that there's nothing in the Constitution that prevents Congress or the States from enacting gun ownership—sensible gun ownership laws, is there?

Mr. CHIPMAN. Senator, I think that it is well within the powers of Congress to balance the rights we have under the Constitution and the responsibility as a Nation to keep us safe.

Senator HIRONO. While the Supreme Court did decide in *Heller*, there are a lot of us who do not agree with that particular Supreme Court decision. My time is up. Thank you.

Chair DURBIN. Thank you, Senator Hirono. Senator Kennedy.

Senator KENNEDY. Thank you, Mr. Chairman. I want to begin—I don't have any questions for him, but I want to give a shout-out to my friend, Mr. Polite, who served honorably and well as a United States Attorney in Louisiana, and I'm going to vote for him. I want to thank him for his willingness to serve. I don't know how he talked his spouse into it. He's giving up major dollars to come back into government service, but I am grateful that he is willing to do so.

Mr. POLITE. Thank you for your support, Senator.

Senator KENNEDY. Ms. Strickland, Counselor, you do not believe in qualified immunity for law enforcement officials, do you?

Ms. STRICKLAND. Thank you for the question, Senator. For much of my career, I have served on the Board of the New Mexico Criminal Defense Lawyers Association—

Senator KENNEDY. Yes, ma'am. See, my time is so limited. You don't believe in qualified immunity for law enforcement officials, do you?

Ms. STRICKLAND. On behalf of organizations and associations that I've been in, we have taken the position that New Mexico, who is considering its own civil rights bill, should not—

Senator KENNEDY. Let me ask you again. Do you believe in qualified immunity for law enforcement officials?

Ms. STRICKLAND. So—

Senator KENNEDY. You, personally.

Ms. STRICKLAND. Any personal views that I have on it would not come into consideration if I were to be confirmed as a judge.

Senator KENNEDY. Oh, sure they will.

Ms. STRICKLAND. I have——

Senator KENNEDY. Sure they will. You're—if you're confirmed, you're going to do everything you can to undermine qualified immunity, aren't you?

Ms. STRICKLAND. No, Senator. Qualified immunity is the law of the land. It is the law of the Supreme Court, is the law of the Tenth Circuit, and I would apply it.

Senator KENNEDY. You spent your entire adult career arguing against qualified immunity, haven't you?

Ms. STRICKLAND. I have spent my time as an advocate working underneath qualified immunity, where I did not argue against qualified immunity. I worked within the bounds of qualified immunity. On behalf of associations——

Senator KENNEDY. Yes, but you don't believe in it. It's okay. I mean, this is America. You can believe what you want.

Ms. STRICKLAND. I——

Senator KENNEDY. I don't want to be misled here. You don't believe in qualified immunity, do you?

Ms. STRICKLAND. I do believe, Senator, in qualified immunity. It is the law of this country. It is the law of the Supreme Court.

Senator KENNEDY. Then why did you help New Mexico—why did you work so hard to get Mexico to change—New Mexico to change it?

Ms. STRICKLAND. New Mexico was considering a new bill regarding civil rights, and it was trying to decide whether qualified immunity should apply in a new——

Senator KENNEDY. Okay. Understand, I'm not trying to cut you off. I really hate being rude like this and interrupting folks, but we have so little time. Here's what I want to ask you. I want you to answer this one for me in front of God and country. If you personally were queen for a day and you could make any policy you wanted to right now and you had the ability to get rid of qualified immunity for law enforcement officials by just sweeping your hand, you're telling me you wouldn't do it?

Ms. STRICKLAND. Yes, Senator. I—qualified immunity——

Senator KENNEDY. You wouldn't do it.

Ms. STRICKLAND. I would not because qualified immunity——

Senator KENNEDY. Okay. Let me ask a question of Mr. Chipman. Where's Mr. Chipman? You're nominated for Alcohol, Tobacco, and Firearms and Explosives and all kind of other dangerous stuff, is that right?

Mr. CHIPMAN. Yes, Senator.

Senator KENNEDY. Okay. You don't believe in private ownership of handguns, do you?

Mr. CHIPMAN. That's incorrect. I own one myself.

Senator KENNEDY. Do you? Do you believe in private ownership of assault weapons?

Mr. CHIPMAN. Yes, sir.

Senator KENNEDY. What do you own, by the way?

Mr. CHIPMAN. That's a pretty private question. I have the—I'll share the gun I'm proudest of. It's a Smith and Wesson Treasury Commemorative gun, and the serial number is my birth date.

Senator KENNEDY. That's cool. Congratulations. Do you believe in banning assault weapons?

Mr. CHIPMAN. I do, sir.

Senator KENNEDY. Okay. Define assault weapons.

Mr. CHIPMAN. Assault weapons would be something that Members of Congress would define.

Senator KENNEDY. How do you define it? You're going to be running the Agency.

Mr. CHIPMAN. Senator, I think this is good question. If I am confirmed as ATF director—

Senator KENNEDY. I got 35 seconds left. Define it for me, would you please, sir? What's an assault weapon?

Mr. CHIPMAN. Yes. Senator, the bill to ban assault weapons is—

Senator KENNEDY. What is your definition of an assault weapon?

Mr. CHIPMAN [continuing]. Dozens of pages. There's no way I could define an assault weapon in 30 seconds.

Senator KENNEDY. You don't have any—you're going to run an—this Agency, and you don't have a definition of assault weapon?

Mr. CHIPMAN. I would be enforcing the definition that Members of Congress pass.

Senator KENNEDY. Yes, but you're going to be issuing rules and regulations. Just give me your definition.

Mr. CHIPMAN. I'll give you one definition that ATF currently uses.

Senator KENNEDY. Give me your definition.

Mr. CHIPMAN. One definition that ATF currently—

Senator KENNEDY. Give me your definition.

Mr. CHIPMAN. I can give you one definition that ATF currently—

Senator KENNEDY. If you won't answer my question, how can I vote for you? I'm done, Mr. Chairman. I don't think I'm going to get an answer.

Senator OSSOFF [Presiding]. Thank you, Senator Kennedy. I yield myself 5 minutes to question—oh, pardon me. Senator Coons, you want to go ahead? Okay. Yield myself 5 minutes, and I thank the panel. Thank you for your willingness to serve. Thank you for putting yourself through this process. I'd like to begin with you, Mr. Chipman. Much of the—in fact, the majority of homicides involving firearms involve handguns. Is that correct?

Mr. CHIPMAN. That's correct. Thank you for the question, Senator.

Senator OSSOFF. What steps do you intend to take, should you be confirmed, to stop the proliferation of illegal handguns and reduce the level of gun violence involving handguns on American streets?

Mr. CHIPMAN. Thank you, Senator. The top priority of ATF will be a focus on firearms trafficking. By focusing on the illegal transfer of guns from lawful commerce into illegal commerce, the selling and illegal dealing of guns to criminals, is the best way to prevent crime with guns. The ultimate responsibility is—of ATF is to do

what is within our powers to prevent those offenders from ever getting a handgun if they can't lawfully possess it in the first place.

Senator OSSOFF. Thank you, Mr. Chipman. This is a question for both you and Ms. Milgram, please. We've seen a significant increase in violent crime across the country over the last year. In the city of Atlanta, for example, homicide has increased 60 percent year over year. I was recently out at a park in my neighborhood with my wife and dear friends, celebrating our friend's son one-year-old birthday party. Gunfire erupted at that park. A group of young people who had been fighting moved several blocks west throughout the afternoon. Gunfire erupted again. 15-year-old girl was killed, two young people wounded.

Will each of you, Mr. Chipman and Ms. Milgram, please commit to joining me in Georgia, should you be confirmed, to meet with leaders in local and State law enforcement, as well as community leaders, the Atlanta Police Department, the Fulton County Sheriff's office, to discuss how we can tackle and reverse this disturbing trend of increased violent crime and homicide that's taking lives and doing grievous harm to so many families?

Ms. MILGRAM. Yes, Senator. I'd be delighted to join you if I'm confirmed.

Senator OSSOFF. Thank you, Ms. Milgram. Mr. Chipman.

Mr. CHIPMAN. Yes, Senator. I'd welcome the opportunity to visit Atlanta, visit our Atlanta field division, and visit ATF's critical lab that's located there.

Senator OSSOFF. Thank you. I'm going to ask you a similar question about two other areas of my State that have seen comparable significant increases in violent crime over the last year. The City of Savannah is experiencing an outbreak of homicides and shootings at levels not seen in three or four years. Last fall in Savannah, violence escalated from, on average, a shooting every 3 days to one every other day. Will you similarly please commit to joining me to meet with Savannah's political leadership, Mayor Van Johnson, the Savannah Police Department, and the Chatham County Sheriff's office to discuss how to reduce violent crime in and around Savannah, Georgia?

Ms. MILGRAM. Senator, I would commit to you that I believe that violence is—it is critically important that we address it, and I, if I'm confirmed, am happy to assist you in any way, with any meetings or otherwise, and any other Members of this Committee, in any way that I can.

Senator OSSOFF. Thank you. Mr. Chipman.

Mr. CHIPMAN. Senator, thank you very much for the opportunity to again go to your State and meet with local law enforcement, which is ATF's role to support in their efforts to prevent violent crime.

Senator OSSOFF. It is, indeed, and so, Mr. Chipman, in the same vein, I'd like to also ask you if you'll please make the same commitment to meet with me and the leadership of Augusta's Police Department, the Richmond County Sheriff's office, and leaders in and around Augusta, Georgia to discuss similarly increasing rate of violent crime in the Augusta area.

Mr. CHIPMAN. Senator, I agree that I will commit to that visit, and it will be nice to visit a place of Georgia I have never visited.

Senator OSSOFF. Thank you so much. I appreciate your willingness to serve. Thank you again for putting yourselves through this process. Senator Blackburn is recognized for 5 minutes.

Senator BLACKBURN. To our witness, thank you for bearing with us today as we have been in and out. Mr. Chipman, I'm going to come to you. There's been a lot said about your affiliations and the organizations and how that might influence your work at the ATF. One of the things that I hear from Tennesseans is they want the ATF to be going after criminals, not after law-abiding gun owners. How would you execute that?

Mr. CHIPMAN. Thank you, Senator, and thank you also for spending the time on the phone with me earlier so we could meet.

Senator BLACKBURN. Sure.

Mr. CHIPMAN. I think the perfect example of how Tennesseans should expect ATF to respond is how we responded to your city that was bombed on Christmas. We will always be there in the worst hours to determine who committed a crime and bring them to justice if we can. We will always be focused on criminals. That's what we do.

Senator BLACKBURN. I hope you appreciate why people are very concerned about your stance on the Second Amendment and are very concerned that you would be going after law-abiding gun owners. Let me ask you this. In the House Judiciary Committee hearing on 2019, you said, and I'm quoting you, "Simply restating—reinstating the '90s era ban on assault weapons is not enough." I want you to tell me what is enough in relation to this statement.

Mr. CHIPMAN. Thank you for the question. In that hearing, I was commenting on the fact that I had the opportunity to enforce the National Firearms Act for 24 years. That was an act that balanced the right of individuals to possess those firearms but had a regulatory structure that, I found, kept them out of the hands of criminals, which is the ultimate goal of all Americans. I thought, and I expressed that belief at that time, that the National Firearms Act would be a proper way to balance the rights and responsibilities of Americans—

Senator BLACKBURN. The National Firearms Act would be enough.

Mr. CHIPMAN. I believe that the National Firearms Act would be—

Senator BLACKBURN. Let me ask you this. Because in the same hearing, you continued—and this gets to the question that Senator Kennedy had for you. I'm quoting you. "Instead, we should regulate a broader class of firearms, including assault weapons manufactured before the law's enactment. One option would be to require the registration of all existing assault weapons under the National Firearms Act, while banning the future manufacture and sale of these firearms." In these statements, you're talking about expanding the National Firearms Act, correct?

Mr. CHIPMAN. Yes, ma'am.

Senator BLACKBURN. Okay. That would not be enforcing it as it is written. That would be a change of policy. Then you would ban the future manufacture. That would be a change of policy. Banning the sale would be a change of policy. In these statements, and

going back to that hearing, you were referring to common semi-automatic firearms when you speak of assault weapons, correct?

Mr. CHIPMAN. Senator, in this hearing, I was acting as an advocate and was asked to propose solutions to complex problems. As the——

Senator BLACKBURN. You were referring to semiautomatic weapons, correct?

Mr. CHIPMAN. Yes, Senator. But——

Senator BLACKBURN. Yes. Thank you very much.

Mr. CHIPMAN [continuing]. As director of——

Senator BLACKBURN. Okay. Ms. Jaddou, I'd like to ask you a question, please, ma'am. We are quite concerned about some of the practices that have taken place under USCIS. During your time as the chief counsel at USCIS, the Agency expanded the use of discretionary parole activity from a restricted case-by-case basis into a variety of new parole programs, such as International Entrepreneur Parole, the Filipino World War II Veterans Parole program, and the Central American Minor Parole program.

Did this expanded use of discretionary parole through these new programs actually circumvent congressionally established immigration policy, and did USCIS exceed its authority under law created by Congress by admitting aliens who did not qualify for admission under normal and legal immigration categories?

Ms. JADDOU. Thank you, Senator. Thank you for taking the time to meet with me on the phone.

Senator BLACKBURN. Absolutely. Yes, I enjoyed it.

Ms. JADDOU. Thank you. Yes, I did too. Thank you. With regard to your question, we looked at the Immigration and Nationality Act, and I have worked with the, at the time, other attorneys in the Agency as well to determine if it fits within the structure of the Immigration and Nationality Act. We did determine that, and therefore, we proceeded.

Senator BLACKBURN. You feel that none of these programs went outside of the authority.

Ms. JADDOU. That was the determination we made at the time.

Senator BLACKBURN. Why not just go by the law as written?

Ms. JADDOU. The way the law is structured is there is a case-by-case determination.

Senator BLACKBURN. Correct.

Ms. JADDOU. Those programs certainly set out guidelines for adjudicators, but nonetheless, every individual must apply, must submit an application, must be reviewed, have background checks. An adjudicator must review that application very carefully before they make a decision.

Senator BLACKBURN. I will tell you this appears when you expand the use of discretionary parole authority and move away from a restricted case-by-case basis and put these new programs in place. The appearance of that is that you're making it easier to circumvent the law as written, and that is problematic.

I know I'm over my time. I have a question for you on the birth—Ban Birth Tourism Act, a piece of legislation that I introduced. I'm going to submit that to you——

Ms. JADDOU. Thank you.

Senator BLACKBURN [continuing]. For the record. I know that Senator Cruz asked you about that earlier and would appreciate your attention to that question.

Ms. JADDOU. Absolutely.

Senator BLACKBURN. I will say this, Mr. Chairman. Ms. Jaddou, you have an adorable family, and your girls deserve——

Ms. JADDOU. Thank you.

Senator BLACKBURN [continuing]. All the ice cream that they want to eat this afternoon.

Ms. JADDOU. We already secretly promised them a few dollars. [Laughter.]

Senator BLACKBURN. Because they have behaved beautifully.

Ms. JADDOU. Aw, thank you.

Senator BLACKBURN. We give them the gold medal for that.

[Laughter.]

Ms. JADDOU. Thank you.

Senator OSSOFF. Thank you, Senator Blackburn. Senator Coons is recognized for 5 minutes.

Senator COONS. Thank you, Mr. Chairman. I'd like to thank our remarkable panel of nominees for your dedication, your willingness to serve, for all that you are going to bring to your service. Listening to your individual stories, to the journeys that brought you here, was inspiring to me. We stand at a moment when the American people are looking to us here in Washington, in the Federal Government, in the Biden administration, in the Federal Judiciary, here in Congress, to see their problems, to hear their concerns, and to actually deliver some meaningful solutions.

If I can, Ms. Strickland, I just wanted to ask you a quick question about the difference between an advocate and a judge and how you understand those different roles, and then I'm going to get into more law enforcement related issues for our remaining nominees. Ms. Strickland?

Ms. STRICKLAND. Thank you for that question, Senator. As an advocate, my role was defined by the Sixth Amendment, to zealously work within the bounds of law in the best interests of my client, and I've had to—tried to do that over my career. The role of a judge is quite different. The role of a judge is also defined under the Constitution, and the judge is to approach every case neutrally, with deliberately putting aside any personal opinions the judge might have in order to fairly consider the facts, the law, and the argument of counsel.

Senator COONS. Thank you, Ms. Strickland. If I might also, Ms. Jaddou, USCIS—I've gotten a number of calls, as has my colleague Senator Hirono, about the backlog for USCIS for fingerprinting, specifically in Delaware, which has put thousands of Delawareans' lives on hold, keeping them from visiting loved ones or getting jobs. USCIS has made some strides recently to address this an cut the backlog in half, including by eliminating some unnecessary requirements imposed by the previous administration. Can you speak to how you will address these ongoing processing backlogs and commit to keeping me updated on the situation in my home State?

Ms. JADDOU. Thank you, Senator. Thank you for that question. This is exactly why, I think, this is the right moment for me in this job. I have been in that Agency, and I understand those little,

minute steps can really create backlogs, time-sensitive backlogs. I have seen it, so I could hit the ground running. I have built such wonderful relationships with the dedicated men and women at USCIS, whom I admire tremendously, and I know I can work with them, and not just them. It's partner agencies as well that we need to build strong working relationships. I have a running start.

Senator COONS. I look forward to working with you in that context, and I know there's thousands—

Ms. JADDOU. Absolutely.

Senator COONS [continuing]. Of families in my State that are looking for some relief from these significant challenges.

Mr. Chipman, if I might, Senator Cornyn and I have recently reintroduced a bill, the NICS Denial Notification Act, which would require Federal authorities to notify State and local law enforcement when someone goes in, lies on their background check form, tries to buy the gun—and this is someone who's a person prohibited, so it's against the law for them to get that gun. Current law does not require any notice to local law enforcement. There were 100,000 Federal background check denials in 2019. In some States, because the background check goes through State police, they get immediate notification, but in a majority of States, including mine, they don't.

Can you help explain why it's an urgent warning sign when someone tries to buy a gun, fails their background check because they're lying—they're a convicted felon, say—and they're trying to get their hands on a gun? Why is this something we should take up and pass a bill to require notification to State and local law enforcement?

Mr. CHIPMAN. Senator, first, thank you for the question and thanks for your dedication to this important issue. I view this as a near miss. In many professions, you study a near miss because you feel lucky that the bad thing didn't happen. If someone is willing to go into a gun store and lie and commit a Federal felony, we shouldn't expect that it stops there because there are loopholes in the law. As ATF agents, it's our job to ensure that the information we have is in the hands of local police who might come across these people. It's not only good policy. It's a way ATF can support local law enforcement and keep them safe.

Senator COONS. Thank you. I'd like to ask about what we're going to be doing together to not just make law enforcement more transparent, more accountable, but to make law enforcement more effective. I'm from Wilmington, Delaware. You just heard from Senator Ossoff from Georgia concerns about a rise in violent crime in cities in his State, in Savannah and Augusta and Atlanta. In my hometown of Wilmington, despite the best efforts of our Mayor and Governor and our police department, we have seen a steady in violent gun crime.

Mr. Polite, I understand from your testimony, you became interested in serving as a prosecutor when your own half-brother was murdered. You've spent time clerking for Judge Ambro, a personal friend, on the Third Circuit and serving in the Skadden Arps office in Wilmington, a place I was a summer associate. You know a thing or two about my hometown.

Mr. Chipman and Ms. Milgram, you're nominated to lead the ATF and DEA and to work alongside Mr. Polite, who will be leading, hopefully, DOJ Criminal Division. All three of you have significant experience in law enforcement and have great experience in addressing violent crime in American cities. Ms. Milgram, you spoke about Camden and the work that you did.

I'd be interested in hearing from each of you what role you see in coordinating between the ATF, DEA, and DOJ's Criminal Division to reduce violence in our communities, whether you'll commit to staying engaged with me and with other Members of this Committee and the Senate as we work with our local communities to try and address and interrupt the ways in which drugs and guns and gangs and violence seem to be going together, and how you see this journey, should you be confirmed, of trying to bring more peace, more justice, and more order to our communities. If we could, in order, Mr. Chipman, Ms. Milgram, Mr. Polite.

Mr. CHIPMAN. Senator, first, yes. I commit to this collaborative approach. It's one I found effective at ATF, and I do believe that the ATF will have information and intelligence and techniques and technology that, when married with the ground truth that a local law enforcement agency has, that that's a good pathway to preventing violent crime.

Senator COONS. Ms. Milgram.

Ms. MILGRAM. Thank you, Senator. I've had a job as a State Chief Law Enforcement Officer where a prior attorney general had taken over the police department of one of the most dangerous cities in America. I understand this concern, and my belief is that one of the things we did there was we partnered with the DEA. We partnered with ATF. We partnered with other local law enforcement agencies and State agencies in order to do a concerted effort to reduce violence, improve community relations, and bring accountability, and it was incredibly effective.

If I am confirmed to lead the DEA, I believe that one of the great strengths of the DEA today is its partnerships with States and local law enforcement. They're a big part of running task forces across the country and also sit as an important part of HIDTA. I am deeply committed to addressing the issues of violent crime. Drugs drive violence in our communities. In Camden, it was a huge part of the work we did, was drug related. You have my full commitment, if I'm confirmed, to partner with you, other Members of this Committee and Congress, as well as with the other agency heads and the Department of Justice, in any way that I can be helpful on this.

Senator COONS. Thank you, Ms. Milgram. Mr. Polite.

Mr. POLITE. Senator, thank you for this question, and thank you for your commitment to this area. I would also note that I'm a proud member of the Delaware Bar, and most importantly, my wife was born in Wilmington, so we have very close ties to your State.

Like my colleagues assembled here, I share in this commitment to collaboration in this area. During my time as U.S. Attorney, this is exactly the way we approached many of the same violent crime issues that crippled the city of New Orleans. What we did was establish what was called the Multiagency Gang Unit. It included agents from ATF, DEA, other State, local, and Federal law enforce-

ment agencies that worked shoulder to shoulder, not just—not just in terms of sharing intelligence but actual personnel and space where they investigated those cases and ultimately decided what was the appropriate venue in order to address violent crime that was caused disproportionately by a small number of individuals in the New Orleans area.

That level of collaboration is what I view as being the hallmark of our work then, and I look forward to, if I'm confirmed, to lending my voice to those same discussions and that same level of collaboration that you articulated.

Senator COONS. Thank you. I'm not just a Member of this Committee. I'm a Member of the Subcommittee that funds all of Federal law enforcement, DOJ, ATF, DEA and I look forward to working with you because we have a real challenge in this country. We need to strengthen our communities. We need to strengthen families. We need to push back on the drivers of violence and division. We also need to provide more effective, more timely, more relevant resources to support state and local law enforcement and communities as they are trying to bring peace to our streets and justice to our country.

I look forward to working with all of you. Thank you for your willingness to serve. Mr. Chairman, I appreciate the time to question.

Senator OSSOFF. Thank you, Senator Coons. Thanks again to the nominees for your testimony, your willingness to serve. Before I adjourn today's hearing, I want to enter a number of letters into the record and make a few logistical notes.

We have received a number of letters of support for today's nominees from those across the political, professional, and ideological spectrum. These include letters of support for Ms. Cunningham from intellectual property experts and practitioners, letters from multiple law enforcement organizations in support of our executive branch nominees, a letter of support from the Criminal Defense Bar in support of Ms. Strickland, and many others. I will enter all of those letters into the record without objection.

Questions for the record will be due to the nominees by 5 p.m. on Wednesday, June 2nd, and the record will likewise remain open until that time to submit letters and similar materials. With that, this hearing is adjourned.

[Whereupon, at 1:12 p.m., the hearing was adjourned.]

[Additional material submitted for the record follows.]

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY
QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

David Howland Chipman

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

Director, Bureau of Alcohol, Tobacco, Firearms and Explosives, 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.

Office:
Giffords
1310 L Street, NW
Washington, DC 20005

Residence:
Arlington, VA

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

1966; Hanover, NH

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.

American University, 1984-1987
B.S. Justice – May 1987

Johns Hopkins University, 2003-2005
M.S. Management – May 2005

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.

May 2016 – Present
Senior Policy Advisor
Americans for Responsible Solutions / Giffords: Courage to Fight Gun Violence
1310 L Street, NW
Washington, DC 20005

Citizens for Safety – Operation LIPSTICK
Board of Directors (2014 –2018)
100 Warren Street
Boston, MA 02119

August 2013 – February 2016
Senior Vice President, Public Safety Solutions
ShotSpotter, Inc.
7979 Gateway Blvd., Suite 210
Newark, CA 94560

July 2012 – July 2013
Senior Advisor
Mayors Against Illegal Guns / Everytown for Gun Safety
One Centre Street, Room 1012N
New York, NY 10007

June 1988 – May 2012
Chief, Liaison Division, Office of Public and Governmental Affairs (December 2011 – May 2012)
ATF Fellow, International Association of Chiefs of Police (January 2011 – December 2011)
Special Agent in Charge, Field Assets and Resource Management (April 2009 – December 2010)
Assistant Special Agent in Charge, Detroit Field Division (November 2006 – March 2009)
Chief, Firearms Programs Division (September 2005 – November 2006)
Chief, Firearms Enforcement Branch (September 2004 – September 2005)
Chief, Policy Development and Evaluation Branch (July 2002 – September 2004)
Resident Agent in Charge, Flint Field Office (January 2001 – July 2002)
Group Supervisor, Detroit Field Division, Arson and Explosives Team III (January 1999 – January 2001)
Special Agent, Houston Field Division, Waco Satellite Office (May 1993 – January

1999)

Special Agent, Washington Field Division, Norfolk Field Office (June 1988 – May 1993)
Bureau of Alcohol, Tobacco, Firearms and Explosives, United States Department of Justice
99 New York Ave., NE
Washington, DC 20002

May 1987 – June 1988

Special Agent, Office of Inspector General, Washington Investigations,
General Services Administration
1800 F St., NW
Washington, DC 20405

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 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.

Attorney General's Award for Outstanding Contributions to Community Partnerships for Public Safety, United States Department of Justice 2005

Special Act or Service Award (Individual), United States Department of Treasury 2002

Victim Assistance Award, United States Department of Justice 1997

Special Act or Service Award (Group), United States Department of Treasury 1995

Special Act or Service Award (Group), United States Department of Treasury 1994

Special Act or Service Award (Individual), United States Department of Treasury 1993

Special Act or Service Award (Individual), United States Department of Treasury 1992

Special Act or Service Award (Group), United States Department of Treasury 1992

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.

N/A

10. **Bar and Court Admission:**

N/A

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.

International Association of Chiefs of Police (2005 – Present)
Firearms Committee Member (2016 – 2020)
Firearms Committee Member (2005 – 2008)

Everytown for Gun Safety (2012 – Present)
Advisory Board (2012 – Present)

Police Executive Research Forum (2011 – Present)

The Mayflower Society (2006 – Present)

Michigan Association of Chiefs of Police (2007 – 2009)

Oakland County Association of Chiefs of Police (2007 – 2009)

International Association of Bomb Technicians and Investigators (2001 – 2003)

International Association of Arson Investigators (2000 – 2003)

Oakland County Association of Arson and Fire Investigators (2000 – 2003)

Genesee County Detectives Association (2001 – 2003)

In addition, I have made financial contributions to charitable organizations over the years. Such organizations may list me as a member by virtue of my financial contribution. I have not listed above any organization to which I gave funds and did not otherwise participate in programmatic activities.

- b. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminate 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 discriminates 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.

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 databases. Despite my searches, there may be other materials that I have been unable to identify, find, or remember. I have located the following responsive materials. All documents are provided in the attached file.

- David Chipman, *How to Build Accountability in Law Enforcement*, Giffords (Sept. 14, 2020), <https://giffords.org/blog/2020/09/how-to-build-accountability-in-law-enforcement/>.
- David Chipman, *Trump's Latest Move on Silencers Is The Last Thing We Need*, Giffords (July 16, 2020), <https://giffords.org/blog/2020/07/trumps-latest-move-on-silencers-is-the-last-thing-we-need/>.
- David Chipman, *Ghost Guns Are Specifically Designed for Criminals*, Giffords (May 13, 2020), <https://giffords.org/blog/2020/05/ghost-guns-are-specifically-designed-for-criminals-blog/>.
- David Chipman, *Victory! Charmaine McGuffey's Primary Romp in Sheriff's Race a Win for Gun Safety*, Giffords (Apr. 30, 2020), <https://giffords.org/blog/2020/04/victory-charmaine-mcguffeys-primary-romp-in-sheriffs-race-a-win-for-gun-safety-blog/>.
- David Chipman, *Panic Buying Guns Won't Keep You Safe During the COVID-19 Pandemic*, Giffords (Mar. 25, 2020), <https://giffords.org/blog/2020/03/panic-buying-guns-wont-keep-you-safe-during-the-covid-19-pandemic-blog/>.
- David Chipman, *A Dangerous New Phenomenon*, The Roanoke Times (Jan. 24, 2020), https://roanoke.com/opinion/commentary/chipman-a-dangerous-new-phenomenon-in-virginia/article_c7d85a53-327e-5388-8d6d-65556153808c.html.
- David Chipman, *Don't Let the Gun Lobby Fool You - Gun Sales Aren't Skyrocketing*, Giffords (Jan. 10, 2020), <https://giffords.org/blog/2020/01/dont-let-the-gun-lobby-fool->

[you-gun-sales-arent-skyrocketing-blog/](#).

- David Chipman & Joshua Horwitz, *Intentional Firearm Microstamping: A Technology to Help Solve Gun Crimes and Reduce Violence*, Police Chief (Dec. 2019), at 50, available at https://www.policechiefmagazine.org/wp-content/uploads/IAC-401-Dec2019_F_WEB.pdf.
- David Chipman, *The Enemy Within: Why Domestic Terrorism Poses a Greater Threat than Foreign Terrorism*, Giffords (Nov. 14, 2019), <https://giffords.org/blog/2019/11/the-enemy-within-why-domestic-terrorism-poses-a-greater-threat-than-foreign-terrorism-blog/>.
- David Chipman, *If we want to stop the next mass shooting, we need to look at gun access*, The Hill (July 25, 2019), <https://thehill.com/blogs/congress-blog/politics/454800-if-we-want-to-stop-the-next-mass-shooting-we-need-to-look-at-gun>.
- David Chipman, *It's Time to Address Police Suicides*, Giffords (May 16, 2019), <https://giffords.org/blog/2019/05/its-time-to-address-police-suicides/>.
- David Chipman, *ATF Is Already Small. President Trump Wants It to Be Even Smaller.*, Giffords (Mar. 14, 2019), <https://giffords.org/blog/2019/03/atf-is-already-small-president-trump-wants-it-to-be-even-smaller/>.
- David Chipman, *Gun Laws Are Constitutional and Save Lives. Law Enforcement Officials Must Enforce Them.*, Giffords (Mar. 6, 2019), <https://giffords.org/blog/2019/03/gun-laws-are-constitutional-and-save-lives-law-enforcement-officials-must-enforce-them/>.
- David Chipman, *The Dangers of 3D-Printed Guns*, Giffords (July 24, 2018), <https://giffords.org/blog/2018/07/the-dangers-of-3d-printed-guns/>.
- David Chipman, *Before the Trigger is Pulled: 3 Things to Know About the FBI's New Report on Pre-Attack Behavior*, Giffords (June 29, 2018), <https://giffords.org/blog/2018/06/before-the-trigger-is-pulled/>.
- David Chipman & Lindsay Nichols, *Legal and Lethal: 9 Products That Could Be the Next Bump Stock*, Giffords (Nov. 15, 2017), <https://giffords.org/wp-content/uploads/2017/11/Giffords-Lethal-and-Legal.pdf>.
- David Chipman, *Congress, don't allow gun lobby to force deregulation of gun silencers*, The Hill (Sept. 16, 2017), <https://thehill.com/opinion/civil-rights/350981-congress-dont-allow-the-gun-lobby-to-deregulate-firearm-silencers>.
- David Chipman, *Empower ATF to fight crime*, Politico (June 10, 2013), <https://www.politico.com/story/2013/06/empower-atf-alcohol-tobacco-firearms-crime-092525>.

- David Chipman, *Background checks vital to success*, The Hill (Feb. 12, 2013), <https://thehill.com/opinion/op-ed/282637-background-checks-vital-to-success>.
- *Emerging Use of Force Issues: Balancing Public and Officer Safety*, International Association of Chiefs of Police/COPS Office Use of Force Symposium (Mar. 2012), available at <https://cops.usdoj.gov/RIC/Publications/cops-p232-pub.pdf>.
- *Reducing Gun Violence in Our Communities: A Leadership Guide for Law Enforcement on Effective Strategies and Programs*, International Association of Chiefs of Police (Oct. 2011).
- Lydia Blakey & David Chipman, *The IACP and the Bureau of Justice Assistance Create the National Center for the Prevention of Violence Against the Police*, The Police Chief (May 2011), available at <https://www.policechiefmagazine.org/the-iACP-and-the-bureau-of-justice-assistance-create-the-national-center-for-the-prevention-of-violence-against-the-police/>.
- *Crime Gun Information Sharing: The ATF i-Trafficking Project*, International Association of Chiefs of Police (2011).
- David H. Chipman, *ATF Detroit Partners with Local Fox News and Hockey Team to Promote Fireworks Safety*, Inside ATF (Sept. 2008).
- David H. Chipman, *Police leaders as partners*, Johns Hopkins Magazine, Letter to the Editor (Sept. 2008), available at <https://pages.jh.edu/jhumag/0908web/letters.html#police>.
- *Taking a Stand: Reducing Gun Violence in Our Communities*, International Association of Chiefs of Police (Aug. 3, 2007).
- Mark Kraft, Debby Scott, & David Chipman, *ATF's Unique Technology, Investigative Experience, and Statutory Authority in Gang Prosecutions*, The United States Attorneys' Bulletin on Gang Prosecutions (May 2006), at 23, available at <https://www.justice.gov/archive/olp/pdf/gangs.pdf>.
- David H. Chipman & Cynthia E. Pappas, *Violent Crime Impact Teams (VCIT) Initiative: Focus on Partnerships*, COPS Innovations (Feb. 14, 2006), available at <https://pdba.georgetown.edu/Security/citizenssecurity/eeuu/documents/communitypolicing.pdf>.
- David H. Chipman, *Gun Initiative Racks Up Impressive Results*, Firearms Interdiction Technical Assistance Newsletter, International Association of Chiefs of Police (2005).

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.

I have done my best to identify any reports, memoranda, or policy statements I have prepared or contributed to, including through a review of my personal files and searches of publicly available electronic databases. I have located the following items. All documents are provided in the attached file.

- 2020/8/6, Giffords, “Giffords Law Center Condemns NRA After Major NY AG Revelations, Catalogues the Organization’s Misdeeds”
- 2020/7/14, Giffords, “Giffords Applauds Appropriations Committee for Increased Funding for Federal Agencies and Violence Prevention Efforts”
- 2020/6/16, Giffords, “Retired ATF Special Agent Responds to Charges Filed Against Member of “Boogaloo” Movement who Used Ghost Gun to Murder Law Enforcement Officers”
- 2020/2/14, Giffords, “Giffords Applauds Introduction of Federal Bill to Remove Obstacles to Law Enforcement”
- 2020/2/13, Giffords, “Giffords Commends Introduction of the Gun Trafficker Detection Act”
- 2019/11/22, Giffords, “The Dangers of Ghost Guns”
- 2019/10/22, Giffords, “Giffords Statement on the Domestic Violence Shooting in Burke, Virginia”
- 2019/9/25, Giffords, “On Capitol Hill, Giffords Senior Policy Advisor and Former ATF Special Agent Testifies Before House Judiciary Committee About Protecting Americans from Assault Weapons”
- 2019/9/5, Giffords, “Giffords Renews Call for Universal Background Checks in the Wake of Newest Developments in Texas Mass Shooting”
- 2019/8/27, Giffords, “Coloradans Demand Action on Gun Safety”
- 2019/8/14, Giffords, “Gabrielle Giffords and Retired ATF Special Agent David Chipman Respond to Shooting of Law Enforcement Officers in Philadelphia”

- 2019/7/31, Giffords, “Giffords Praises Introduction of Bill to Hold Unlawful Gun Traffickers Accountable”
- 2019/7/2, Giffords, “Giffords Applauds Representatives Cicilline & Titus for Introducing a Bill to Permanently Ban Bump Stocks”
- 2019/6/25, Giffords, “Giffords Applauds House of Representatives for Supporting Federal Law Enforcement in its Efforts to Reduce Gun Violence”
- 2019/5/22, Giffords, “Giffords Applauds House Appropriations Committee for Supporting Federal Law Enforcement in its Efforts to Reduce Gun Violence”
- 2019/5/8, Giffords, “School Shooting at Colorado’s STEM School Highlands Ranch”
- 2019/4/26, Giffords, “The NRA Is Losing Its Grip On Gun Owners”
- 2019/4/25, Giffords, “MEMO: ATF at a Time of Transition: Underfunded and Unduly Restricted”
- 2019/3/12, Giffords, “Giffords Applauds Introduction of Bipartisan Legislation to Notify State and Local Authorities when Prohibited People Lie while Attempting to Buy a Gun”
- 2019/3/26, Giffords, “Former ATF Agent David Chipman on Bump Stock Ban Going into Effect”
- 2019/2/25, Giffords, “RELEASE: Editorial Boards Agree, It’s Time For Congress to Pass Universal Background Checks”
- 2019/2/15, Giffords, “RELEASE: Giffords Applauds Introduction of Legislation to Regulate Assault Rifles Under NFA”
- 2019/2/15, Giffords, “Giffords Applauds Introduction of Legislation to Regulate Armor-Piercing Handguns”
- 2019/2/13, Giffords, RELEASE: “Law Enforcement Leaders Call on Congress to Pass Bipartisan Background Checks Bill”
- 2019/2/12, Giffords, “Giffords Applauds Introduction of the Keep Americans Safe Act”
- 2018/12/18, Giffords, “Giffords Responds to the Trump Administration’s Long-Delayed Ban on Bump Stocks”
- 2018/11/28, Giffords, “Giffords Responds to Trump Administration’s Plan to Announce Long-Delayed Ban on Bump Stocks”

- 2018/10/3, Giffords, “Retired ATF Special Agent David Chipman Responds to Shooting of 5 Law Enforcement Officers in South Carolina”
- 2018/9/28, Giffords, “As Bump Stocks Remain Legal One Year After the Las Vegas Shooting, Giffords Unveils a New Report Detailing 9 Lethal Firearms & Accessories Gun Manufacturers Put on the Market”
- 2018/9/28, Giffords, “Legal and Lethal—9 Products That Could Be the Next Bump Stock”
- 2018/5/22, Giffords, “Giffords Gun Safety Experts Testify at Pennsylvania House Judiciary Committee Hearing in Support of a Bill to Help Remove Guns from Dangerous Situations”
- 2018/5/17, Giffords, “As Nation Marks Police Week, Giffords Urges House Appropriations Committee to do More to Support Federal Law Enforcement Agencies, Reduce Gun Violence”
- 2018/4/30, Giffords, “Giffords Praises Introduction of Bill in New York to Provide Public Information to Better Track Where Guns Used in Crimes Come From”
- 2018/4/20, Giffords, “Retired ATF Special Agent David Chipman Responds to Shooting of Law Enforcement Officers in Florida”
- 2018/4/6, Giffords, “Giffords Applauds Governor Phil Murphy For Executive Order to Provide Public Information on Gun Crimes and Sources of Weapons”
- 2018/2/11, Giffords, “Retired ATF Special Agent David Chipman Responds to Deaths of Three Law Enforcement Officers in Ohio and South Dakota”
- 2018/1/16, Giffords, “Retired ATF Special Agent David Chipman Responds to Shooting of Law Enforcement Officers in South Carolina”
- 2017/12/31, Giffords, “Retired ATF Special Agent David Chipman Responds to Shooting in Colorado”
- 2017/12/5, Giffords, “Giffords Expresses Concern with Announcement by Justice Department that ATF will Look at Regulating Bump Stocks”
- 2017/11/29, Giffords, “Gabby Giffords on House Judiciary Committee Vote to Approve Concealed Carry Reciprocity”
- 2017/11/28, Giffords, “As Key House Committee Prepares to Vote On Concealed Carry Reciprocity, Law Enforcement Leaders Warn of Threats to Public Safety”

- 2017/9/22, Giffords, “New Ad Campaign Urges Minnesota Legislator To Oppose Federal Bill To Deregulate Silencers”
- 2017/9/13, Giffords, “House Committee Puts Profits Before Public Safety, Advances Silencer Deregulation Bill”
- 2017/9/12, Giffords, “Former ATF Special Agent David Chipman Testifies On House Bill To Deregulate Silencers, Calls On Congress To Protect Public Safety”
- 2017/9/11, Giffords, “Law Enforcement Leaders Call on Congress to Put Public Safety First, Reject SHARE Act”
- 2017/7/28, Giffords, “ARS Responds To President Trump’s Remarks To New York Law Enforcement”
- 2017/6/7, Giffords, “ARS Denounces Michigan House Vote to Eliminate Requirements That Keep Guns Out of Dangerous Hands”
- 2017/5/24, Giffords, “Former ATF Special Agent Responds To TX Sheriff’s Fallacious Claim That More Guns Would Have Stopped The Manchester Bombing”
- 2017/5/18, Giffords, “ARS Applauds Bipartisan Senate Bill to Combat Gun Trafficking, Release New Fact Sheet”
- 2017/5/16, Giffords, “During National Police Week, Law Enforcement Leaders Urge Congress To Protect Officers From Gun Violence”
- 2017/5/15, Giffords, “Former ATF Special Agent David Chipman Responds To President Trump’s Empty Promises About Protecting Law Enforcement”
- 2017/2/28, Giffords, “ATF Veteran David Chipman on Irresponsible Gun Violence Proposals that Threaten Public Safety”
- 2017/2/10, Giffords, “Statement from Americans for Responsible Solutions and the Law Center to Prevent Gun Violence on Leaked “White Paper” that Undermines ATF Investigations and Threatens Public Safety”
- 2016/11/16, Giffords, “Americans for Responsible Solutions Applauds the Obama Administration’s Latest Steps to Protect Law Enforcement, Help Keep Guns Out of the Wrong Hands & Reduce Gun Tragedies”
- 2015, ShotSpotter, “Gun Violence in the U.S. is simply out of control and unacceptable”
- 2014/9/17, Everytown for Gun Safety, ““Online and Off the Record”: Investigation Shows Criminals in Washington State Flocking to Online Gun Marketplace To Evade

Background Checks, Arm Themselves”

- 2000, Michigan State University, “Critical Incident Protocol: A Public and Private Partnership,” at 40
 - 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.

I have done my best to identify any testimony, official statements, or other communications related, in whole or in part, to matters of public policy or legal interpretation, including through a review of my personal files and searches of publicly available electronic databases. I have located the following:

Federal Congressional Testimony

- 2019/09/25, Testimony, House Committee on the Judiciary, Hearing on Protecting America from Assault Weapons (Attached and See [Full Video](#))
- 2017/09/12, Testimony, House Committee on Natural Resources, Hearing on H.R. 3668, the Sportsmen’s Heritage and Recreational Enhancement (SHARE) Act (Attached and See [Video Clip](#) and [Full Video](#))
- 2013/01/23, Testimony, Congressional Gun Violence Prevention Task Force, Hearing on Reducing Gun Violence (Attached and See [Full Video](#))

State Legislative Testimony

- 2018/05/22, Testimony, Pennsylvania House Judiciary Committee, In Support of HB 2227 (Rep. Todd Stephens) to Help Remove Guns from Dangerous Situations (Attached)
- 2013/05/28, Testimony, Nevada Assembly Committee on Judiciary, Background Checks (Attached)
- 2013/04, Testimony, Oregon State Legislature, Background Checks, (Attached)
- 2013/03/04, Testimony, Colorado Senate Judiciary Committee, HB 13-1229 on Background Checks (Attached)
- 2013/03/04, Testimony, Colorado Senate Judiciary Committee, HB 13-1224 on Magazines (Attached)
- 2013/02/12, Testimony, Colorado House Judiciary Committee, HB 13-1229 on Background Checks (Attached)
- 2013/02/12, Testimony, Colorado House Judiciary Committee, HB 13-1224 on Magazines (Attached)
- 2013/02, Testimony, Minnesota State Legislature, Background Checks (Attached)
- 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. I frequently speak without notes or speak using a PowerPoint presentation. Despite my searches, there may be other materials I have been unable to identify, find, or remember. I have located the following:

- 2021/03/02, Giffords, “Firearms 101,” Speaker, Virtual
 - On March 2, 2021, I made an educational Firearms 101 Zoom presentation to student advocates. The event, sponsored by Giffords, was attended virtually by members of March For Our Lives DC, March For Our Loves Colorado, Youth Over Guns and Chi-Town GVP.
 - I have provided the PowerPoint presentation that I used for the event. I have not otherwise retained notes.
- 2021/02/17, Invited by Rep. Mike Thompson, “Firearms 101,” Speaker, Virtual
 - On February 17, 2021, at the Invitation of Rep. Mike Thompson, I made an educational Firearms 101 Zoom presentation attended virtually by a variety of Members of Congress.
 - I have provided the PowerPoint presentation that I used for the event. I have not otherwise retained notes.
- 2020/11/12, Invited by Rep. Mike Thompson, “Firearms 101,” Speaker, Virtual
 - On November 12, 2020, at the invitation of the office of Rep. Mike Thompson, I made an educational Firearms 101 Zoom presentation attended virtually by a variety of Congressional staff.
 - I have provided the PowerPoint presentation that I used for the event. I have not otherwise retained notes.
- 2020/10/05, Georgetown March for Our Lives Event, “Firearms 101,” Speaker, Virtual
 - On October 5, 2020, I addressed a meeting of March For Our Lives Georgetown and made an educational Firearms 101 Zoom presentation attended virtually by members.
 - I have provided the PowerPoint presentation that I used for the event. I have not otherwise retained notes.
- 2020/09/27, Team ENOUGH Virginia Youth Lobbying Collective, “Firearms 101,” Speaker, Virtual
 - On September 27th, 2020, I addressed a meeting of the Team Enough, VA Youth Lobbying Collective and made an educational Firearms 101 Zoom presentation attended virtually by members.

- I have provided the PowerPoint presentation that I used for the event. I have not otherwise retained notes.
- 2020/05/28, Texas Gun Owners for Safety, Firearms 101 Presentation, Speaker, Virtual
 - On May 28, 2020, I addressed a meeting sponsored by Texas Gun Owners for Safety and made an educational Firearms 101 Zoom presentation attended virtually by members and guests.
 - I have provided the PowerPoint presentation that I used for the event. I have not otherwise retained notes.
- 2020/03/03, Dr. Christopher Koper's Firearms, Law, Policy, and Politics Class, Federal Regulation of Gun Commerce and Ownership / Basics of Gun Markets, Speaker, George Mason University
 - On March 3, 2020, I was asked by Dr. Christopher Koper of George Mason University to address his Firearms Law, Policy, and Politics class. The syllabus topic he asked me to address was Federal regulation of gun commerce and ownership / Basics of gun markets.
 - I have provided the PowerPoint presentation that I used for the event. I have not otherwise retained notes.
- 2019/12/03, 5th Annual Gun Violence Prevention Meeting, "Banning Assault Weapons and High-Capacity Magazines: Digging into the Details," Presenter and Panelist, Washington, DC
 - On December 3, 2019, I sat on a panel of the 5th Annual Gun Violence Prevention Meeting held in Washington, DC. The topic: Banning Assault Weapons and High-Capacity Magazines: Digging into the Details. Prior to answering questions, I made a brief presentation.
 - I have provided the PowerPoint presentation that I used for the event. I have not otherwise retained notes.
- 2019/11/19, Georgetown March for Our Lives Event, "Only in America: Examining the Everyday Toll of Gun Violence," Panelist, Georgetown University
 - On November 19, 2019, I was invited to sit on a panel hosted by March For Our Lives Georgetown with Senator Chris Murphy, Mayor Muriel Bowser, and Dr. Joseph Sakran. A moderator asked questions, and we answered questions posed by the audience.
 - I did not retain notes for this panel, but I have provided press reports on the event.
- 2019/10/18, Northern Virginia Alumnae Chapter of Delta Sigma Theta Sorority, Inc., "Let's Talk About: Breaking the Taboo. Building Solutions for Gun Violence Prevention," Panelist, George Mason University
 - On October 18, 2019, I attended a gun violence prevention event hosted by the Northern Virginia Alumnae Chapter of Delta Sigma Theta Sorority, Inc. at George Mason University where I sat on a panel addressing the topic "Let's Talk About: Breaking the Taboo. Building Solutions for Gun Violence Prevention." I

did not make a formal presentation, but I shared my views on preventing gun violence as an ATF agent and answered questions from the audience.

- I did not retain notes for this panel, but I have provided an event posting for the event.
- 2019/10/16, Giffords and Gun Owners for Safety, “Guns 101,” Speaker, Denver, CO
 - I did not retain notes for this seminar presentation, but I have provided an event posting for the event.
- 2019/9/13, Moderated Panel Discussion Hosted by Oakland County Legislators, “A Roundtable Conversation on Extreme Risk Protection Orders,” Panelist, Berkley Public Library, Berkley, MI
 - I did not retain notes for this roundtable conversation, but I have provided an event posting for the event, as well as a [video](#) of the event.
- 2019/9/11, Roundtable Discussion Hosted by Oakland County Legislators, ‘Red Flag’ Gun Legislation Roundtable, Panelist, Berkley Public Library
 - I did not retain notes for this roundtable discussion, but I have provided an event posting for the event.
- 2019/08/27, Gun Safety Town Hall, Moderator, Aurora, CO
 - I did not retain notes for this town hall, but I have provided a press report on the event.
- 2019/08/20, Gun Owners for Safety, Accompanying Rep. Gabrielle Giffords, TX
 - I did not retain notes for this event, but I have provided a press report on the event.
- 2019/07/08, Roundtable Discussion Hosted by U.S. Rep. Robert C. “Bobby” Scott,” Expert, An Achievable Dream Middle and High School, Newport News, VA
 - I did not retain notes for this roundtable discussion, but I have provided a press report and a press release on the event, as well as a [video](#) of the event.
- 2019/06/22, Gun Safety Town Hall Hosted by U.S. Rep. Jennifer Wexton, Panelist, J. Michael Lunsford Middle School, Chantilly, VA
 - I did not retain notes for this town hall, but I have provided a press report and a [news clip](#) on the event.
- 2019/05/22, Invited by Rep. Mike Thompson, “Firearms 101,” Speaker
 - On May 22, 2019, at the Invitation of Rep. Mike Thompson, I made an educational Firearms 101 presentation attended by a variety of Members of Congress.
 - I have provided the PowerPoint presentation that I used for the event. I have not otherwise retained notes.

- 2019/02/25, National Town Hall Discussion Hosted by U.S. Senator Chris Murphy, “Backgrounds Checks Now,” Panelist, Senate Hart Office Building, Washington, DC
 - I did not retain notes for this town hall, but I have provided an event posting for the event, as well as a [video](#) of the event.
- 2019/01/10, Invited by Rep. Mike Thompson, “Firearms 101,” Speaker
 - On January 10, 2019, at the Invitation of Rep. Mike Thompson, I made an educational Firearms 101 presentation attended by a variety of Members of Congress.
 - I have provided the PowerPoint presentation that I used for the event. I have not otherwise retained notes.
- 2018/4/3, Illinois Council Against Handgun Violence, Panel Discussion on Lack of Gun Regulation on Gun Violence in Illinois, Panelist, IL
 - I did not retain notes for this panel discussion, but I have provided an event posting for the event.
- 2017/12/06, House and Senate Democrats, News Conference with Family Members of Gun Violence Victims, Speaker, House Triangle, U.S. Capitol, Washington, DC
 - I did not retain notes for this news conference, but I have provided an event posting for the event.
- 2017/11/29, Fauquier County Chapter of Moms Demand Action, Community Conversation About Preventing Gun Violence, Speaker, Warrenton Visitors Center, Warrenton, VA
 - I did not retain notes for this community conversation, but I have provided an event posting for the event.
- 2017/10/28, The Newton Foundation, Third Annual Breakfast Fundraiser to Raise Funds for the Fifth Annual National Vigil for All Victims of Gun Violence, Keynote Speaker
 - I did not retain notes for this speech, but I have provided an event posting for the event.
- 2017/6/7, Press Conference Announcing the Gun Violence Restraining Order Act, Hosted by Reps. Salud Carbajal, Elizabeth Esty, and Don Beyer, Speaker, Cannon House Office Building, Washington, DC
 - I did not retain notes for this press conference, but I have provided an event posting for the event.
- 2017/5/18, Comedy Central One-Hour Special, “Jordan Klepper Solves Guns,” Speaker
 - I did not retain notes for this one-hour special, but I have provided a press report on the documentary, as well as a [video clip](#) and the [episode](#) itself.
- 2017/02/28, News Conference on “Republican Proposals to Undermine Public Safety,” Hosted by House Democrats and Members of the Gun Violence Prevention Task Force, Speaker, Cannon House Office Building, Washington, DC

- I did not retain notes for this news conference, but I have provided an event posting for the event, as well as a [video](#) of the event.
- 2016/12/08, Center for American Progress, “Firearms 101, Smart Gun Technology and How to Talk About Guns” Conference, Speaker, Washington, DC
 - On December 8, 2016, at the invitation of the Center for American Progress, I made a presentation to participants of a gun violence prevention conference in Washington, DC called “Firearms 101, Smart Gun Technology and How to Talk About Guns.”
 - I have provided the PowerPoint presentation that I used for the event. I have not otherwise retained notes.
- 2016/11/14, Boston University School of Public Health Meeting, “Public Health and the Firearm Epidemic,” Speaker, Boston, MA
 - On November 14, 2016 I was invited to present before the Boston University School of Public Health meeting “Public Health and the Firearm Epidemic.”
 - I have provided the PowerPoint presentation that I used for the event. I have not otherwise retained notes.
- 2015/02/27, Social Studies Class Presentation, Speaker, J.H. Blake High School, Silver Spring, MD
 - On February 27, 2015, I made a presentation to a social studies class at J.H. Blake High School in Silver Spring MD.
 - I have provided the PowerPoint presentation that I used for the event. I have not otherwise retained notes.
- 2013/11/22, Public Forum, “Empowering Women to Stop Illegal Gun Trafficking: A New Public Health Approach,” Speaker, San Mateo City Council Chambers, San Mateo, CA
 - I did not retain notes for this forum, but I have provided a press release on the event.
- 2013/9/24, Attorney General Koster’s Urban Crime Summit, Speaker, University of Missouri, Kansas City, MO
 - I did not retain notes for this presentation, but I have provided a press release on the event.
- 2013/07/10, Americans United for Change, Conference Call Briefing to Support Nomination of Todd Jones as Director of ATF, Participant, Virtual
 - I did not retain notes for this conference call briefing, but I have provided an event posting for the event.
- 2013/06/10, Mayors Against Illegal Guns and Americans United for Change, Conference Call Briefing to Push the Senate to Confirm Todd Jones as Director of ATF, Participant, Virtual

- I did not retain notes for this conference call briefing, but I have provided an event posting for the event.
- 2013/02/21, Democratic Senate Judiciary Committee, Briefing on Assault Weapons Ban Legislation, Speaker
 - On February 21, 2013, I gave a briefing to Senate staff hosted by the Democratic Senate Judiciary Committee concerning Assault Weapons Ban legislation.
 - I have provided the handout that I shared with attendees. I have not otherwise retained notes.
- 2013/02/06, Mayors Against Illegal Guns and the Law Center to Prevent Gun Violence, News Conference to Call on Congress to Act on US President Barack Obama's Plan to Reduce Gun Violence, Speaker, Capitol Hill, Washington, DC
 - I did not retain notes for this news conference, but I have provided an event posting for the event.
- 2013/1/15, Johns Hopkins Bloomberg School of Public Health, "Gun Policy Summit," Speaker, Baltimore, MD
 - I did not retain notes for this speech, but I have provided a list of speakers and their designated topics for the event.
- 2013/01/08, Invited by Rep. Mike Thompson, "Firearms 101," Speaker
 - On January 8, 2013, I was invited to conduct a Firearms 101 presentation for Congressional Staff hosted by Rep. Mike Thompson. I have provided the handout that I shared with attendees. I have not otherwise retained notes.
- 2005, Johns Hopkins University Commencement Speech, Speaker, Baltimore, MD
 - I have provided a copy of this speech.
- Mid 2000s, Conference Held by the United States Attorney in North Carolina, Speaker
 - I have provided a copy of this speech.
- 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.

I have done my best to identify all interviews given, 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:

Interviews

- 2020/10/14, CBS, "VERIFY: Yes, gun sales are hitting record numbers across the country," <https://www.wusa9.com/article/news/verify/verify-have-gun-sales-gone-up-during-covid-yes-or-no-yes-gun-sales-are-hitting-record-numbers-and-heres-why/> (Press

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- 2020/07/16, NPR Morning Edition, “Sales Of Guns To First Time Owners Rise Amid COVID-19 Pandemic,” <https://www.npr.org/2020/07/16/891758050/sales-of-guns-to-first-time-owners-rise-amid-covid-19-pandemic> (Transcript Attached and Audio Available at the Link)
- 2020/6/23, Politico, “Gun store robberies alarm law enforcement officials,” <https://www.politico.com/news/2020/06/23/gun-store-robberies-law-enforcement-336104> (Press Report Attached)
- 2020/5/24, Deadline Detroit, “Video: Ex-ATF Official From Michigan Talks About Politics and the Fight Over Gun Violence” <https://www.deadlinedetroit.com/articles/25347/video-ex-atf-official-from-michigan-talks-about-politics-and-the-fight-in-washington-over-gun-violence> (Screenshot Attached and Video Available at the Link)
- 2020/4/3, Cheddar News, “As Firearm Sales Spike, Giffords Advocate Says Lock Those Guns Away,” <https://cheddar.com/media/as-firearm-sales-spike-giffords-advocate-says-lock-those-guns-away> (Summary Attached and Video Available at the Link)
- 2020/1/27, Brady Campaign to Prevent Gun Violence, “41: David Chipman on the ATF, the Tiahrt Amendment, and More,” <https://www.bradyunited.org/podcast/episodes/41-if-you-know-it-you-own-it> (Transcript Attached and Audio Available at the Link)
- 2019/9/19, Statesman, “Fact-check: Can you pass a gun-purchase background check in Texas with an arrest warrant for murder?,” <https://www.statesman.com/news/20190922/fact-check-can-you-pass-gun-purchase-background-check-in-texas-with-arrest-warrant-for-murder> (Press Report Attached and Source Citation of the Phone Interview Available at the Link)
- 2019/09/04, CBS News Transcripts, “Walmart CEO Called The Status Quo on Gun Is Unacceptable, CBS” (Transcript Attached)
- 2019/08/23, Fast Company, “How gun-detection technology promises to help prevent mass shootings,” <https://www.fastcompany.com/90388822/how-gun-detection-technology-promises-to-help-prevent-mass-shootings> (Press Report Attached)
- 2019/8/22, PBS, “How limiting high-capacity magazines could reduce the carnage in mass shootings,” <https://www.pbs.org/newshour/show/how-limiting-high-capacity-magazines-could-reduce-the-carnage-in-mass-shootings> (Transcript Attached and Video Available at the Link)
- 2019/08/08, Tampa Bay Times, “A Lifelong NRA member calls Ashley Moody’s resistance to assault weapons ban ‘nonsense,’” <https://www.tampabay.com/florida-politics/buzz/2019/08/08/a-lifelong-nra-member-calls-ashley-moodys-resistance-to->

[assault-weapons-ban-nonsense/](#) (Press Report Attached)

- 2019/8/6, MSNBC, “#ForFactsSake: Trump’s words and actions on guns don’t match” <https://www.msnbc.com/velshi-ruhle/watch/-forfactssake-trump-s-words-and-actions-on-guns-don-t-match-65419333863> (Screenshot Attached and Video Available at the Link)
- 2019/08/05, NPR All Things Considered, “Gun Control Advocates Call For Big Box Stores To Stop Selling Guns and Ammunition,” <https://www.npr.org/2019/08/05/748387558/gun-control-advocates-call-for-big-box-stores-to-stop-selling-guns-and-ammunition> (Transcript Attached and Audio Available at the Link)
- 2019/06/21, NPR Morning Edition, “The Gun Industry Pushes Back On Call To Ban Suppressors In Virginia,” <https://www.npr.org/2019/06/21/734509207/theres-pushback-after-virginia-governor-calls-for-gun-suppressor-ban> (Transcript Attached and Audio Available at the Link)
- 2019/6/4, NPR, “Do Extended Magazines Facilitate Mass Shootings?,” <https://www.npr.org/2019/06/04/729413913/do-extended-magazines-facilitate-mass-shootings> (Press Report Attached and Audio Available at the Link)
- 2019/6/3, NPR All Things Considered, “The Role Extended Magazines Are Playing In The Gun Control Debate,” <https://www.npr.org/transcripts/729390466> (Transcript Attached and Audio Available at the Link)
- 2019/6/3, CBS, “Virginia Beach mass shooting reignites debate about silencers” <https://www.cbsnews.com/video/mass-shooting-of-12-in-virginia-beach-reignites-debate-about-silencers/> (Screenshot Attached and Video Available at the Link)
- 2018/11/12, The Hill, “Former ATF agent says a public health approach should be taken on mass shootings,” <https://thehill.com/hilltv/rising/416254-former-atf-agent-says-a-public-health-approach-should-be-taken-on-mass> (Summary Attached and Video Available at the Link)
- 2018/11/1, Springfield News-Leader, “The number of guns stolen out of cars in Springfield has quadrupled,” <https://www.news-leader.com/story/news/crime/2018/11/01/guns-stolen-cars-quadrupled-springfield-police-department/1571846002/> (Press Report Attached)
- 2018/10/29, The Hill, “Retired ATF agent says AR-15 rifles should be regulated like machine guns,” <https://thehill.com/hilltv/rising/413619-retired-atf-agent-says-ar-15-rifles-should-be-regulated-like-machine-guns> (Summary Attached and Video Available at the Link)

- 2018/10/26, CBS News Transcripts, “Law enforcement swarms a mail facility in Florida where several bombs may have been processed” (Transcript Attached)
- 2018/10/25, CNN, “Ninth Suspicious Package Addressed to Former Vice President Biden; Nationwide Manhunt for Suspected Serial Bomber; Interview with Senator Ben Sasse” (Transcript Attached)
- 2018/10/25, CNN, “Nationwide Manhunt for Serial Bomber Going After Trump Critics; Police Investigate Nine Suspicious Packages; Trump Blames Media, Opponent for Turbulent Political Climate; Brennan to Trump: Your Critics will not Be Intimidated into Silence; NYT: Chinese, Russian Spies Listen to Trump’s Cell Phone Calls” (Transcript Attached)
- 2018/10/25, CNN, “President Trump Criticizes Media After Targeted By Bomber; More Bombs Discovered, Manhunt Under Way; Interview with New York Governor Andrew Cuomo” (Transcript Attached)
- 2018/10/25, MSNBC, “The Beat With Ari Melber” (Transcript Attached)
- 2018/10/24, NPR All Things Considered, “What Typically Happens During Investigations Surrounding Suspicious Packages,” <https://www.npr.org/2018/10/24/660294618/what-typically-happens-during-investigations-surrounding-suspicious-packages> (Transcript Attached and Audio Available at the Link)
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- 2012/12/17, MSNBC, “Hardball with Chris Matthews, December 17, 2012,” <https://www.nbcnews.com/id/wbna50236932> (Transcript Attached)

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- 2018/12/21, CNN Wire, “Gun form liars may go on to commit gun crimes, internal ATF research suggests”
- 2018/12/19, Las Vegas Review Journal, “Bump stock ban to take effect in 90 days”
- 2018/12/18, The Wall Street Journal Online, “Trump Administration Set to Ban ‘Bump Stock’ Firearm Devices; The regulation makes the devices illegal to own or sell, and likely sets the stage for legal battles with gun owners and manufacturers”
- 2018/12/10, States News Service, “LVRJ: Trump Administration’s Rule to Ban Bump Stocks Languishes”

- 2018/11/30, The Philadelphia Daily News, “Ban coming on bump stock devices”
- 2018/11/29, ABC News, “University passes out hockey pucks as possible defense against active shooters”
- 2018/11/04, Springfield News-Leader (Missouri), “Springfield thieves target guns in cars”
- 2018/10/31, The Associated Press, “Law enforcement faces dilemma in assessing online threats”
- 2018/10/26, The Associated Press, “A look at the science used to find mail-bomb suspect”
- 2018/10/25, Canadian Press, “Investigators dig for bomb motive, warn more could be found”
- 2018/10/25, The Associated Press, “Pipe bomb scare raises new questions about mail safety”
- 2018/10/24, The Huffington Post, “How Investigators Will Work to Find Out Who’s Behind The Bomb Scare”
- 2018/10/12, The Huffington Post, “It’s Way Too Hard to Dispose of Unwanted Guns in the U.S.”
- 2018/10/4, US Official News, “LVRJ: Justice Department proposes banning bump stocks”
- 2018/10/4, The Huffington Post, “Gun Company Donates AR-15s To School Cops in North Dakota”
- 2018/10/1, The Huffington Post, “Some Americans Want to Give Up Their Guns- But It’s Complicated”
- 2018/10/1, The Daily American (Somerset, Pennsylvania), “A year after Vegas shooting, ATF emails reveal blame, alarm over bump stocks”
- 2018/9/27, Sacramento Bee, “Some say NRA is giving California schools ‘dirty’ money. These students beg to differ”
- 2018/8/27, Dow Jones Institutional News, “Judge Blocks 3-D Gun Posts -- WSJ”
- 2018/7/31, The Wall Street Journal Online, “Eight States Sue to Block Release of Plans for 3D-Printed Firearms; Gun-control advocates fear background checks on gun owners could be circumvented”
- 2018/7/30, Digital Journal, “Downloadable data on 3D guns temporarily blocked in Pennsylvania”
- 2018/7/25, USA Today, “ ‘Age of the downloadable gun begins’; Starting Aug. 1, you can print an Ar-15 at home”
- 2018/7/24, BGR, “You can 3D-print your own guns starting Aug. 1, because sure, that sounds like a good idea”
- 2018/7/22, The Sunday Times (London), “US police braced for millions of untraceable guns”
- 2018/7/4, The Idaho Statesman, “Path of a gun: Weapon used in Chicago shooting traced back to Idaho pawn shop”
- 2018/6/30, Daily News (New York), “Killer Blocked Exit”
- 2018/6/2, Daily Reporter (Greenfield, IN), “Greenfield moms rally for metal detectors in schools”
- 2018/5/24, Telegraph Herald (Dubuque, IA), “Does school design aid shooters?”

- 2018/5/24, Newstex Blogs, “Kampf-Supported Legislation Receives Backing from National Gun Violence Prevention and Statewide Law Enforcement Organizations”
- 2018/5/23, States News Service, “Gun Reform Groups and District Attorneys Endorse Stephens’ Extreme Risk Protective Order Bill”
- 2018/5/21, ABC News, “Texas school shooting suspect allegedly found with weapons less associated with mass killings”
- 2018/5/19, Canadian Press, “Texas shooting renews debate about American school design”
- 2018/5/13, Associated Press State & Local, “Quick release of gun data called trailblazing and troubling”
- 2018/5/6, The Danville News (PA), “Post Parkland- Schools and churches among groups looking to find their place in gun culture”
- 2018/4/21, Courier News (Bridgewater, New Jersey), “States’ lax laws let guns hit New Jersey”
- 2018/4/18, The Janesville Gazette (Wisconsin), “EDITORIAL: AR-15 is a bad PR move”
- 2018/4/17, The Janesville Gazette (Wisconsin), “Raffle of AR-15 by police raises questions”
- 2018/4/14, The Janesville Gazette, “Firearms taken from unlocked vehicles, gun shops challenge authorities”
- 2018/4/11, The Washington Post, “Bank of America to stop lending to some gun manufacturers in wake of Parkland massacre”
- 2018/4/9, USA Today, “Deadly toll for women, cops; Cycles of violence put officers at risk”
- 2018/4/9, Business Journal (McHenry County, Illinois), “The allure of the Ar-15: ‘I know I don’t need it,’ says one recent buyer, but that’s not the point”
- 2018/4/9, The Wall Street Journal, “U.S. News: Bump Stock Ban Won’t Be Simple”
- 2018/4/8, The Washington Post, “The allure of the AR-15: ‘I know I don’t need it,’ says one recent buyer, but that’s not the point”
- 2018/4/1, Orlando Sentinel, “Question of limiting size of gun magazines vexes Rubio”
- 2018/03/27, The Hill, “Trump sets up legal fight over bump stocks”
- 2018/03/22, ABC News, “March for Our Lives falls on 20th anniversary of deadly Jonesboro school shooting”
- 2018/3/21, The Houston Chronicle, “Austin unease grows amid new scares; Day begins with new fears when a package explodes at sorting facility, ends with hope suspect leaving clues”
- 2018/3/20, The Houston Chronicle, “Change in tactics used in bombings is complicating the investigation”
- 2018/3/5, The Washington Post, “With an eye on November, students and well-funded groups are teaming up on gun regulation”
- 2018/3/3, The New York Times, “How many Guns Sold? Why It’s Hard to Know”
- 2018/3/3, The Daily Gazette (Schenectady, New York), “Gun sale changes hard to measure”
- 2018/2/28, The Washington Post, “Dick’s Sporting Goods joins chorus for gun control, stops selling assault-style rifles”
- 2018/2/27, The Nation Blogs, “A Former SWAT Operator Says the Cop Who Stood Outside Is Another Victim of the Parkland Massacre”

- 2018/2/27, WFIN- 1330 AM (Findlay, Ohio), “Breaking down the NRA-backed theory that a good guy with a gun stops a bad guy with a gun”
- 2018/2/26, The Oakland Post, “Never Again’: Parkland students creating a movement for policy change
- 2018/2/26, San Antonio Express News, “Talk of ban on ‘weapons of war’ back; Expired law never revived.”
- 2018/2/25, Dayton Daily News, “Can assault weapon bans work? THE FIX”
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- 2018/2/22, The Business Insider, “Here’s how the AR-15 became the weapon of choice for America’s mass shooters- and why it’s so deadly”
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- 2018/2/19, The Daily American, “Lawrence: When will enough gun deaths be enough?”
- 2018/2/16, Dow Jones Institutional News, “AR-15 Style Rifles: Popular and Easily Customized”
- 2018/2/15, WFIN- 1330 AM (Findlay, Ohio), “What the school, police did right in Florida school shooting”
- 2018/2/14, The Daily Beast, “Selling Guns in the Shadow of the Vegas Massacre; Just three miles from the Mandalay Bay, the gun industry gathered for its biggest show of the year. The Daily Beast takes you inside”
- 2018/2/14, CNN Investigates, “Exclusive: Gun lobbyist helped write ATF official's proposal to deregulate”
- 2018/2/8, The Hill, “ATF flooded with comments opposing regulation of bump stocks”
- 2018/1/25, Daily Record and Sunday Mail, “Vegas is punting guns; Stephen Paddock killed 58 people and injured fired indiscriminately from Mandalay Bay hotel”
- 2018/1/17, The Houston Chronicle, “Gun stores urged to boost security; 2017 ATF report says thousands of firearms stolen”
- 2017/12/7, Asia News Monitor, “United States: Over 4,000 Guns from Ineligible Owners to be Collected across US”
- 2017/12/7, The Washington Times, “More gun safety regulations won’t help when bureaucrats are unaccountable”
- 2017/12/6, The Frontrunner, “ATF Will Examine Whether It Can Ban Bump Stocks”
- 2017/12/5, USA Today, “4,000-plus guns sold to disqualified buyers; Getting weapons back puts ATF agents’ lives at risk”
- 2017/11/23, The Independent, “FBI remove thousands of wanted fugitives from gun control database; Criminal background check lists ban criminals from purchasing guns in the US”
- 2017/11/15, The Hill, “Gun reformers search for the next bump stock”
- 2017/11/7, The Houston Chronicle, “DATABASE: Domestic violence case wasn’t reported correctly”
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- 2017/10/11, The Hill, “Ryan urges ATF to fix ‘bump stock’ gun loophole”

- 2017/10/11, MailOnline, “Paul Ryan calls on Trump White House to ban ‘bump-stocks’ through a new regulations and wants to know why Obama’s ATF green-lighted them in the first place”
- 2017/10/10, ABC News, “Democrats, Republicans push compromise bill to ban bump stocks after Las Vegas”
- 2017/10/9, The Houston Chronicle, “Attack puts silencer bills in spotlight; Stalled legislation would relax rules, giving shooters advantage, some say”
- 2017/10/7, The Huffington Post, “Banning Bump Stocks is a Mostly Meaningless Gesture, and the NRA Knows it”
- 2017/10/6, Dow Jones Institutional News, ‘Bump Stock’ Quandary: Pass a Law, Or Get Administration Action?”
- 2017/10/5, The Washington Post, “NRA support for restricting ‘bump stocks’ reflects impact of Las Vegas massacre”
- 2017/10/4, The Washington Post, “All about bump stocks, the deadly gun accessory used in Vegas that Congress might ban”
- 2017/10/4, The East Bay Times, “Trump already rolling back gun restrictions”
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- 2017/10/3, International Business Times, “Las Vegas Shooter Used ‘Bump Stock’ Devices for Mass Killing”
- 2017/10/3, The Guardian, “Call for ban on ‘bump stocks’ - owned by Las Vegas shooter- that boost fire; Bump stocks were a novelty popular with YouTube gun enthusiasts wanting to simulate machine gun fire. Then they were found in a mass shooter’s arsenal”
- 2017/9/24, Charleston Gazette-Mail, “Bloomberg View: Sound of gunfire can be life-saving”
- 2017/9/15, States News Service, “House Committee Passes Share Act by Wide Margin”
- 2017/9/12, The Hill, “Lawmakers spar over gun silencer bill”
- 2017/9/11, Politico, “Antifa, white supremacists exploit loose gun laws”
- 2017/7/30, The Stuart News/Port St. Lucie News (Stuart, Florida), “Watchdog Investigation - ATF releases inspection”
- 2017/7/24, The Madison Daily Leader (South Dakota), “Now is not the time to legalize silencer”
- 2017/7/16, The Boston Globe, “From bad to worse on guns”
- 2017/7/2, The Guardian, “Chicago gun violence task force: whose idea was it- and will it work?; Donald Trump and Jeff Sessions say sending 20 ‘feds’ to the city is ‘strong leadership’ - but the move originated under Obama and success is not certain”
- 2017/6/14, Las Cruces Sun-News, “The NRA Racks Up Victories. The ATF Wants to Give Them More”
- 2017/5/29, The Hill, “Gun lobby seeks to calm fears about silencers”
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- 2017/5/16, The Washington Times, “Donald Trump: Police need better protection”
- 2017/4/28, The Associated Press, “Facing a pro-gun government, anti-gun movement feels defiant”
- 2017/4/17, The Times-Union (Albany, New York), “Raising Voices in Favor of Silencers”

- 2017/3/21, NPR, "Debate Over Silencers: Hearing Protection Or Public Safety Threat?"
- 2017/3/13, Targeted News Service, "Sen. Gillibrand Vows To Stop Congressional Effort Currently Underway to Make It Easier For Criminals to Obtain Gun Silencers"
- 2017/2/11, The Arizona Republic, "Gabby Giffords' anti-gun group gets new allies; Law enforcement coalition opposes measure to create reciprocity for concealed carry permits"
- 2016/8/27, Associated Press State & Local, "Small gun manufacturers a growing force in Florida"
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- 2016/2/15, The Berkshire Eagle, "Peter Albertson: Drastic action for drastic gun problem"
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- 2015/10/28, USA Today, "Millions of gun records languish in storage; Papers critical in tracing weapons linked to crimes"
- 2015/10/11, News & Record (Greensboro, North Carolina), "Some war vets dispute NRA's gunslinger fantasy"
- 2015/6/19, Charlotte Observer, "Experts: background checks wouldn't have stopped Charleston suspect's gun purchase"
- 2015/3/11, San Antonio Express-News, "ShotSpotter aims for safety; Police use app to track gunshots on East Side"
- 2014/9/21, Rochester Democrat and Chronicle, "Nguyen should be the last straw"
- 2014/9/23, Evansville Courier and Press, "EPD asks for shot sensors and funding"
- 2013/12/3, USA Today, "Black Friday gun checks decline; Last two years broke records; firearms sales peak crested"
- 2013/11/30, The Houston Chronicle, "Special Report: Washington, D.C.; NRA, politics keep agency in crossfire;"
- 2013/11/29, The Washington Times, "Gun-buying spree wanes after post-Newton high; Background checks hit all-time high og 2.8 million year ago"
- 2013/11/28, The Washington Times, "Mental health record checks little-used; Only 15 states submit reports to national system"
- 2013/10/29, Boston Magazine, "Giving Up the Gun"
- 2013/9/1, Los Angeles Times, "ATF chief approved after fierce debate"
- 2013/7/16, Business Wire, "SST, Inc. Launches National Gunfire Index"
- 2013/7/3, The Washington Times, "Gun-purchase surge levels off as concerns fade; Newtown triggered uptick"
- 2013/6/28, USA Today, "Entrapment? But are these faked drug stashes by the feds 'good law enforcement' or government gone too far?" z
- 2013/6/11, The Washington Times, "White House presses GOP to confirm ATF chief; Grassley says answers needed on failed gun-running scheme"
- 2013/6/10, Targeted News Service, "Law Enforcement Officials, Leading Advocated Press the Senate to Swiftly Confirm ATF Nominee"
- 2013/5/10, The Daily Herald (Everett, Washington), "NRA, allies hinder Boston bomb inquiry"
- 2013/5/5, The Athens Messenger, "A modest proposal in response to the Boston bombings"

- 2013/5/3, The Houston Chronicle, “Analysis; NRA hit bull’s-eye in 1996; Lobby got Congress to ban CDC research that could back gun control”
- 2013/4/30, The Guardian, “Tamerlan Tsarnaev shows why gun control “terror gap” must be bridged”
- 2013/4/26, CNN, “Budget-cut layoffs deal a blow to investigations of gun-related crimes”
- 2013/4/25, The Washington Times, “Disconnect over expanded checks doomed gun bill; Poll shows public deeply divided”
- 2013/4/23, National Public Radio, “‘Taggants’ In Gunpowder Might Have Helped Identify Bombers”
- 2013/4/19, Business Mirror, “Boston probe focused on video showing bomb suspect”
- 2013/4/18, Mint, “Investigators said to be close to identifying Boston suspect”
- 2013/4/16, National Public Radio, “Background Check Battle: More Prosecution Or More Checks?”
- 2013/4/11, The Daily Item, “States Move to Restrict Size of Gun Magazines”
- 2013/4/8, Gannett News Service, “Federal agents report porous shipping system for guns”
- 2013/4/7, National Public Radio, “Back From Recess, Congress Preps For Gun Legislation Fight”
- 2013/4/5, The Washington Times, “Drop-off in gun prosecutions began before Obama; Enforcing laws on the books an issue in current debate”
- 2013/3/31, Palm Beach Post, “Background check system full of gaps; Some technology is old. Private sales stay private. And still the system has blocked millions of people from obtaining a gun.”
- 2013/3/22, The Washington Times, “Stage set for Senate gun control debate; Background checks are sticking point”
- 2013/3/18, San Antonio Express-News, “ATF says it must act on gun buys; Work on illegal sales tied to shows defended”
- 2013/3/13, Star Tribune, “Checks Dominate Gun Debate”
- 2013/3/10, Pioneer Press, “In gun debate, lots of emotion but little solid research”
- 2013/3/8, Los Angeles Times, “THE NATION; Bill to fight trafficking of firearms advances in Senate”
- 2013/3/8, The Baltimore Sun, “1st gun bill after Connecticut massacre clears Senate panel; Measure combats firearms trafficking”
- 2013/2/28, Morris Daily Herald, “Attempt to close gun show loophole has failed before”
- 2013/2/26, Los Angeles Times, “A gap in gun checks is tough to close; A new push is on to regulate private sales. Just like in 1999.”
- 2013/2/26, The Washington Times, “Officials warn sequester could hinder gun control”
- 2013/2/22, The Virginian-Pilot, “Straw laws”
- 2013/2/13, The Denver Post, “Bill for gun background checks gets first OK”
- 2013/2/13, The Denver Post, “Shell limit on ammo magazines passes test”
- 2013/2/12, Fox - 31 KDVR, “Bill requiring universal gun background checks in Colo. clears hurdle”
- 2013/2/8, CBC News, “Crossfire: The battle over gun control in America”
- 2013/1/31, San Jose Mercury News, “California’s gun background-check system could be national model”

- 2013/1/25, La Prensa, “Democrats discuss gun-control bills at taskforce meeting”
- 2013/1/25, The Washington Times, “States’ crime rates show scant linkage to gun laws”
- 2013/1/24, Chattanooga Times Free Press, “Major gun bill rolls out today”
- 2013/1/23, Gannett News Service, “Mental health services, gun registry, background checks urged at House meeting”
- 2013/1/18, Guardian.com, “Obama’s gun control targets assault rifles but handguns remain unchecked”
- 2013/1/17, The Baltimore Sun, “Crux of Obama plan: Background checks; Executive order on gun control would streamline federal database”
- 2013/1/17, Los Angeles Times, “Background checks system scrutinized; The program is so marred that even federal agencies don’t turn over records”
- 2012/12/15, The New York Times, “Obama’s Cautious Call for Action Sets Stage to Revive Gun Debate”
- 2012/12/15, EuroNews, “US school massacre renews debate over gun control”
- 2012/12/18, Mother Jones, “A Gun Rights Fanatic and Gun Control Advocate Meet in the Green Room”
- 2009/2/1, Detroit Free Press, “ATF Ups Fight Against Straw Buyers”
- 2008/01/09, Detroit Red Wings, “Zetterberg donates detectors to local fire agencies”
 - David shared pdf
- 2004/6/21, Government Computer News, “Data to go: ATF gives field agents ‘mobile workplace’”
- 2001/12/21, Chicago Sun-Times, “Tactics questioned in Jim Ryan gun sting”
- 2001/12/21, The Associated Press, “Illinois online gun sting draws scrutiny, federal criticism”

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.

- 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.

On May 26, 2020, I participated in a Zoom fundraising event on behalf of Rep. Abigail Spanberger (VA-07). During the event, Rep. Spanberger and I shared our views on gun policies that would enhance public safety through the lens of our shared law enforcement experience.

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;

N/A

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

N/A

- 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.

N/A

- 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.

N/A

- b. Describe:

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

N/A

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

N/A

- 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: | ___% |
| 2. state courts of record: | ___% |
| 3. other courts: | ___% |

4. administrative agencies: ___%

N/A

ii. Indicate the percentage of your practice in:

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

N/A

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. What percentage of these trials were:

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

N/A

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.

N/A

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.

N/A

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.)

N/A

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 not taught any courses on a full time basis. From time to time, I have been asked to serve as a guest lecturer at educational institutions on various topics. I have described those lectures in response to Question 12(d) above.

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.

None.

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 278.

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.

During the nomination process, I consulted with the Department of Justice's ethics office and Designated Ethics Officer to identify any potential conflicts. If I am confirmed, I will continue to consult with that office and will 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 have 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 will 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 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.

N/A

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY
QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

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

United States Circuit Judge for the Federal Circuit
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.

Perkins Coie LLP
131 South Dearborn Street, Suite 1700
Chicago, Illinois 60603
4. **Birthplace:** State year and place of birth.

1976; Detroit, Michigan
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.

1998 – 2001, Harvard Law School; J.D., 2001

1994 – 1998, Massachusetts Institute of Technology; S.B., 1998
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.

2014 – present
Perkins Coie LLP
131 South Dearborn Street, Suite 1700
Chicago, Illinois 60603
Partner

Member, Firmwide Executive Committee (2020 – present)

Summer 2000; 2002 – 2014
Kirkland & Ellis LLP
300 North LaSalle (current address)
Chicago, Illinois 60654
Partner (2007 – 2014)
Associate (2002 – 2007)
Summer Associate (Summer 2000)

2001 – 2002
United States Court of Appeals for the Federal Circuit
717 Madison Place, Northwest
Washington, District of Columbia 20439
Law Clerk for the Honorable Timothy B. Dyk

1999 – 2000; 2000 – 2001
Harvard Law School
1563 Massachusetts Avenue
Cambridge, Massachusetts 02138
Board of Student Advisers – student legal research and writing instructor

Summer 1999; Summer 2000
Mayer Brown LLP
71 South Wacker Drive (current address)
Chicago, Illinois 60606
Summer Associate

Summer 1998
Cravath, Swaine & Moore LLP
825 Eighth Avenue
New York, New York 10019
SEO Intern

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 military. I was not required to register with 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.

Best Lawyers in America 2021: Patent Litigation

“Leading Lawyers” list (2017 – 2021)

Illinois “Super Lawyers” list (2016 – 2021)

Chicago’s Notable Women in Law by Crain’s Chicago Business (2020)

Lawyers of Color’s Nation’s Best List (2019)

Chicago’s Notable Minority Lawyers by Crain’s Chicago Business (2018)

“Emerging Lawyers” list by Leading Lawyers (2015, 2016)

Leadership Council on Legal Diversity Fellow (2015)

Illinois “Rising Stars” list by Super Lawyers (2013 – 2015)

Third and Fourth Editions of Who’s Who in Black Chicago (2010, 2011)

Most Powerful and Influential Women in Illinois by the National Diversity Council (2010)

Phi Beta Kappa Society

Tau Beta Pi Honor Society

Honorable Mention AMITA Senior Academic Award (1998)

Academic All Conference, Tennis (1997)

National Dean’s List (1997)

Dow Chemical Company Outstanding Junior Award (1997)

OME Academic Excellence Award (1996 – 1998)

National Science Scholar (1994)

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.

Chicago Bar Association

ChIPs (Chiefs in Intellectual Property)

Federal Circuit Bar Association

National Bar Association

The Richard Linn American Inn of Court

I have not held an office with any of the above organizations.

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.

Illinois, 2002

There have been no lapses in membership.

- 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. Court of Appeals for the Federal Circuit, 2002

U.S. District Court for the Central District of Illinois, 2005

U.S. District Court for the Northern District of Illinois, 2002

U.S. District Court for the Eastern District of Texas, 2016

U.S. District Court for the Western District of Wisconsin, 2004

U.S. Patent and Trademark Office, 2010

There have been no lapses in membership.

During my career, I have also appeared *pro hac vice* in various federal courts and before the International Trade Commission.

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.

Association of MIT Alumnae (AMITA) (1998 – 2003)

Black Alumni/ae of MIT (BAMIT) (approximately 1998 – present)

Chicago Black Partners Alliance (approximately 2017 – present)

East Bank Club (2008 – present)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any 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 membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

None of the organizations listed above invidiously discriminates on the basis of race, sex, religion, or national origin. To the best of my knowledge, I have not been a member of any organization that currently invidiously discriminates or formerly invidiously discriminated on the basis of race, sex, religion, or national origin. Where noted above, certain groups are essentially affinity groups whose membership consists of African-American law partners or alumni/ae of MIT.

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.

With Michelle M. Umberger & Danielle N. Scott, Perkins Coie LLP, *PLI Patent Litigation: Course Handbook: Business Methods Patents and the Uncertain Future of Bilski and its Progeny* (2014). Copy supplied.

With Paul R. Steadman, Kirkland & Ellis LLP Alert: Federal Circuit Decision in *Dystar v. C.H. Patrick* and the United States Supreme Court's Grant of *Certiorari* in *Teleflex v. KSR*, Oct. 2006. Copy supplied.

With William A. Streff, Jr. & Paul R. Steadman, Kirkland & Ellis LLP Alert: *Knorr-Bremse Systeme Fuer Nutzfahrzeuge GMBH v. Dana Corp.*, Nos. 01-1357, -1376, 02-1221, -1256 (Fed. Cir. Sept. 13, 2004) (en banc), Sept. 2004. 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.

I searched my presentation files, publication and presentation information maintained on my website biography, and calendar to prepare the list of public speaking engagements identified below. There may be some additional speaking engagements that I did not locate or do not recall, which are not listed below. To the extent that I located PowerPoint presentations, I supplied those where noted.

May 9, 2019: Co-chair and Speaker, PLI: Patent Fundamentals Bootcamp 2019, An Introduction to Patent Drafting, Prosecution, and Litigation - Chicago; Section 101: The Continuing Search for a Clear Rule, Practising Law Institute, Chicago, Illinois. PowerPoint supplied.

October 26, 2017: Speaker, Are the Supreme Court's Forays into Patent Litigation Helping or Hurting Companies?, Perkins Coie, Chicago, Illinois. PowerPoint supplied.

October 14, 2016: Speaker, Patent Remedies: The Aftermath of Recent Federal Circuit Decisions, Practising Law Institute, Chicago, Illinois. PowerPoint supplied.

September 23, 2016: Speaker, Women, Influence & Power in Law: IP Strategy Questions Drop & Draw – Your Pain Points, Answered, Women, Influence & Power in Law, Washington, District of Columbia. PowerPoint supplied.

October 2015: Speaker, Portrait Unveiling for the Honorable Timothy B. Dyk, U.S. Court of Appeals for the Federal Circuit, Washington, District of Columbia.

Notes supplied.

October 8, 2015: Speaker, The Patentability of Business Methods: The Continuing Search for a Clear Rule, Practising Law Institute, Chicago, Illinois. PowerPoint supplied.

September 10, 2015: Panelist, Multi-diversity: The Challenge of Inclusion and Career Development, Thomson Reuters Legal Executive Institute, San Francisco, California. As part of a panel, I spoke regarding various challenges faced by diverse attorneys and pathways for career advancement and professional growth. I have no notes, transcript, or recording. The address for the Thomson Reuters Legal Executive Institute is 747 Third Avenue, Floor 33, New York, New York 10017.

May 13, 2015: Speaker, Will *Alice* Force You To Change Your Litigation Strategy as a Defendant?, Perkins Coie, Chicago, Illinois. PowerPoint supplied.

October 6, 2014: Speaker, The Patentability of Business Methods: The Continuing Search for a Clear Rule, Practising Law Institute, Chicago, Illinois. PowerPoint supplied.

May 1, 2014: Speaker, Patent Litigation Defense: Strategies for Corporate Counsel, Perkins Coie LLP, Chicago, Illinois. PowerPoint supplied.

October 2012: Speaker, Two Years After *Bilski* — The Patentability of Business Methods, Practising Law Institute, Chicago, Illinois. PowerPoint supplied.

May 11, 2007: Speaker, Trade Secret Litigation: Strategic Considerations at the Outset of the Case, Kirkland & Ellis LLP, Chicago, Illinois. PowerPoint supplied.

May 19, 2006: Speaker, Electronic Evidence - An Overview of the New Proposed Federal Rules, Kirkland & Ellis LLP, Chicago, Illinois. PowerPoint supplied.

May 13, 2005: Speaker, Electronic Evidence - An Overview of the New Proposed Federal Rules, Kirkland & Ellis LLP, Chicago, Illinois. PowerPoint supplied.

- 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.

2018: I was interviewed regarding my practice at Perkins Coie. Available at <https://www.vault.com/company-profiles/law/perkins-coie-llp/questions/2018->

intellectual-property.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have not held judicial office.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____
 - i. Of these cases, approximately what percent were:

jury trials:	_____ %
bench trials:	_____ % [total 100%]
 - ii. Of these cases, approximately what percent were:

civil proceedings:	_____ %
criminal proceedings:	_____ % [total 100%]
- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held judicial office.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. 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 public office, and I have not been an unsuccessful candidate for 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 never held an office or rendered services to any political party or election committee.

16. **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;

From 2001 to 2002, I served as a law clerk to the Honorable Timothy B. Dyk, Circuit Judge of the United States Court of Appeals for the Federal Circuit.

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

I have never 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;

2002 – 2014
Kirkland & Ellis LLP
300 North LaSalle (current address)
Chicago, Illinois 60654
Partner (2007 – 2014)
Associate (2002 – 2007)

2014 – present
Perkins Coie LLP
131 South Dearborn Street, Suite 1700
Chicago, Illinois 60603
Partner
Member, Firmwide Executive Committee (2020 – present)

- 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.

b. Describe:

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

Since the beginning of my career, I have practiced intellectual property litigation with a special emphasis on patent litigation. I have represented parties in various federal district courts, before the ITC, and in appeals before the Federal Circuit. I have worked on cases from their inception through fact and expert discovery, trial, and appeal. I have tried cases, argued motions, taken and defended depositions, and written briefs to the trial and appellate courts.

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

Since 2002, I have worked with many different clients across various fields. Those fields include the chemical and pharmaceutical disciplines, biotechnology, computer science, automotive, and mechanical engineering. During my career, I have represented both defendants and plaintiffs, including Fortune 500 and high-technology companies. Early in my career, I had a slightly broader practice scope, including trade secrets litigation and copyright counseling. For more than 10 years, I have primarily focused on patent litigation and related issues.

- 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.

Over 95% of my practice focuses on intellectual property litigation. Over the years, I have appeared in more than 40 cases in district court. As part of my district court work, I have appeared on behalf of my clients at summary judgment hearings, claim construction hearings, discovery hearings, pre-trial hearings, and trial. I have also appeared in cases eight times before the Federal Circuit.

I occasionally appear in cases in either state court or before the ITC.

- i. Indicate the percentage of your practice in:
- | | |
|-----------------------------|-------|
| 1. federal courts: | > 90% |
| 2. state courts of record: | < 5% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 5% |
- ii. Indicate the percentage of your practice in:
- | | |
|--------------------------|------|
| 1. civil proceedings: | 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.

I have tried four cases to verdict, judgment, or final decision. In those four cases, I was associate counsel.

- i. What percentage of these trials were:
- | | |
|--------------|-----|
| 1. jury: | 75% |
| 2. non-jury: | 25% |

- 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.

Although I have never appeared before the Supreme Court, I helped prepare a brief successfully opposing certiorari. *Caterpillar Inc. v. Sturman Indus., Inc.*, 545 U.S. 1114 (2005). Brief in Opposition is available at 2005 WL 1113633.

17. **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. *Sanyo Electric Co., Ltd. v. Intel Corporation*, No. 2018-0723-MTZ (Del. Ch. Ct.)

This case involves a dispute between the parties regarding both the scope and the parties' rights under a patent cross license. I represent Intel Corporation and am responsible for the day-to-day management of the case. After completing fact and expert discovery, the parties cross-moved for summary judgment on the issues of contract interpretation and breach of contract. Additionally, Intel moved for summary judgment that Sanyo's reformation claim is barred by the patent cross license's integration clause. The court granted Intel's motion for summary

judgment regarding contract interpretation and denied Sanyo's motion for summary judgment regarding contract interpretation. The court also denied Intel's motion for summary judgment with respect to the integration clause precluding Sanyo's reformation claim. The remaining summary judgment motions relating to reformation and breach of contract remain pending.

Dates of Representation: 2018 – present
Presiding Judge: Vice Chancellor Zurn

Co-Counsel:

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Erik Janitens
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2. *Kutt v. Apple Inc.*, No. 2:19-CV-00316-RWS (E.D. Tex.); *Kutt v. Apple Inc.*, No. 20-1757 (Fed. Cir. 2020)

Mr. Kutt filed a complaint alleging patent infringement against 45 corporate and individual defendants, including Intel. I represented Intel and its then-CEO and served as lead counsel. Intel moved to dismiss Mr. Kutt's complaint and amended complaint with prejudice because his claims were time-barred due to patent expiration and procedural problems, including defects in service, improper venue, and misjoinder of parties. Mr. Kutt's patent infringement claims were dismissed with prejudice against Intel and the other defendants due to patent expiration. Mr. Kutt appealed the judgment. His appeal was dismissed for failure to prosecute.

Dates of Representation: 2019 – 2021
Presiding Judge: District Judge Robert W. Schroeder III

Co-Counsel:

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Samuel W. Butler
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Plaintiff was represented pro se.

3. *In Re Koninklijke Philips Patent Litigation*, No. 4:18-cv-01885-HSG (N.D. Cal.)

Philips sued Microsoft's customers in a multi-patent suit related to accused features in tablets or smartphones. I represented Microsoft as it intervened in the customer suits. After substantial fact and expert discovery, both parties moved for summary judgment. Defendants moved for summary judgment of non-infringement and invalidity, and Plaintiffs moved for summary judgment on Defendants' anticipation and obviousness invalidity defenses. I was lead attorney for the damages portion of the case, including taking and defending depositions of fact and expert witnesses, arguing a summary judgment motion, and briefing a *Daubert* motion relating to Plaintiffs' damages expert. After the summary judgment hearing, but before trial, Microsoft and the Plaintiffs settled on confidential terms. The case continued for one remaining defendant, Asus, after the settlement. The court later granted the remaining Defendant's motion for summary judgment of non-infringement for two patents and denied Plaintiffs' motion for partial summary judgment. Among other *Daubert* rulings, the Court also granted in part the motion to exclude opinions of the Plaintiffs' damages expert. Prior to trial, the case as to the remaining Defendant also settled and was later dismissed.

Dates of Representation: 2017 – 2019

Presiding Judge: District Judge Haywood S. Gilliam, Jr.

Co-Counsel:

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Natalie Lieber
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4. *SecurityProfiling, LLC v. Intel Corporation and McAfee, Inc.*, No. 6:16-cv-01016-RWS-JDL (E.D. Tex.)

I defended Intel and McAfee in this six-patent case relating to computer network security technology. Specifically, SecurityProfiling alleged that defendants directly infringed the asserted claims and induced infringement by third-party customers and users of the Intel computer network security technology. Defendants denied any infringement and asserted invalidity of all six patents. In addition to managing day-to-day responsibilities, I was in charge of the invalidity case for all of the asserted patents. Approximately one month after service of the invalidity contentions, the case settled on confidential terms.

Dates of Representation: 2016 – 2017
Presiding Judge: District Judge Robert W. Schroeder III

Co-Counsel:

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5. *Nonend Inventions, N.V. v. Apple Inc.*, No. 2:15-cv-00466-JRG-RSP (E.D. Tex.)

I defended Microsoft Corporation, HTC America, Inc., Amazon.com, Inc., Amazon.com, LLC, Panasonic Corporation, and Panasonic Corporation of North America against Nonend's patent infringement allegations related to streaming technology. I managed day-to-day responsibilities for Microsoft, including managing complex discovery issues and case strategy and coordination with numerous co-counsel for other defendants. After exchange of infringement and invalidity contentions, as well as proposed claim terms and proposed claim constructions, Microsoft and Nonend settled on confidential terms. As a result of the settlement between Microsoft and Nonend, Nonend dismissed its claims against Microsoft, Panasonic Corporation, and Panasonic Corporation of North America, among other defendants. Subsequently, Nonend and RPX reached a settlement agreement, resolving the action as to Amazon.com, Inc., Amazon.com, LLC, and HTC America, Inc., among other defendants. The case in its entirety was terminated in June 2016 after a successful mediation between Nonend and the remaining defendant Motorola Mobility LLC.

Dates of Representation: 2015 – 2016
Presiding Judge: District Judge Rodney Gilstrap

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6. *Ameritox, Ltd. & Marshfield Clinic, Inc. v. Millennium Health, LLC*, No. 13-cv-832 (W.D. Wis.), 2015 WL 1272280; *Ameritox, Ltd. v. Millennium Health, LLC*, Nos. 15-1690, 15-1875 (Fed. Cir. 2015)

Ameritox and Marshfield Clinic asserted two patents relating to a method for drug screening and compliance protocols for urine samples. I represented Ameritox and served as pre-trial, trial, and appellate counsel. The court granted Millennium's summary judgment motion of invalidity under 35 U.S.C. §101 for one of the two patents but denied Millennium's summary judgment motion on the same grounds for the other patent. I led the technical team efforts, including participating in fact and expert deposition discovery. I drafted the summary judgment opposition brief to Millennium's section 101 motion. The court also granted summary judgment of infringement. At trial, I argued motions and jury instructions and examined witnesses. In 2015, the jury refused to invalidate the remaining patent and awarded damages. The court also awarded prejudgment interest. Millennium appealed the adverse judgment. The case settled shortly after the appeal was docketed.

Dates of Representation: 2014 – 2015

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7. *ViiV Healthcare UK Ltd. & ViiV Healthcare Co. v. Lupin Ltd. & Lupin Pharms., Inc., Teva Pharms, Inc.*, C.A. 11-576-RGA (D. Del.), 6 F. Supp. 3d 461 (D. Del. 2013), *aff'd*, 594 Fed. App'x 686 (Fed. Cir. 2015)

This case was an abbreviated new drug application (ANDA) case involving ViiV Healthcare UK Ltd. and ViiV Healthcare Co. (collectively, “ViiV”) asserting a patent claiming formulations and methods of treating HIV infection against Teva and Lupin. Both Teva and Lupin sought FDA approval to market generic versions of drugs that were covered by ViiV’s patents. During discovery, Teva stipulated to infringement. I served as both pre-trial and trial counsel for ViiV, including taking and defending numerous fact and expert depositions, arguing discovery motions and claim construction and examining three expert witnesses at trial. After a 5-day bench trial, the Court concluded that the defendants failed to

prove any of their invalidity defenses by clear and convincing evidence and that ViiV failed to prove that Lupin's generic drug product infringed the asserted patent claims. Lupin and Teva appealed the judgment in February 2014. The Federal Circuit summarily affirmed the district court's judgment pursuant to Federal Circuit Rule 36.

Dates of Representation: 2012 – 2014

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8. *Mformation Techs., Inc. v. Research In Motion Ltd., et al.*, No. 3:08-cv-04990 (N.D. Cal.), 2012 WL 3222237 (N.D. Cal. Aug. 8, 2012), *aff'd*, 764 F.3d 1392 (Fed. Cir. 2014)

Mformation sued Research in Motion (or “RIM” now known as BlackBerry) on a patent relating to remote control and management of wireless devices. I represented RIM and participated in both written and deposition discovery during the fact and expert discovery phases. I also drafted numerous briefs and led the damages case. The jury returned a verdict finding RIM liable for infringement and awarding damages. I was in charge of the judgment as a matter of law briefing during the post-trial phase. After trial, the court granted RIM’s renewed motion for judgment as a matter of law, finding that RIM did not infringe the asserted patent in light of the evidence regarding the accused products. The court further vacated the jury’s finding as to damages. The court also conditionally granted RIM’s motion for a new trial in the event that the court’s ruling as to RIM’s renewed motion for judgment as a matter of law were reversed. Mformation appealed the judgment to the Federal Circuit. The Federal Circuit affirmed the district court’s judgment of non-infringement because there was no legally sufficient basis on which a reasonable jury could have found that BlackBerry infringed the asserted claims.

Dates of Representation: 2011 – 2013

Presiding Judge: District Judge James Ware (ret.); District Judge Edward M. Chen

Panel: Chief Judge Prost, Circuit Judges Schall and Hughes

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9. *Fernandez Innovative Techs., LLC v. General Motors Corp., OnStar Corp., Toyota Motor Sales, U.S.A., Inc.*, No. 07-CV-1397 (N.D. Ill.), 2008 WL 2168843, *aff'd*, 325 Fed. App'x 908 (Fed. Cir. 2009)

This case addressed a claim construction dispute where the district court's claim construction resulted in a joint stipulation and judgment of non-infringement pursuant to Federal Rule of Civil Procedure 54(b). I represented the defendants in this vehicle telematics case, arguing motions, briefing issues and leading discovery, including defending depositions. In light of the district court's construction of two of the claim terms, the parties jointly agreed that the defendants did not infringe any of the asserted claims either literally or under the doctrine of equivalents. The district court entered judgment of non-infringement pursuant to Rule 54(b). Fernandez appealed that judgment, challenging the district court's claim constructions. I co-authored the appellate brief. The Federal Circuit summarily affirmed the district court's judgment pursuant to Federal Circuit Rule 36.

Dates of Representation: 2007 – 2009 (estimated)
Presiding Judge: District Judge Virginia M. Kendall
Panel: Circuit Judges Newman, Lourie, Rader, Gajarsa, and Moore

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10. *Caterpillar Inc. v. Sturman Indus., Inc.*, 387 F.3d 1358 (Fed. Cir. 2004), *cert. denied*, 545 U.S. 1114 (2005), Case No. 1:99-CV-01201 (C.D. Ill.)

This case addressed whether the spouse of a party's employee was biased as a matter of law. I served as appellate and re-trial counsel for Sturman Industries, Inc., Mr. Sturman, and Ms. Sturman (collectively, "the Sturmans"). The Sturmans were formerly partners with Caterpillar under a joint development agreement to develop fuel injectors. In the original case, the jury found in favor of Caterpillar on breach of contract, trade secret, and conversion claims. Among other issues, the Sturmans appealed the district court's decision to allow the spouse of a Caterpillar employee to sit on the jury. I was the principal architect of the appellate arguments relating to the juror issue. The Federal Circuit ultimately held that juror was biased as a matter of law and vacated the jury's verdict in favor of Caterpillar on breach of contract, trade secret, and conversion claims and the resultant remedies, ordering a new trial. Caterpillar petitioned for rehearing, rehearing en banc, and for certiorari to the Supreme Court. All those petitions were denied. In preparation for the retrial, I wrote various briefs, prepared witnesses for trial, drafted the pre-trial order and prepared and argued at the jury instructions conference. At the retrial, the Sturmans obtained judgment in their favor on the trade secret and conversion claims. However, the jury found that the Sturmans breached the contract and awarded \$1.00 in damages. The court also ordered specific performance of the contract. The case settled after the retrial on confidential terms.

Dates of Representation: 2002 -- 2006 (estimated)

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Panel: Chief Judge Prost, Circuit Judges Newman and Dyk

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18. **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.)

In addition to my practice, I have been significantly involved in firm management. Since 2020, I have been a member of the Firmwide Executive Committee, which is the overall governing body of the firm. Over the years, I have served on numerous other firm committees, including chairing my local diversity and inclusion committee and serving as a member of the lateral partner committee and the committee responsible for evaluating associates.

I have not performed any lobbying activities.

19. **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.

During law school, I was a legal writing instructor as a member of the Board of Student Advisers. I taught during the 1999 to 2000 and 2000 to 2001 school years. The course was entitled "Legal Reasoning and Argument" and focused on teaching 1Ls legal writing and research.

20. **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 resign from Perkins Coie LLP, any capital paid into the firm or other money owed will be paid to me in accordance with the Perkins Coie LLP Amended and Restated Partnership Agreement. Additionally, through my former role as a partner at Kirkland & Ellis LLP, I am a participant in two firm-sponsored investment funds: Randolph Street

Investment Partners, L.P. - 2007 PEF and Randolph Street Investment Partners, L.P. - 2008 PEF. My ownership interest in these funds would continue until all the underlying investments have been disposed of, unless I assign away my interests.

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

If confirmed, I have no plans, commitments, or agreements to pursue outside employment, with or without compensation, during service with the court.

22. **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).

When my nomination is formally submitted to the Senate, I will file my Financial Disclosure Report and will supplement this Questionnaire with a copy of that Report.

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

See attached net worth statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements 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.

If confirmed, I would recuse myself in any case presenting a conflict of interest. I would recuse myself in any case that I litigated. I would also carefully evaluate any case where there is a potential conflict of interest. For example, if confirmed, I would initially recuse myself from any cases where my current law firm, Perkins Coie LLP, appeared. I would also recuse myself from any cases involving immediate family or the employer of my immediate family.

- 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 would carefully apply the Code of Conduct for United States Judges when evaluating any actual or potential conflicts of interest. Additionally, I would review relevant precedent and consult other judges where appropriate. I would seek to recuse myself on any matters where my impartially might

reasonably be questioned.

25. **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.

I have represented pro bono clients. From 2003 to 2004, I represented the plaintiff in *Kidd v. Triangle Package Machinery Co.*, Case No. 1:03-cv-6663 (N.D. Ill. 2003). Mr. Kidd, an African-American former employee of Triangle Package, asserted claims of racial harassment, retaliation, and discrimination. I worked on the case for approximately 800 hours and prepared the pleadings and conducted most of the written and deposition discovery. The case settled as a result of a court settlement conference, and I and some other attorneys presented at the settlement conference on behalf of our client.

Additionally, in 2015, I consulted with a pro bono client regarding copyright and contract advice for a potential book distribution deal. As part of pro bono workshops, I also worked on a DACA application in 2014 with one pro bono client and a will for another pro bono client. With the exception of the *Triangle Package* matter, the remaining pro bono matters were more short-term or periodic with work occurring over a few days or a few weeks. I have also donated to the Chicago Bar Foundation, which seeks to ensure equal access to our justice system.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

I was first contacted by an official from the White House Counsel's Office on March 8, 2021, and the following day I interviewed with attorneys from the White House Counsel's Office. Since March 9, 2021, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On March 26, 2021, I interviewed with President Biden and White House Counsel Dana Remus. On March 30, 2021, the President announced his intent to nominate me.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or

implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR EXECUTIVE NOMINEES
PUBLIC

1. **Name:** State full name (include any former names used).
Ur Mendoza Jaddou
2. **Position:** State the position for which you have been nominated.
Director of U.S. Citizenship and Immigration Services (USCIS)
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.
Washington, DC.
4. **Birthplace:** State date and place of birth.
1974; Chula Vista, CA
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.
UCLA School of Law, Los Angeles, CA (1998-2001)
J.D., May 2001

Stanford University, Stanford, CA (1992-1997)
M.A., Philosophy, June 1997
B.A., with Honors, Philosophy, June 1997
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.

Potomac Law Group, PLLC
1300 Pennsylvania Avenue NW, Ste. 700, Washington, DC 20004
Counsel (August 2020 – Present (currently on leave))

Department of Homeland Security Agency Review Team
 Biden-Harris Transition
 1401 Constitution Avenue, NW, Washington, DC 20230
Lead (volunteer; not for compensation) (December 2020 – February 2021)

America's Voice
 1440 G Street NW, Washington, DC, 20005
Director, DHS Watch (April 2018 – December 2020)

American University Washington College of Law
 4300 Nebraska Avenue NW, Washington, DC 20016
Adjunct Professor (January – June 2017, 2018, 2019)

U.S. Citizenship and Immigration Services
 20 Massachusetts Avenue NW, Washington, DC 20529 (now 5900 Capital Gateway Drive, Camp Springs, MD 20588)
Chief Counsel (June 2014 – January 2017)

U.S. Department of State, Bureau of Legislative Affairs
 2201 C Street NW, Washington, DC 20520
Deputy Assistant Secretary for Regional, Global, and Functional Affairs (April 2012 – May 2014)

U.S. House of Representatives, Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law
 2138 Rayburn House Office Building, Washington, DC 20515
Majority Chief Counsel (January 2007 – January 2011)

Office of Representative Zoe Lofgren
 1401 Longworth House Office Building, Washington, DC 20515
Senior Counsel (August 2002 – January 2007)

Politemps
 2000 P Street NW, Washington, DC 20036
Temporary employee (January 2002 – July 2002)

American Federation of Teachers, Office of the General Counsel
 555 New Jersey Avenue NW, Washington, DC 20001
Law Clerk (January 2002 – May 2002)

Woodside Temporaries
 1050 Connecticut Avenue NW, #10, Washington, DC 20036
Temporary employee (January 2002 – January 2002)

Sparks Personnel Services, Inc.
 910 17th Street NW, #950, Washington, DC 20006
Temporary employee (November 2001 – January 2002)

The Choice Inc.
1767 P Street NW, #1, Washington, DC 20036
Temporary employee (November 2001 – January 2002)

Reed & Davidson, LLP
515 S. Figueroa Street, Ste. 1110, Los Angeles, CA 90071
Summer Associate/Law Clerk (June 2000 – May 2001)

United States Attorney's Office, Southern District of California
Federal Office Building, 880 Front Street, Room 6293, San Diego, CA 92101
Law Clerk (June 1999 – August 1999)

Office of Representative Bob Filner
2463 Rayburn House Office Building, Washington, DC 20515; 333 F Street, Chula Vista, CA 91910
Executive Assistant (October 1997 – August 1998)

Bob Filner for Congress
240 Woodlawn Avenue, #7, Chula Vista, CA 91910
Assistant (September 1997 – October 1997)

Talent Tree Temporary Staffing
9444 Balboa Avenue, Ste. 175, San Diego, CA 92123
Temporary employee (July 1997 – September 1997)

Remedy Intelligent Staffing
311 F Street, Chula Vista, CA 91910
Temporary employee (July 1997 – September 1997)

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 military and was not required to register for 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.

Hispanic National Bar Association "Top Lawyers Under 40" (2009)

NAFSA Congressional Staff Champion Award (2011)

U.N. High Commissioner for Refugees "Appreciation of Support for Refugees" on World Refugee Day (2004)

UCLA School of Law Public Service Award (2000 and 2001)

Stanford University Haas Center for Public Service Senior Standout (1996)

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.

Civil Detention Standards Advisory Task Force
American Bar Association, Commission on Immigration
Member (November 2011 – April 2012)

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 Bar (July 8, 2002). I have had no lapses in membership.

- 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.

District of Columbia Court of Appeals (July 8, 2002). I have had no lapses in membership.

U.S. Supreme Court (April 18, 2016). I have had no lapses in membership.

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.

Legal Advisory Council
Presidents' Alliance on Higher Education and Immigration
Member (January 2019 – Present)

- b. Indicate whether any 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 membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

Not that I am aware of.

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.

Please see Appendix 12(a).

- 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.

Please see Appendix 12(b).

- 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.

Please see Appendix 12(c).

- 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.

Please see Appendix 12(d).

- 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.

Please see Appendix 12(e).

- 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.

Not applicable.

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 nor run for 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.

Democratic National Committee, Headquarters Call Center, Washington, DC
Voter Protection Attorney Volunteer (November 2010)

Obama/Biden Campaign, Virginia Call Center, Richmond, VA
Voter Protection Attorney Volunteer (November 2008)

Chris Carney for Congress, Clarks Summit, PA
Voter Protection Attorney Volunteer (November 2006)

Kerry/Edwards Campaign, Wheeling, WV
Voter Protection Attorney Volunteer (November 2004)

Dean Campaign for President, Des Moines, IA
Organized neighborhood captains for Iowa Caucus, phone banked, and canvassed door-to-door.
Volunteer (January 2004)

Democratic National Convention Committee, General Counsel, Los Angeles, CA
Assisted general counsel with contracts, employment agreements, and FEC compliance.
Volunteer (February 2000 – May 2000)

Bob Filner for Congress, Chula Vista, CA
Assisted campaign manager with annual 500-person fundraising dinner, phone banking, and mailings.
Volunteer (July 1997 – September 1997)

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 clerk to a judge.

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

I have never 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.

Potomac Law Group, PLLC
1300 Pennsylvania Avenue NW, Ste. 700, Washington, DC 20004
Counsel (August 2020 – Present (currently on leave))

U.S. Citizenship and Immigration Services
20 Massachusetts Avenue NW, Washington, DC 20529 (now 5900
Capital Gateway Drive, Camp Springs, MD 20588)
Chief Counsel (June 2014 – January 2017)

U.S. House of Representatives, Subcommittee on Immigration,
Citizenship, Refugees, Border Security, and International Law
2138 Rayburn House Office Building, Washington, DC 20515
Majority Chief Counsel (January 2007 – January 2011)

Office of Representative Zoe Lofgren
1401 Longworth House Office Building, Washington, DC 20515
Senior Counsel (August 2002 – January 2007)

American Federation of Teachers, Office of the General Counsel
555 New Jersey Avenue NW, Washington, DC 20001
Law Clerk (January 2002 – May 2002)

- 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 judicial office.

b. Describe:

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

Early in my career, I served as counsel, and then senior counsel, to Representative Zoe Lofgren. When Representative Lofgren became chair of the House Judiciary Committee's immigration subcommittee in January 2007, I became the subcommittee's majority chief counsel. In that role, I provided legal analysis, advised on policy matters, and supported the Chairwoman with developing and moving legislation through the House and carrying out her immigration oversight agenda.

In June 2014, I became chief counsel for U.S. Citizenship and Immigration Services, the agency that administers the legal immigration system. I led an office of 270 attorneys around the country, provided legal opinions to senior leadership, and supported Department of Justice attorneys in litigation involving USCIS. As chief counsel, I worked closely with the DHS Office of the General Counsel and my counterparts at Immigration and Customs Enforcement, Customs and Border Protection, and other agencies. I remained chief counsel of USCIS until January 20, 2017.

In August 2020, I joined the Potomac Law Group as counsel.

In September 2020, I accepted the opportunity to join the Biden-Harris Transition and consequently discontinued my work with the Potomac Law Group in November 2020.

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

As chief counsel of USCIS, my client was the agency. I led the attorneys of the Office of the Chief Counsel in providing legal advice internally in matters involving immigration law, human resources, privacy, contracts, and other civil and administrative issues.

- 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 have not appeared in court with the exception of a single appearance in federal court for the defendant, the United States of America, in *Texas v. United States*, 14-cv-254 (S.D. Tex.).

I participated in litigation in support of Department of Justice litigators representing USCIS as a defendant in federal court, or in support of USCIS matters before the Executive Office for Immigration Review.

i. Indicate the percentage of your practice in:

1. federal courts: 75%
2. state courts of record: 0%
3. other courts: 0%
4. administrative agencies: 25%

11. Indicate the percentage of your practice in:

1. civil proceedings: 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.

I have not tried any cases to verdict, judgment, or final decision. As chief counsel of USCIS, my participation was in support of the Department of Justice.

L. What percentage of these trials were:

1. jury: 0%
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 have never practiced before the Supreme Court of the United States.

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.

As chief counsel of USCIS, I worked with Department of Justice attorneys, who formally represent all agencies in federal court. However, on June 23, 2015, I joined DOJ attorneys in a hearing before Judge Andrew Hanen in the Southern District of Texas as an attorney for defendants (United States of America) in *Texas v. United States*, 14-cv-254 (S.D. Tex.) (filed December 3, 2014). In the hearing transcript, I was listed as “also present” and was not otherwise in the record.

Other significant cases involving USCIS during my tenure as chief counsel included *Arpaio v. Obama*, 14-cv-1966 (D.D.C.) (filed November 20, 2014); *Mendez Rojas v. Kelly*, 16-cv-1024 (W.D. WA.) (filed June 30, 2016); and *Rosario v. USCIS*, 15-cv-813 (W.D. WA) (filed May 22, 2015).

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.)

As chief counsel of USCIS from 2014-2017, I led an office of 270 attorneys around the country in providing legal advice to the agency. My office provided counsel on policies and programs, changes in statute or regulation, and complex and novel legal issues.

As the director of DHS Watch, I provided a briefing and had phone calls with Congressional staff regarding the 2020 financial crisis at USCIS. I occasionally provided information to educate Congressional staff on new USCIS policies affecting its service mission and processing times. I also occasionally joined others to provide background information to Congressional staff on family separation, the Southwest border, detention, and accountability in immigration agencies.

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.

Business Immigration Law, American University Washington College of Law: I taught this course as an adjunct professor in the spring semesters of 2017, 2018, and 2019. The course provided an in-depth review of the laws, regulations, and policies governing the entry of foreign nationals into the United States for employment and business-related purposes. Please see Appendix 17 for copies of the 2018 and 2019 syllabi. I was unable to locate a

copy of the 2017 syllabus, although it would have been similar to the others with some differences to reflect changes in law and policy.

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.

With the exception of a standard retirement plan for federal employees and a standard 401(k) plan from America's Voice, I have no anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which I expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Since my departure from government service in 2017 and my departure from America's Voice in 2020, no employer contributions have been made to my retirement plans and none will be made in the future unless I re-establish an employer-employee 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.

None. I will officially terminate all employment and volunteer positions if confirmed.

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 and the Department of Homeland Security's Designated Agency Ethics Official to identify any potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I signed and transmitted to the Department's Designated Agency Ethics Official, which will be provided to this Committee. 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.

By focusing on immigration law and policy, I have devoted most of my career to public service, often on behalf of underserved communities. I have also worked to advise and encourage the next generation of public servants.

During my years as a congressional staffer, my work regularly focused on underserved communities. For example, I served as staff co-lead for the Congressional Refugee Caucus, where I worked to strengthen protections for people fleeing persecution. Similarly, as staff co-lead for the Vietnam Caucus, I sought to raise attention to the plight of forgotten Amerasians — children born to U.S. military personnel during the Vietnam War. As chief counsel to the immigration subcommittee, I led a team of counsel through an oversight and legislative agenda on the burdens and stress that U.S. military families endure when our immigration laws fail them, on inhumane conditions in immigration detention centers, and on other issues.

I have also frequently mentored high school and college students. For example, in 2019, I worked with America's Voice to bring on a Stanford Gardner Fellow. I volunteered to supervise and coach her during her year-long fellowship to help further her goals in public service. In the summer of 2020, I volunteered to mentor and supervise a high school intern interested in possibly pursuing a career in immigration.

As an adjunct professor, I regularly met with students in my immigration law course to help them begin to chart their career paths.

During law school, I volunteered as a supervisor for the El Centro Legal Aid Tenant/Landlord Clinic in California. I organized fellow law students to participate in immigration law clinics around Los Angeles and co-founded UCLA's Immigration Law Society. Today that student organization continues to focus on placing volunteers with free or low-cost legal service providers for the immigrant community.

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Anne Melissa Milgram

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

Administrator, Drug Enforcement Administration

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.

NYU School of Law, 139 MacDougal St, New York, NY 10012

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

December 1, 1970

Perth Amboy, 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.

NYU School of Law, 1993-1996
J.D., May 1996

University of Cambridge, Trinity Hall, Cambridge, England 1992-1993
LLM, June 1993

Rutgers College, 1988-1992
B.A., June 1992

University of London, Birkbeck College, Summer 1990
Hansard Scholar's Programme in British Parliament
No degree received

Georgetown University, Summer 1998
Exchange Program with Trinity College, Dublin, Ireland
Modern Irish Literature
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.

February 2016 – Present
Professor of Practice and Executive Director, Criminal Justice Lab
NYU School of Law
40 Washington Square S., New York, NY 10012

July 2017 – Present
Special Counsel
Lowenstein Sandler, LLP
1251 Avenue of the Americas, 18th floor, New York, NY 10020

September 2016 – Present
Technical Advisor
Starz, Power Book I and Book II
Brooklyn Navy Yard, 141 Flushing Ave, Brooklyn, NY 11205

March 2011 – Present
Technical Advisor
NBC Universal, Law & Order: SVU
Chelsea Piers, New York, NY 10011

November 2018 – April 2021
Co-Host, Café Insider Podcast
Some Spider/Café
20 W. 22nd St., New York, NY 10010

March 2018 – March 2021
CNN Legal Analyst
Turner Media
Hudson Yards, New York, NY 10001

December 2017 – October 2020
Guest Speaker
Observatory Group
555 Madison Ave #1303, New York, NY 10022

March 2018 – October 2019
Co-Chair, Workplace Taskforce
Audible
1 Washington Pl, Newark, NJ 07102

September 2011 – February 2016
Vice-President, Criminal Justice Initiative
Arnold Ventures (formerly Laura & John Arnold Foundation)
1717 West Loop S, Houston, Texas 77027

November 2011 – November 2014
Human Trafficking Consultant
Warnath Group
1440 G St NW, Suite 9118
Washington, D.C. 20005

April 2010 – February 2016
Adjunct Professor (August 2011 – February 2016)
Senior Fellow, Distinguished Scholar in Residence (April 2010 – August 2011)
NYU School of Law
40 Washington Square S., New York, NY 10012

June 2007 – January 2010
Attorney General
Office of the Attorney General, New Jersey
Richard J. Hughes Justice Complex
Trenton, NJ 08611

February 2006 – June 2007
First Assistant Attorney General
Office of the Attorney General, New Jersey
Richard J. Hughes Justice Complex
Trenton, NJ 08611

January 2005 – January 2006
Counsel
Senator Jon S. Corzine
United States Senate
50 Constitution Avenue, NE
Washington, D.C. 20002

January 2001 – April 2005; June 2006
 Special United States Attorney for Sentencing (2006)
 Special Litigation Counsel, Human Trafficking (2004 – 2005)
 Trial Attorney (2001 – 2004)
 United States Department of Justice
 Civil Rights Division, Criminal Section
 501 D St, N.W., Washington D.C. 20579

August 1997 – January 2000
 Assistant District Attorney
 Trial Bureau 40 General Crimes
 Domestic Violence Unit; Sex Crimes Unit (1999)
 New York County (Manhattan) District Attorney's Office
 1 Hogan Place
 New York, NY 10013

August 1996 – August 1997
 Judicial Law Clerk
 The Honorable Anne E. Thompson
 United States District Court for the District of New Jersey
 402 E State St, Trenton, NJ 08608

January 1996 – April 1996
 Pastry Apprentice
 Le Cirque, Osteria del Circo
 151 E 58th St, New York, NY 10022

September 1994 – May 1996
 Research Assistant to Professor Harvey P. Dale
 NYU Center on Philanthropy and the Law
 40 Washington Square S., New York, NY 10012

September 1995 – December 1995
 Legal Intern
 United States' Attorney's Office, Eastern District of New York / NYU School of Law
 225 Cadman Plaza E, Brooklyn, NY 11201

May 1995 – August 1995
 Summer Associate
 Davis, Polk & Wardwell
 450 Lexington Ave., New York, NY 10017

June 1994 – August 1994
 Legal Intern
 Brookdale Center on Aging, Everett Public Service Fellowship
 425 E. 25th St, New York, NY 10010

Boards and Memberships:

June 2020 – April 2021

Member, Board of Directors

Center Policing Equity

1925 Century Park East, #1700, Los Angeles, CA 90067

July 2020 – November 2020

Member, Board of Directors

Prosecutor Impact

50 Milk St., 16th Floor, Boston, MA 02109

August 2017 – April 2021

Member, Advisory Council

NYU Energy and Environmental Impact Center

40 Washington Sq. South, New York, NY 10012

December 2016 – April 2021

Foundation Board Trustee

John Jay College of Criminal Justice

524 W 59th St, New York, NY 10019

October 2015 – August 2018

Member, Board of Directors

John Jay College of Criminal Justice

Institute for Innovation in Prosecution

524 W 59th St, New York, NY 10019

September 2016 – August 2018

Member, Board of Directors

CivicScape LLC, Chicago, Illinois

March 2016 – April 2021

Member, Board of Directors (Treasurer (2020 – Present))

Century Foundation

1 Whitehall St, New York, NY 10004

August 2014 – August 2018

Member, Board of Directors

National Center for State Courts

300 Newport Ave, Williamsburg, VA 23185

February 2011 – April 2021

Member, Board of Directors

Covenant House International

461 Eighth Avenue, New York, NY 10001

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 am not subject to selective service registration requirements.

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.

Director's Award, United States Department of Justice, 2006

Special Commendation for Outstanding Service, United States Department of Justice, 2004

Lifetime Achievement Award, N.J. Women in Law Enforcement, 2007

Honorary Degree, Georgian Court College, 2009

Rutgers College

Dean's List, 1988-1992 (all semesters)

Dean of Student's Award for Excellence in Academics and Leadership, 1989

Phi Eta Sigma Honor Society, Inducted 1989

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 City Bar Association

Member, September 2019 – Present

American Law Institute

Member, October 2018 – Present

Women's White Collar Bar Association, NYC Chapter

Member, February 2019 – 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.

New Jersey, December 1996

New York, August 1997

- 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 District Court for the Southern District of New York (1997)

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 Law Institute
Member, 2018 – Present

Nationswell
Member, 2016 – Present

Law Enforcement Leaders to Reduce Crime and Incarceration
Member, 2015 – Present

Harvard Kennedy School Executive Session on Community Corrections
Member, 2013 –2016

SAGE, Former Attorney General Association
Member, 2010 – Present

U.S. Attorney General’s Executive Working Group for Criminal Justice
Member, 2007 – 2010

NJ Advisory Committee on Police Standards
Member, 2006 – 2007

Rutgers College
Class President, Class of 1992, 1988-1992
Cap & Skull Society, Rutgers College, Inducted in 1991
Alumni Class President, 1992-2017 (estimated)

In addition, I have made financial contributions to charitable organizations over the years. It is possible that such organizations may list me as a member by virtue of my financial contribution, but if so, I am unaware of any.

- b. Indicate whether any of these organizations listed in response to 1 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.

Rutgers College did not admit women until 1970. Cap & Skull was founded in 1900 but, like Rutgers, did not allow women until 1970. To my knowledge, none of the other organizations of which I have been a member discriminates 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.

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 databases. Despite my searches, there may be other materials that I have been unable to identify, find, or remember. I have located the following:

Opinion, The 3 Defenses of Donald Trump (Feb. 8, 2021)

<https://www.cnn.com/2021/02/08/opinions/trump-impeachment-defense-arguments-milgram/index.html>

Opinion, Trump's brazen attack on our democracy (Nov. 6, 2020)

<https://www.cnn.com/2020/11/06/opinions/trumps-brazen-attack-on-our-democracy-anne-milgram/index.html>

Opinion, The bittersweet beauty of RBG's passing on Rosh Hashanah (Sept. 19, 2020)

Opinion, How a new kind of policing saved America's most dangerous city (June 13, 2020) <https://www.cnn.com/2020/06/13/opinions/police-camden-minneapolis-george-floyd-milgram/index.html>

Co-Author, The Treasury Wants Its PPP Money Back by May 7. Will We Level the Playing Field for Small Businesses?, The National Law Journal (Apr. 29, 2020) (PDF Attached)

Opinion, Jason Crow's powerful message (Jan. 23, 2020)

<https://www.cnn.com/2020/01/22/opinions/impeachment-trial-day-two-commentary/index.html>

Opinion, The damning new evidence about the Zelensky phone call (Jan. 23, 2020) <https://www.cnn.com/2020/01/22/opinions/impeachment-evidence-planned-effort-withhold-aid-milgram/index.html>

Op-ed, Donald Trump is a Clear and Present Danger to the 2020 Election, NY Times (Dec. 2019) <https://www.nytimes.com/2019/12/05/opinion/trump-impeachment-2020.html>

Air Mail, Book Review: The Deep End (Oct. 2019) <https://airmail.news/anne-milgram>

Co-Author, How We Judge Prosecutors Has to Change, New York Law Journal (Apr. 11, 2019) (PDF Attached)

Co-Author, An Ecosystem of Willful Ignorance Around Larry Nassar, Café.com (Dec. 21, 2018), <https://staging.cafe.com/article/an-ecosystem-of-willful-ignorance-around-larry-nassar/>

Op-ed, Ex-AG Milgram: Why I agree with AG Grewal (Nov. 2018) <https://www.nj.com/opinion/2018/11/ex-ag-milgram-why-i-agree-with-ag-grewal-to-change-my-rules-on-cops-and-immigration.html>

Report: Dallas Mavericks (Sept. 2018) https://www.lowenstein.com/media/4556/the-report-of-the-independent-investigation-of-dallas-basketball-limited_9-19-2018.pdf

Co-author, A Lesson From Camden: Fixing Jails and Healthcare Together. The Crime Report. (Apr. 2018). <https://thecrimereport.org/2018/04/05/a-lesson-from-camden-fixing-jails-and-health-care-together/>

Co-author, Integrated Health Care and Criminal Justice Data – Viewing the Intersection of Public Safety, Public Health, and Public Policy Through a New Lens: Lessons from Camden, New Jersey. New Thinking in Community Corrections, Harvard Kennedy School and National Institute of Justice (2017) <https://www.hks.harvard.edu/centers/wiener/programs/criminaljustice/research-publications/executive-sessions/executive-session-on-community-corrections/publications/integrated-health-care-and-criminal-justice-data>

Co-author Op-ed, Technology can lead the way in better policing (July 2017) <https://thehill.com/blogs/pundits-blog/crime/341920-technolog-can-lead-the-way-in-better-policing>

Co-author Op-ed, How to Restore Trust in the Police (Sept. 1, 2015) <https://thecrimereport.org/2015/09/01/2015-09-how-to-restore-trust-in-the-police/>

Author, Report: Ramapo College (July 2015) <https://www.ramapo.edu/publicsafety/files/2015/08/Milgram-Report-FINAL-07.29.15.pdf>

Co-Author “Pre-Trial Risk Assessment: Improving Public Safety and Fairness in Pretrial Decision Making,” Federal Sentencing Reporter (April 2015) (PDF Attached)

Co-author, Human Trafficking Law & Policy Textbook (2014) (Hard copy provided)

Author, Moneyballing Criminal Justice, The Atlantic (June 2012)
<https://www.theatlantic.com/national/archive/2012/06/moneyballing-criminal-justice/258703/>

Co-author Op-ed, Keeping Consumer Cops on the Beat (May 2010)
<https://www.politico.com/story/2010/05/keeping-consumer-cops-on-the-beat-037148>

Anne Milgram: Victims and New Jersey deserve a better law to combat witness intimidation, NorthJersey.com (Dec. 16, 2009) (PDF Attached)

Op-ed, Addressing law enforcement suicides (June 15, 2009) (PDF Attached)

Op-ed, Attorney general stood up for Boss' fans (Mar. 2, 2009) (PDF Attached)

Letter to Editor, Law Journal Editorial Board Shortchanged Consumer Fraud Act, A.G. Says, N.J. Law Journal (Mar. 2, 2009) (PDF Attached)

Op-ed, Protect children on the internet (Feb. 24, 2009) (PDF Attached)

Report: New Jersey Police Suicide Task Force (2009)
[https://www.nj.gov/oag/library/NJPoliceSuicideTaskForceReport-January-30-2009-Final\(r2.3.09\).pdf](https://www.nj.gov/oag/library/NJPoliceSuicideTaskForceReport-January-30-2009-Final(r2.3.09).pdf)

Opinion, Camden police repositioned to go after violent criminals, Courier Post (Cherry Hill, New Jersey) (Aug. 3, 2008) (PDF Attached)

Michael Hatfield, Anne Milgram & Michelle D. Monticciolo, Bob Jones University: Defining Violations of Fundamental Public Policy, in Topics in Philanthropy No. 6, NYU School of Law (1996) (Center on Philanthropy and the Law Monograph Series). (PDF Attached)

- 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.

I have done my best to identify any reports, memoranda, or policy statements I have prepared or contributed to, including through a review of my personal files and searches of publicly available electronic databases. I have located the following:

Integrated Health Care and Criminal Justice Data — Viewing the Intersection of Public Safety, Public Health, and Public Policy Through a New Lens: Lessons from Camden, New Jersey, Harvard Kennedy School Executive Session on Community Corrections (Apr. 5, 2018). Co-authored Jeffrey Brenner, Dawn Wiest, Virginia Bersch, and Aaron Truchil. Report:

https://www.hks.harvard.edu/sites/default/files/centers/wiener/programs/pcj/files/integrated_healthcare_criminaljustice_data.pdf

Covenant House, May 14, 2020, Interview of Hannah Booker. Video:
<https://vimeo.com/418499632>

- 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.

I have done my best to identify any testimony, official statements, or other communications related, in whole or in part, to matters of public policy or legal interpretation, including through a review of my personal files and searches of publicly available electronic databases. I have located the following:

Testimony

Transcripts attached

New Jersey Attorney General Anne M. Milgram, U.S. Senate Committee on Banking, Housing and Urban Affairs, Subcommittee on Housing, Transportation and Community Development (Sept. 21, 2009). (Helping Homeowners Avoid Foreclosure Prosecuting Fraudulent Mortgage Hucksters and Modification Scams)

Attorney General Anne Milgram, Assembly Budget Committee (Apr. 21, 2009)

Testimony of Attorney General Anne Milgram, Joint Meeting of the Assembly Judiciary and Law & Public Safety Committees (Mar. 12, 2009)

Remarks of Attorney General Anne Milgram, Assembly Budget Committee (Apr. 17, 2008)

Testimony of Anne Milgram, First Assistant Attorney General, New Jersey Dept. of Law and Public Safety before the Environmental Protection Agency (Public Hearing, May 22, 2007). (California State Motor Vehicle Pollution Control Standards; Request for Waiver of Federal Preemption)

New Jersey Advisory Committee on Police Standards, First Public hearing (Oct. 10, 2006).

Policy Directives Issued as New Jersey Attorney General

Hyperlinks embedded

[Directive No. 2009-1](#) Restrictions on Use of Polygraph Examinations (Jan. 5, 2009)

[Directive No. 2008-4](#) Child Abduction Response Team (Dec. 1, 2008)

[Directive No. 2008-3](#) Submission of Information Into the ViCAP Database (Nov. 20, 2008)

[Directive No. 2008-2](#) Guidelines for Stationhouse Adjustment of Juvenile Delinquency Offenses (Mar. 31, 2008)

[Directive No. 2008-1](#) Submission and Analysis of Information Relating to Seized and Recovered Firearms (Mar. 18, 2008)

[Directive No. 2007-3](#) Immigration (Aug. 22, 2007)

[Directive No. 2007-2](#) DWI Last Drink Location Reports (July 18, 2007)

[Directive No. 2007-1](#) School Security (July 13, 2007)

Guidelines Issued in New Jersey Attorney General's Office

Hyperlinks embedded

[New Jersey Police Vehicular Pursuit Policy](#) (Sept. 2009)

[Shared Information Regarding Student Traffic Offenses, Model Agreement Addendum](#) (Sept. 14, 2009)

Installation of dedicated telephone line for the testing of Alcotest, [View announcement](#) (Aug. 27, 2009)

[Notice to Law Enforcement Concerning New Unlawful Eviction Law](#) (July 20, 2009)

[Attorney General Prohibits Municipal Court Plea Offers to "No Point" Violations for Graduated Drivers Licenses](#) (Sept. 17, 2008)

[Attorney General Directive to Ensure Uniform Enforcement of the "Graves Act"](#) (Oct. 23, 2008, amended Nov. 25, 2008)

Use of [Less-Lethal Impact Projectiles](#) Pending Approval of Ammunition Specifications and Training Course Memo (Apr. 24, 2008)

A.G.'s Supplemental [Policy on Less-Lethal Ammunition](#) (Mar. 19, 2008)

[Prosecutions of Public Officials](#) (May 31, 2007)

[DCF/Law Enforcement Model Coordinated Response Protocol](#) (Feb. 8, 2007)

Annual Reports

New Jersey Office of The Attorney General, Department of Law & Public Safety, OAG Annual Report (2008) <https://www.nj.gov/oag/OAG-AR-2008-complete.pdf>

New Jersey Office of The Attorney General, Department of Law & Public Safety, OAG Annual Report (2007) <https://www.nj.gov/oag/OAG-AR-2007-complete.pdf>

Other Responsive Material

Special Report of the Division of Gaming Enforcement to the Casino Control Commission on its Investigation of MGM Mirage's Joint Venture with Pansy Ho in Macau, Special Administrative Region, People's Republic of China, State of New Jersey Department of Law and Public Safety (May 18, 2009)
http://www.state.nj.us/casinos/home/info/docs/MGM/dge_%20report_redacted.pdf

Letter to Joshua M. Sharfstein, M.D., Acting Commissioner of the FDA (May 5, 2009)
<https://www.nj.gov/oag/newsreleases09/050509-FDA-letter.pdf>

Letter to Dr. Richard L. McCormick, President, Rutgers University (Aug. 26, 2008)
<https://www.nj.gov/oag/newsreleases08/082608-college-internet-letter.pdf>

Sixteenth Semiannual Public Report of Aggregate Data (2008) <http://www.nj.gov/lps/16-aggregate-data-rep.pdf>

- 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 list below represents all of the speeches, talks, and podcasts in which I participated and that I was able to identify from a search of my records and from an internet search. I do not typically prepare written versions of my remarks or retain any notes which may have guided my oral presentations. However, I have provided all responsive material that I could identify as indicated below. Press coverage is included where I was able to find it.

Reconstructing the Presidency: A Conversation with Bob Bauer and Jack Goldsmith, Anne Milgram, Moderator, New York City Bar Association (Dec. 30, 2020)

- Press release:
<https://services.nycbar.org/EventDetail?EventKey=GESA010621&WebsiteKey=f71e12f3-524e-4f8c-a5f7-0d16ce7b3314>
- I was unable to locate a transcript or notes.

City of Ithaca Public Meetings, Policing Reform Collaborative, Camden, N.J. Police Reform Case Study with AG Anne Milgram (Oct. 29, 2020).

- Video: https://www.youtube.com/watch?v=PzcC6ZeR_pg
- I was unable to locate a transcript, notes, or press.

Pro Bono Partnership 23rd Anniversary Virtual Gala, Gala Host, (Sept. 30, 2020).

- Presentation: https://issuu.com/probonopartner/docs/pbp_digital_journal_2020_final_hr_pages
- I was unable to locate a transcript or notes.

Weinstein Talk with Mimi Rocah, Panelist, The Wing – Flatiron (NY) (Mar. 4, 2020).

- I was unable to locate a transcript, notes, or press.

NYU Law, Latham & Watkins Forum, Panel Member, “Impeachment: What to Make of It” (Jan. 29, 2020).

- Press release: <https://www.law.nyu.edu/news/latham-watkins-forum-trump-impeachment-trial>
- Video: <https://www.youtube.com/watch?v=NBBTlz3Fhns&t=1039s>
- I was unable to locate a transcript or notes.

Health Catalyst, Keynote Speaker, Healthcare Analytics Summit, “Criminal Justice Analytics” (Sept. 11, 2019).

- Presentation attached.
- Press release: <https://www.healthcatalyst.com/insights/healthcare-analytics-summit-19-wed-recap>
- I was unable to locate a transcript or notes.

Children’s Hospital of Wisconsin, Keynote Speaker, Data! In Motion Analytics Symposium (Oct. 29, 2019)

- Event announcement: https://web.archive.org/web/20210119190305/https://ocpe.mcw.edu/pediatrics_general/node/203020
- I was unable to locate a transcript, notes, or press.

NYU Law, Fall Conference Panelist and Moderator, “Compliance & Investigations in the MeToo Era” (Oct. 11, 2019).

- Press release: <https://www.law.nyu.edu/centers/corporatecompliance/events/conference-october-2019>
- I was unable to locate a transcript, notes, or press.

TED, In conversation with Congressman Will Hurd (Sept. 10, 2019).

- Video and transcript: https://www.ted.com/talks/will_hurd_a_wall_won_t_solve_america_s_border_problems
- I was unable to locate a transcript, notes, or press.

NYU Law, “Progress & Challenges In Criminal Justice & National Security” Conference Panelist, “Systemic Criminal Justice Reform” (Apr. 26, 2019). I did not retain notes.

- Event announcement: https://annualsurveyofamericanlaw.org/wp-content/uploads/2019/03/SCHULHOFER-Symposium_Color.pdf
- I was unable to locate a transcript, notes, or press.

San Diego Zoo, “Lightning Talk” Speaker at 100Kin10 Summit (Mar. 26, 2019)

- Presentation attached.
- I was unable to locate a transcript, notes, or press.

NYU Law, Latham & Watkins Forum, Panel Moderator, “Prisoners of Politics” (Mar. 6, 2019)

- Video and press release: <https://www.law.nyu.edu/news/latham-watkins-forum-prisoners-of-politics-mass-incarceration-rachel-barkow-shaun-king-anne-milgram>
- I was unable to locate a transcript or notes.

Wild West of Analytics: Other Industry Perspectives on Use & Misuse of Data, Speaker, MIT Sloan Sports Analytics Conference (Mar. 1, 2019)

- Video and press release: <https://www.sloansportsconference.com/event/wild-west-of-analytics-other-industry-perspectives-on-use-misuse-of-data>
- I was unable to locate a transcript or notes.

Measures for Justice, “Ed Schaller Speaker Series”, Criminal Justice Speaker (Dec. 17, 2018).

- I was unable to locate a transcript, notes, or press.

American University, Keynote Speaker, “Justice For All” Symposium (Dec. 12, 2018).

- Presentation attached.
- Press release: <https://www.american.edu/spa/news/justice-for-all-2018.cfm>
- I was unable to locate a transcript or notes.

NYU Law, Brennan Center for Justice, Panelist, “Politics & Prosecutors: Where Will the Special Counsel Investigation Lead Us?” (Oct. 24, 2018).

- Press release: <https://www.law.nyu.edu/news/lisa-monaco-anne-milgram-former-prosecutors-mueller-investigation>
- Programmatic information: https://www.brennancenter.org/sites/default/files/2019-08/Report_Democracy_Justice_Collected_Writings_2018.pdf
- I was unable to locate a transcript or notes.

Press Conference, Dallas Mavericks Workplace Misconduct Investigation. (Sept. 19, 2018).

- Press reports: <https://www.wfaa.com/article/sports/nba/mavericks/these-are-the-key-players-in-the-mavericks-rampant-workplace-misconduct/287-596317692>
- Video: <https://www.facebook.com/wfaa/videos/932691396938756/>
- Report: <https://www.lowenstein.com/report/>
- I was unable to locate a transcript or notes.

NYU Law, Center on the Administration of Criminal Law Conference, Panel Moderator, Mental Health Reform and the Criminal Justice System (Apr. 13, 2018).

- Video: <https://www.c-span.org/video/?443207-4/legal-panelists-discuss-mental-health-criminal-justice>
- I was unable to locate a transcript, notes, or press coverage.

Speaker, Nationswell Summit (Nov. 2, 2017)

- I was unable to locate a transcript, notes, or press coverage.

Google People Analytics talk (Oct. 16, 2017)

- Presentation attached.
- I was unable to locate a transcript, notes, or press coverage.

NYU Law, Latham & Watkins Forum, Panelist, “Government Lawyering in the Trump Administration: A discussion with Anne Milgram and Preet Bharara” (Sept. 27, 2017).

- Video and press release: <https://www.law.nyu.edu/news/ideas/Preet-Bharara-Anne-Milgram-government-lawyering>
- I was unable to locate a transcript or notes.

Advancing Justice: An Agenda for Human Dignity & Public Safety, “Solutions for Cities: Lessons in Tackling Violent Crime,” Speaker, Charles Koch Institute (Oct. 26, 2017).

- Press release: <https://www.charleskochinstitute.org/event/advancing-justice-2017/>
- Event information: <https://charleskochinstitute.swoogo.com/AdvancingJustice/speaker/5559/anne-milgram>
- I was unable to locate a transcript or notes.

Center Care Innovation, Keynote address (May 24, 2017)

- Event information: <https://www.careinnovations.org/resources/9-takeaways-and-tools-from-snin-on-innovation-community-and-social-determin/>
- I was unable to locate a transcript, notes, or press coverage.

Presenter, IACP Small Session (2017)

- I was unable to locate a transcript, notes, or press coverage.

Rutgers 250th Anniversary Talk: Policy Reform in Criminal Justice and Health Care (Nov. 2016).

- Presentation attached.
- I was unable to locate a transcript, notes, or press coverage.

Geisinger Health Care, Rock Stars in Health Care Speaker Series (Oct. 2016).

- Presentation attached.
- Press coverage: <https://www.linkedin.com/pulse/health-care-prison-reform-connection-david-feinberg>
- I was unable to locate a transcript or notes.

Health Catalyst, Keynote Speaker, Healthcare Analytics Summit, “Criminal Justice Analytics and Insights for Healthcare” (Sept. 7, 2016).

- Audio provided.
- Press release: <https://www.healthcatalyst.com/Wednesday-Recap-2016-Healthcare-Analytics-Summit>
- I was unable to locate a transcript or notes.

NGA meeting (Apr. 2016)

- Presentation attached.
- I was unable to locate a transcript, notes, or press coverage.

Columbia University Small Talk (Apr. 2016)

- Presentation attached.
- I was unable to locate a transcript, notes, or press coverage.

Center on the Administration of Criminal Law, 8th Annual Conference, Reckoning with Force: Examining the Intersecting Roles of Prosecutors, Police, and Community in Use-of-Force Cases, Third Panel: Cops, Prosecutors, and Community: Identifying Shared Space in Use-of-Force Cases, Moderator (Apr. 2016)

- Press release: <https://www.law.nyu.edu/centers/adminofcriminallaw/events/reckoning-with-force>
- I was unable to locate any transcript, notes, or other press coverage.

Human Trafficking Talk (Dec. 2015)

- Presentation attached.
- I was unable to locate a transcript, notes, or press coverage.

John Deere (Oct. 2015)

- Presentation attached.
- I was unable to locate a transcript, notes, or press coverage.

Speaker, How People Analytics Can Improve the Justice System: Wharton People Analytics Conference (June 2015)

- Video: <https://wpa.wharton.upenn.edu/content/video/anne-milgram-people-analytics-can-improve-justice-system/>
- I was unable to locate a transcript, notes, or other press coverage.

Talk at Strook, Strook & Lavan LLP (Apr. 2015)

- Event announcement: <https://www.stroock.com/events/human-trafficking-discussion-with-anne-milgram>
- I was unable to locate a transcript, notes, or press coverage.

John Jay Institute Innovation in Prosecution Small Talk

- I was unable to locate a transcript, notes, or press coverage.

The Evidence Behind Pretrial Panel Webinar (NCJA) (May 22, 2014)

- Presentation available: https://370377fc-459c-47ec-b9a9c25f410f7f94.filesusr.com/ugd/697ca4_f2725a42c64e442ebed1d1d2ac17c970.pdf?index=true
- I was unable to locate a transcript, notes, or other press coverage.

TED Talk, “Why smart statistics are the key to fighting crime,” (Oct. 2013).

- Press release: <https://ischoolonline.berkeley.edu/blog/anne-milgram-why-smart-statistics-are-key-to-fighting-crime/>
- Video and transcript: https://www.ted.com/talks/anne_milgram_why_smart_statistics_are_the_key_to_fighting_crime
- I was unable to locate any notes.

TEDx@nyc Talk, “Who Occupies US Prisons” (Oct. 2013)

- Presentation attached.
- Video: <https://www.youtube.com/watch?v=RWcVVSnfV6E>
- I was unable to locate a transcript or notes.

Center on the Administration of Criminal Law, Criminal Law & The Modern Court,
First Panel: A Survey of Criminal Court Innovations, Moderator (Apr. 19, 2013)

- Event information:
http://www.law.nyu.edu/sites/default/files/ECM_PRO_075414.pdf;
https://www.law.nyu.edu/news/CACL_CONFERENCE
- I was unable to locate a transcript, notes, or other press coverage.

O'Reilly Strata Conference and Hadoop World, Presentation, “Moneyballing Criminal Justice: Using Data to Reduce Crime” (Oct. 23, 2012).

- Event Information: <https://www.kdnuggets.com/2012/10/strata-hadoop-world-nyc-slides-video.html>
- I was unable to locate a transcript, notes, or other press coverage.

Speaker, John Jay International Conference (June 7, 2012).

- Video: <https://www.youtube.com/watch?v=RzV53KQq7QA&t=1s>
- I was unable to locate a transcript, notes, or press coverage.

NYU School of Law, The Forum: Life in the Law: Where Your JD Can Take You,
Panelist (Sept. 30, 2011)

- Event information: <https://www.law.nyu.edu/students/theforum/2011-2012>
- Video: <https://www.youtube.com/watch?v=WF2dIF2MJO0>
- I was unable to locate a transcript, notes, or other press coverage.

The Catholic University of Law, Speaker, “Child Trafficking: Americas Role in the Problem and Solution” (Apr. 11, 2011)

- Press release: <http://video.law.edu/TraffickingDiscussion.cfm>
- Video: <https://www.youtube.com/watch?v=78fYG4zRPsk>
- I was unable to locate a transcript or notes.

NYU Law, Center on the Administration of Criminal Law, Keynote Speaker,
Symposium on Policing, Regulating, and Prosecuting Corruption (Mar. 25, 2011)

- Event information:
<https://www.law.nyu.edu/centers/adminofcriminallaw/events/policingregulatingprosecutingcorruption>
- Video: <https://www.c-span.org/video/?298676-1/symposium-fighting-corruption>
- I was unable to locate a transcript or notes.

NYU Law, Women of Color Collective, Panelist, Sex Trafficking Panel (Jan. 26, 2011)

- Press release: https://www.law.nyu.edu/news/SEX_TRAFFICKING_PANEL
- I was unable to locate a transcript or notes

NYU Law, Center on the Administration of Criminal Law, Conversation on Urban Crime, Introduction of Senator Cory Booker (Oct. 25, 2010)

- Press release: https://www.law.nyu.edu/news/BOOKER_URBAN_CRIME
- Video: <https://www.youtube.com/watch?v=ybORu9CBdvo>
- I was unable to locate a transcript or notes.

NYU Law Center on the Administration of Criminal Law, Allocating Prosecutorial Power: How Prosecutors Compete, Cooperate and Clash, Panel Member, “Competition and Cooperation within the State” (Apr. 23, 2010)

- Event information: https://www.law.nyu.edu/sites/default/files/ECM_PRO_065522.pdf; <https://www.law.nyu.edu/centers/adminofcriminallaw/events/allocatingprosecutorialpower>
- I was unable to locate a transcript or notes.

NYU Law, Abrams Public Service Lecture, Speech, “Public Interest as a Career” (Sept. 8, 2008)

- Press release: https://www.law.nyu.edu/news/MILGRAM_ABRAMSLECT
- I was unable to locate a transcript or notes.

NYU School of Law, Convocation Ceremony, Commencement Address (May 21, 2008)

- Press coverage: <https://blogs.law.nyu.edu/magazine/2008/class-of-2008-%E2%80%9Cthe-sky-is-the-limit%E2%80%9D/>
- I was unable to locate a transcript or notes.

Press Conference: Launch of e-trace joint ATF/New Jersey State Police Task Force and gun tracing program (Mar. 18, 2008)

- Press release: <https://www.nj.gov/oag/newsreleases08/pr20080318a.html>
- I was unable to locate a transcript or notes.

Conference on Public Service Keynote Address, University of Virginia Law School, (Feb. 8, 2008)

- Audio: <https://www.law.virginia.edu/sites/default/files/mp3/milgram.mp3>
- Press release: <https://www.law.virginia.edu/news/200802/nj-attorney-general-urges-students-follow-their-hearts-right-career>
- I was unable to locate a transcript or notes.

New Jersey Bar Association, Criminal Law Section, Guest Speaker (Jan. 8, 2008)

- Press report provided.
- I was unable to locate a transcript or notes.

Rutgers University Center for Government Services, Arthur J. Holland Program on Ethics in Government, Panel Member, “Ethical Pitfalls in Public Service” (Sept. 20, 2007)

- Press release available at: <https://www.rutgers.edu/news/former-gov-tom-kean-discuss-politics-money-and-ethics-rutgers-arthur-j-holland-program-ethics>
- I was unable to locate a transcript or notes.

Venture Crush Panels

Hyperlinks embedded

Sonali De Rycker (Accel), Tosin Agbabiaka (Octopus Ventures), Adam J. Foss (Prosecutor Impact), Ed Zimmerman (LS) Anne Milgram (LS) (June 25, 2020)

- [Transcript link](#)
- I was unable to locate notes or press

Jane Gladstone (Evercore), Anton Levy (General Atlantic) & Anne Milgram (LS). (January 15, 2020)

- [Transcript link](#)
- I was unable to locate notes or press

Charles Phillips (Infor), Anne Milgram (LS) & Joshua Roman. (October 10, 2019)

- [Video link](#); [Transcript link](#)
- I was unable to locate notes or press

Alfred Lin (Sequoia Capital), Anne Milgram (LS) & Gaby Moreno. (June 27, 2019)

- [Video link](#); [Transcript link](#)
- I was unable to locate notes or press

Co-host with Preet Bharara, Café Insider podcast (November 2018-Present)

Audio files supplied

CAFE Insider 4/6/2021: The Chauvin Trial Continues

CAFE Insider 3/30/2021: Minnesota v. Derek Chauvin

CAFE Insider 3/23/2021: When Hate is a Crime

CAFE Insider 3/16/2021: Murder in the Third

CAFE Insider 3/09/2021: Cuomo, Chauvin & Hate Crimes

CAFE Insider 3/02/2021: The DA, The Gov, & The Boss
 CAFE Insider 2/23/2021: “The Work Continues”
 CAFE Insider 2/16/2021: Acquittal Aftermath
 CAFE Insider 2/9/2021: Trial by Ire
 CAFE Insider 2/2/2021: Groundhog Day
 CAFE Insider 1/26/2021: Out With the Old, In With the New
 CAFE Insider 1/19/2021: The Final Countdown
 CAFE Insider 1/12/2021: Insurrection Aftermath
 CAFE Insider 1/6/2021: Capitol Coup
 CAFE Insider 1/5/2021: Bad Call
 CAFE Insider 12/22/2020: Special Counsel Kraken (with Joyce Vance)
 CAFE Insider 12/15/2020: Barr, Bye
 CAFE Insider 12/8/2020: “Hold-My-Beer Presidency”.
 CAFE Insider 12/1/2020: Pardons, Proof, and the Pandemic
 CAFE Insider 11/24/2020: Turn the Page
 CAFE Insider 11/17/2020: Sulkers and Losers
 CAFE Insider 11/10/2020: State Of Denial
 CAFE Insider 10/27/2020: What to Expect When You’re Electing
 CAFE Insider 10/20/2020: October Surprise(s)?
 CAFE Insider 10/13/2020: Don’t Spare the Rod
 CAFE Insider 10/6/2020: Covid-in-Chief
 CAFE Insider 9/29/2020: POTUS & SCOTUS
 CAFE Insider 9/22/2020: The Glorious RBG
 CAFE Insider 9/15/2020: Durham, Defamation, and Disenfranchisement
 CAFE Insider 9/8/2020: Losers & Suckers
 CAFE Insider 9/1/2020: Web of Ways

CAFE Insider 8/25/2020: DeJoy, Bannon, Durham: Mail, Jail, Stale?

CAFE Insider 8/18/2020: Please Mr. Postman

CAFE Insider 8/11/2020: The Executive's Privilege

CAFE Insider 8/4/2020: Threats Foreign and Domestic

CAFE Insider 7/28/2020: Barr Fight

CAFE Insider 7/21/2020: Portland, Vance, and Voting Rights

CAFE Insider 7/14/2020: Pardon Me?

CAFE Insider 7/7/2020: Ghislaine, ICE & DOJ

CAFE Insider 6/30/2020: The Judiciary Speaks

CAFE Insider Live 06/23/2020: Berman Fired, Bolton's Book, & Two Shocking SCOTUS Decisions

CAFE Insider 6/22/2020: The Firing of Geoff Berman – A Low Barr

CAFE Insider 6/9/2020: Policing In Crisis

CAFE Insider 6/2/2020: George Floyd & America in Turmoil

CAFE Insider 5/26/2020: Meet the Fokker Case

CAFE Insider 5/19/2020: IGs, Unmaskings & Insider Trading

CAFE Insider 5/12/2020: Water Under the Bridgegate

CAFE Insider 5/8/2020: Barr Spins, Flynn Wins

CAFE Insider 5/5/2020: The Return of Flynn & McGahn

CAFE Insider 4/28/2020: Legal Gambits

CAFE Insider 4/21/2020: Rolling with Pandemic Punches

CAFE Insider 4/14/2020: COVID Aftershocks

CAFE Insider 4/7/2020: The Oversight Wars

CAFE Insider 3/31/2020: Fevered Nation

CAFE Insider 3/24/2020: Pandemic Ethics & Glimmers of Hope

CAFE Insider 3/17/2020: Extraordinary Times

CAFE Insider 3/10/2020: Virus Lockdown & SCOTUS Showdown
 CAFE Insider 3/3/2020: COVID 19 & Other Contagions
 CAFE Insider 2/25/2020: Time's Up for Weinstein & Jail for Stone
 CAFE Insider 2/19/2020: Chief 'Law' Enforcement Officer
 CAFE Insider 2/11/2020: Presidential Payback!
 CAFE Insider 2/04/2020: The Verdict
 CAFE Insider 1/28/2020: Nuts and Bolton
 CAFE Insider 1/21/2020: Mock Trial
 CAFE Insider 1/14/2020: "Impeached For Life"
 CAFE Insider 1/7/2020: What Quds Go Wrong?
 CAFE Insider 12/23/2019: Town Call
 CAFE Insider 12/17/2019: Trial By Senate
 CAFE Insider 12/10/2019: Abuse(s) of Power
 CAFE Insider 12/2/2019: Impeachment: Phase 2
 CAFE Insider 11/25/2019: Impeachment Game Plan
 CAFE Insider 11/18/2019: Can I Get A Witness?
 CAFE Insider 11/11/2019: Impeachment: The Opening Act
 CAFE Insider 11/4/2019: House Rules
 CAFE Insider 10/28/2019: Baghdadi Dies & Impeachment Quickens
 CAFE Insider 10/21/2019: Mick Mulvaney's Mess
 CAFE Insider 10/15/2019: Rudy In The Middle
 CAFE Insider 10/7/2019: Crooked Diplomacy
 CAFE Insider 10/1/2019: Impeachment Momentum
 CAFE Insider 09/23/2019: Whistleblower Uproar
 CAFE Insider 09/16/2019: Scandal Survey: Donald, Brett, Andy, Felicity
 CAFE Insider 09/09/2019: DOJ, KSM, OLC

CAFE Insider 09/03/2019: Ethics: Comey, McCabe, Barr
 CAFE Insider 08/19/2019: Prosecutor v. Prosecutor
 CAFE Insider 08/12/2019: The Death Of Jeffrey Epstein
 CAFE Insider 08/05/2019: “Ending Gun Violence”
 CAFE Insider 07/29/2019: Mueller Testimony Aftermath
 CAFE Insider 07/22/2019: Mueller Time, At Last
 CAFE Insider 07/15/2019: U.S. v. Jeffrey Epstein
 CAFE Insider 07/08/2019: Epstein & Con(Census)
 CAFE Insider 07/01/2019: Judging The Jury
 CAFE Insider 06/24/2019: Unsafe, Unsanitary, Untenable
 CAFE Insider 06/17/2019: Law is for Losers
 CAFE Insider 06/10/2019: Judgment Calls
 CAFE Insider 06/03/2019: Treason Season
 CAFE Insider 05/20/2019: Reversing Roe & Politicizing Pardons
 CAFE Insider 05/13/2019: Indicting a POTUS
 CAFE Insider 05/06/2019: Bill Barr: The Politics of “Snitty”
 CAFE Insider 04/29/2019: Fight Club: Congress v. Trump
 CAFE Insider 04/22/2019: Mueller v. Barr, a post-mortem
 CAFE Insider 04/15/2019: “Spying” & Lying
 CAFE Insider 04/08/2019: Hide & Seek: Trump’s Taxes, Mueller’s Report
 CAFE Insider 04/01/2019: Justice Off-Balance
 CAFE Insider 03/25/2019: “Don’t Barr Mueller’s Report”
 CAFE Insider 03/18/2019: Terror, Bribery, and Rick Gates
 CAFE Insider 03/11/2019: Prison, Pardons & Hoaxes
 CAFE Insider 03/04/2019: Truth, Lies, and Nepotism
 CAFE Insider 02/25/2019: The Usual Suspects

CAFE Insider 02/19/2019: Andy McCabe's National Emergency

CAFE Insider 02/11/2019: Bezos, AMI, and TMI

CAFE Insider 02/04/2019: Targets, Gag Orders and Yearbooks

CAFE Insider 01/28/2019: Indicting Roger Stone

CAFE Insider 01/21/2019: The Special Counsel Speaks

CAFE Insider 01/14/2019: Is Trump A Russian Asset?

CAFE Insider 01/07/2019: National Non-Emergency

CAFE Insider 12/17/2018: Trump's Criminal Liability

CAFE Insider 12/10/2018: Individual-1

CAFE Insider 12/03/2018: Cohen's Sentence; Comey's Testimony

CAFE Insider 11/29/2018: Michael Cohen Pleads Guilty (Again)

CAFE Insider 11/26/2018: Justice Roberts' Rebuke & The Politics of Comey

CAFE Insider 11/19/2018 (Part 1): Mueller Anxiety at the White House

CAFE Insider 11/19/2018 (Part 2): Mueller Anxiety at the White House

CAFE Insider 11/09/2018: Sessions Out. Whitaker In. What's Next for Mueller?

Café Insider Podcast Video

Preet Bharara & Anne Milgram talk probe of Clinton's State Dept. aides (Oct. 1, 2019)
<https://www.facebook.com/CAFE/videos/1137894863072885/>

- 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.

I have done my best to identify all interviews given, 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:

CNN Legal Analyst (February 2018 – Present) - Television

PDFs attached except where noted

Shooting Suspect Expected to Make First Court Appearance (Mar. 25, 2021)

Brother: Shooting Suspect May Have Suffered From Mental Illness (Mar. 23, 2021)

Police: Motive Still Unknown in Colorado Rampage that Killed 10 People (Mar. 23, 2021)

Two Men Charged in Assault of U.S. Capitol Police Officer Brian Sicknick (Mar. 16, 2021)

Two Men Arrested & Charged for Assaulting Capitol Police Officer Who Later Died (Mar. 15, 2021)

Governor Cuomo Says He's Not Going to Resign (Mar. 12, 2021)

Reporter Alleges Gov. Andrew Cuomo (D-NY) Sexually Harassed Her in New Article for New York Magazine (Mar. 12, 2021)

Gov. Cuomo: "I'm Not Going to Resign" (Mar. 8, 2021)

Cuomo Accuser Charlotte Bennett Calls Governor A "Textbook Abuser" (Mar. 5, 2021)

N.Y. Atty. General Gets Greenlight to Launch Independent Probe of Harassment Allegations against Gov. Cuomo (Mar. 1, 2021)

New York Governor Faces New Allegation that Threaten His Political Future (Mar. 1, 2021)

Former NJ attorney general: Trump could face potential criminal charges due to tax records (Feb. 22, 2021)

Trump Forced to Hand Over Tax Returns (Feb. 22, 2021)

Leading House Dem, NAACP Sue Trump for Conspiracy to Incite U.S. Capitol Riot (Feb. 16, 2021)

Dem Rep. Bennie Thompson, NAACP Sue Trump & Giuliani for Conspiracy Related to Capitol Insurrection (Feb. 16, 2021)

Trump Acquitted in Historic Second Impeachment Trial; McConnell Makes Case for Convicting Trump after Voting to Acquit (Feb. 14, 2021)

Impeachment Managers Wrap Case, Trump Defense Tomorrow (Feb. 11, 2021)

Impeachment Managers Present New Security Footage That Shows Rioters Inside the Capitol (Feb. 10, 2021)

Historic Second Impeachment Trial Against Trump Begins (Feb. 9, 2021)
Two-Hundred-Plus Now Charged in Connection with U.S. Capitol Riot (Feb. 9, 2021)

Trump Issues 26 New Pardons to More Allies, Including Roger Stone, Paul Manafort and Jared Kushner's father (Dec. 23, 2020)

Will President Trump Pardon Family? (Dec. 2, 2020)

Attorney General Bill Barr Finds No Evidence of Widespread Voter Fraud (Dec. 1, 2020)

Trump Pardons Ex-National Security Adviser Flynn Who Pleaded Guilty to Lying to FBI (Nov. 25, 2020)

Trump Paid No Income Taxes in 10 Out of 15 Years Beginning in 2000 (Sept. 28, 2020)

NYT: Trump Personally Responsible for \$421 Million In Debt, Most of It Due in the Next Four Years (Sept. 28, 2020)

A Top Prosecutor Probing Trump-Russia Investigation Quits (Sept. 11, 2020)

Trump Fires Geoffrey Berman (Jun. 22, 2020)

Bolton's Tell-All Book Might Risk Jail Time (Jun. 21, 2020)

Harvey Weinstein Found Guilty in Criminal Court (Feb. 24, 2020)

Weinstein Guilty of Criminal Sex Act and Third-Degree Rape (Feb. 24, 2020)

Trump Congratulates A.G. Barr for "Taking Charge" in Roger Stone Case (Feb. 12, 2020)

DOJ Stuns with Extraordinary Reversal on Roger Stone Sentencing (Feb. 11, 2020)

Ex-federal prosecutor: Dershowitz's argument would make Trump a king (Jan. 29, 2020) (*hyperlink embedded*)

Trump's Defense Team Repeats Conspiracy FBI Debunked (Jan. 25, 2020)

Trump's Defense Team Tries to Undercut Dems' Case (Jan. 25, 2020)

House Managers To Argue Trump Obstructed Congress (Jan. 24, 2020)

Ex-prosecutor on evidence Dems pursuing: It's all going to come out (Jan. 24, 2020) (*hyperlink embedded*)

Ex-federal prosecutor answers your impeachment questions (Jan. 24, 2020) (*hyperlink embedded*)

How impeachment trial differs from criminal trial (Jan. 24, 2020) (*hyperlink embedded*)

CNN obtains proposed rules for impeachment trials (Jan. 20, 2020)

Battle Over New Witnesses and Evidence Heats Up (Jan. 17, 2020)

Pelosi to hold House vote to send impeachment to Senate tomorrow (Jan. 14, 2020)

Lawmakers question DOJ Inspector General on Russia probe (Dec. 11, 2019)

White House faces deadline to say if it will take part in Monday impeachment hearing (Dec. 6, 2019)

Three legal experts say President Trump committed impeachable offenses, one disagrees (Dec. 4, 2019)

Sondland: "Everyone was in the loop" on Ukraine response (Nov. 20, 2019)

Next historic steps in impeachment process (Nov. 14, 2019)

Ambassador's phone call with Trump raises security concerns (Nov. 14, 2019)

Televised Trump impeachment hearings to begin (Nov. 13, 2019)

Steven Bannon testifies at Roger Stone trial (Nov. 8, 2019)

Senate Republicans dodge questions on Trump (Nov. 6, 2019)

Ukraine and Trump quid pro quo (Oct. 30, 2019)

“No quid pro quo” defense may not matter for impeachment (Oct. 24, 2019)

Impeachment and emoluments clause (Oct. 21, 2019)

White House doing damage control after Mulvaney admits to quid pro quo (Oct. 18, 2019)

White House denies quid pro quo (Oct. 17, 2019)

Federal investigation of Rudy Giuliani (Oct. 16, 2019)

Testimony of Ambassador Sondland (Oct. 11, 2019)

Feds arrest Giuliani associates who sought dirt on Biden (Oct. 10, 2019)

Trump stonewalls House Democrats’ impeachment inquiry (Oct. 9, 2019)

Source: White House Subpoenaed as Dems escalate impeachment inquiry (Oct. 4, 2019)

Ukraine/China Investigation into whistleblower complaint (Oct. 3, 2019)

State Dept. Inspector General requests “urgent” hill briefing tomorrow afternoon on Ukraine docs (Oct. 1, 2019)

Whistleblower: WH tried to cover up Trump’s abuse of power (Sept. 26, 2019)

Whistleblower complaint about Trump sent to Congress (Sept. 25, 2019)

Witnesses to events in whistleblower complaint about Trump (Sept. 25, 2019)

President Trump releases memo detailing Ukraine call (Sept. 25, 2019)

DNI Maguire threatened to resign if Trump administration did allow testimony on Capitol Hill (Sept. 25, 2019)

Process for whistleblower complaints (Sept. 18, 2019)

New details today on the investigation into Justice Brett Kavanaugh (Sept. 16, 2019)

DOJ won’t prosecute Comey over handling of his memos on President Trump despite finding he broke FBI rules (Aug. 29, 2019)

Deutsche Bank tells court it has Trump-related tax returns demanded by House Democrats (Aug. 27, 2019)

Mueller’s testimony before Congress (July 24, 2019)

DOJ to Mueller: Testimony must stay within bounds of report (July 22, 2019)

Lawmakers set to challenge Robert Mueller this week (July 22, 2019)

Trump: “I think I’d take” dirt from foreign government on political rivals (Jun. 13, 2019)

Donald Trump Jr.’s closed-door interview (June 11, 2019)

Mueller makes clear that Congress has role on Trump’s fate (May 29, 2019)

Mueller on obstruction charge (May 29, 2019)

First opioid crisis trial begins (May 28, 2019)

Judge upholds subpoenas for Trump’s financial records (May 23, 2019)

Avenatti charged with stealing money from client Stormy Daniels (May 22, 2019)

Mueller: If confident President was innocent, ‘we would have said so’ (May 29, 2019)
(*hyperlink embedded*)

Trump pardon Conrad Black (May 16, 2019)

Judge orders release of transcripts of Flynn’s conversations with Russians (May 16, 2019)

Alabama passes bill effectively banning abortion (May 15, 2019)

Escalating fight between Trump and House Dems (May 7, 2019)

Trump: McGahn should not testify before Congress (May 3, 2019)

Mueller sent letter to William Barr objecting to his summary of the Mueller report (May 1, 2019)

Trump continues stonewalling on slew of congressional investigations (Apr. 27, 2019)

Pelosi on impeachment: If the facts take us there, “we have no choice, but we’re not there yet” (Apr. 23, 2019)

House Judiciary Chairman will subpoena full Mueller report (Apr. 18, 2019)

Barr to release Mueller report (Apr. 18, 2019)

Barr’s summary of Mueller’s report (Apr. 16, 2019) (2-part transcript)

Trump for first time: “I don’t mind” if Mueller report released (Mar. 20, 2019)

House Oversight Chair: White House hasn't turned over any documents (Mar. 20, 2019)

Actresses, wealthy parents and college coaches among those arrested in nationwide college admission scam (Mar. 13, 2019) House Speaker comes out against impeachment (Mar. 11, 2019)

Democrats outraged by Manafort sentence, opposite of Trump (Mar. 8, 2019)

Statements by Michael Cohen about pardon under scrutiny (Mar. 7, 2019)

Michael Cohen begins Day 3 of Capitol Hill testimony (Feb. 28, 2019)

Michael Cohen expected to publicly testify on Trump's businesses, Trump org. CFO granted immunity, could be key figure (Feb. 26, 2019)

R. Kelly charged with sex abuse, victims include minors (Feb. 22, 2019)

Michael Cohen to testify before three committees (Feb. 22, 2019)

Presidential powers and executive orders (Feb. 15, 2019)

Senators discussion of evidence of collusion against Trump (Feb. 13, 2019)

Whitaker to appear before House Judiciary Committee (Feb. 8, 2019)

House Democrats ramp up push to obtain Trump tax returns (Feb. 7, 2019)

Transcript reveals what was said at closed-door Manafort hearing (Feb. 7, 2019)

Roger Stone's cooperation (Jan. 28, 2019)

FBI arrests Roger Stone (Jan. 25, 2019) (3-part transcript)

Cohen's lawyer says he'll comply with Senate Intel subpoena (Jan. 24, 2019)

Documentary evidence Manafort lied about his contacts with Trump administration into 2018 (Jan. 15, 2019)

Mueller subpoena case (Jan. 9, 2019)

Michael Flynn arrives in federal court for sentencing hearing (Dec. 18, 2018)

Trump Foundation Dissolving (Dec. 18, 2018)

Trump's inaugural committee under investigation (Dec. 13, 2018)

“National Enquirer” publisher strikes deal with feds in Cohen probe (Dec. 12, 2018)

Giuliani says Mueller has accused Manafort of lying about Trump (Dec. 7, 2018)

Mueller to release filings on Manafort and Cohen (Dec. 7, 2018) (2-part transcript)

Roger Stone on pleading the Fifth (Dec. 6, 2018)

Flynn has given substantial assistance to Robert Mueller’s investigation (Dec. 5, 2018)

Mueller to reveal details on Trump insiders Flynn, Manafort, Cohen (Dec. 4, 2018)

Did Paul Manafort meet with Julian Assange? (Nov. 27, 2018) (2-part transcript)

Mueller’s Team: Manafort lied after pleading guilty (Nov. 26, 2018)

Trump wanted to prosecute political enemies (Nov. 20, 2018)

Ivanka Trump used personal account for e-mails about government business (Nov. 19, 2018)

Trump fires Attorney General Jeff Sessions, names acting A.G. Matt Whitaker who said Mueller probe is going too far (Nov. 7, 2018)

Mueller pursuing conspiracy claims (Oct. 22, 2018)

DOJ charges Russian woman with midterm election meddling (Oct. 20, 2018)

Kavanaugh writes Op-Ed “I am an independent impartial judge” (Oct. 4, 2018)

Kavanaugh background checks showed inappropriate behavior (Oct. 3, 2018)

Trump’s atty. need Russia probe “time out” if Rosenstein leaves (Sept. 24, 2018)

Mark Cuban to donate \$10M to women’s groups following probe (Sept. 20, 2018)

Implications of Kavanaugh confirmation (Sept. 5, 2018)

Mueller will accept written answers from Trump on questions about campaign collusion with Russia (Sept. 4, 2018)

Trump warns of “violence” if GOP loses midterms (Aug. 28, 2018)

“National Enquirer” publisher, David Pecker, granted immunity (Aug. 23, 2018)

Trump slams Cohen deal, says flipping should be illegal (Aug. 23, 2018)

Manafort found guilty on 8 counts (Aug. 21, 2018)

Michael Cohen pleads guilty in New York City as Manafort jury delivers partial verdict in Virginia (Aug. 21, 2018)

Reuters: President Trump won't say if he'll do Mueller interview (Aug. 20, 2018)

Gates admits to an affair falsifying docs in Manafort trial (Aug. 7, 2018)

CNN Sources: Mueller offered to reduce number of obstruction questions, but wants to include them in face-to-face interview (Aug. 1, 2018)

Trial begins for ex-Trump campaign chairman Paul Manafort (July 31, 2018) (3-part transcript)

Giuliani media blitz sows new cloud of confusion (July 31, 2018)

White House official: President's press team no [sic] coordinating with Giuliani on message (July 30, 2018)

Trump lawyer now arguing Russian collusion no big deal? (July 30, 2018)

Cohen tape leak could complicate legal troubles (July 26, 2018)

WSJ: Trump org top official called to testify in Cohen case (July 26, 2018)

NYT: Mueller looking at whether Trump intimidated witnesses (July 26, 2018)

Some kids separated at border may never see parents again (July 26, 2018)

White House looking to revoke security clearance of Trump critics? (July 23, 2018)

Anthony Kennedy to retire from Supreme Court (June 27, 2018)

Supreme Court upholds Trump travel ban (June 26, 2018) (2-part transcript)

Trump signs order to end his own family separation policy (June 20, 2018)

Homeland Security Secretary to address issue of family separation at border (June 18, 2018)

Trump angers U.S. allies over tariffs ahead of G-7 summit (June 7, 2018)

Trump praises cabinet members except for Sessions (June 6, 2018)

White House still stonewalling on Air Force One memo (June 5, 2018)

Special Counsel and Trump's Lawyers Discussed January Date For Presidential

Interview with Mueller (May 24, 2018)

Trump repeats unproven claims about “spy” in his campaign (May 23, 2018)

Biz Partner Agrees to Cooperate With Prosecutors (May 22, 2018)

Trump demands DOJ find out if FBI spied on campaign (May 21, 2018)

New information revealed about infamous Trump Tower meeting questions surround a mystery phone call (May 16, 2018)

Giuliani under fire for his defense of Stormy Daniels payment (May 10, 2018)

AT&T cooperated with Mueller probe on Cohen payments (May 9, 2018)

AT&T says it provided information on Cohen to Mueller last November and December (May 9, 2018)

Mueller’s team questions Russian oligarch about payments to Cohen (May 8, 2018)

Giuliani and executive privilege (May 7, 2018)

Giuliani: I’m “focused on the law more than the facts” (May 7, 2018)

Trump: “Disgraceful” Mueller questions leaked to media (May 1, 2018)

Mueller raised possibility of presidential subpoena in meeting with President Trump’s legal team (May 1, 2018)

“New York Times:” Mueller wants to ask President Trump dozens of questions to determine if he obstructed justice (Apr. 30, 2018)

Judge orders government to turn over materials to Cohen’s legal team (Apr. 16, 2018)

Cohen ordered to appear in federal court on Monday (Apr. 14, 2018)

“Washington Post:” Comey compares Trump to a mob boss, “lying about all things, large and small;” (Apr. 12, 2018)

FBI raids office and hotel room of Trump lawyer, Michael Cohen (Apr. 9, 2018) (3-part transcript)

Trump begins informal prep for potential Mueller interview (Apr. 6, 2018) (2-part transcript)

CNN: Mueller team talking to Russian oligarchs about election meddling (Apr. 5, 2018)

Trump hires lawyer who claims FBI and DOJ framed Trump (Mar. 19, 2018) (2-part transcript)

Mueller subpoenas Trump organization in Russia probe (Mar. 15, 2018)

Daniels' lawyer "hopes" Trump team doesn't try to block interview (Mar. 12, 2018)

Trump potentially hiring Emmett Flood (Mar. 10, 2018)

Trump Ex-Aide Subpoenaed, Says He Won't Testify (Mar. 5, 2018)

Former Trump Aide Says He Will Defy Russia Probe Subpoena (Mar. 5, 2018)

CNN: Mueller probes Trump's Russian business dealings prior to 2016 presidential campaign (Feb. 27, 2018)

Mueller charges 13 Russians with interfering in 2016 election (Feb. 16, 2018)

Details emerge about Florida school shooter (Feb. 15, 2018)

Nunes memo re: Russian investigation (Feb. 9, 2018)

President Trump won't approve release of Democratic memo (Feb. 9, 2018)
Schiff force Lewandowski Bannon to testify in Russia probe keeping them honest (Feb. 7, 2018)

Pres. Trump lawyers wants him to refuse an interview in Russia inquiry (Feb. 5, 2018)

Trump approved to release the Nunes memo (Feb. 1, 2018)

Top GOP Senator 'open' to bipartisan bill protecting Mueller (Jan. 26, 2018)

Trump says he'd 'love' to talk to Mueller, would do it under oath (Jan. 24, 2018)

Shaky Cease-fire between Russia and Georgia; British Television Reporter Roughed Him Up During a Pro-Tibet Rally; Trend in Foreclosures Continues Increasing; Comedian Margaret Cho Returns to TV (Aug. 14, 2008)

Inspectors Strive for Accuracy at the Pump (Aug. 14, 2008)

Blackout: Five Years Later; Energy Winners & Losers; Protecting Your Money (Aug. 14, 2008)

Much of Ohio under flood warnings; do or die for Michigan primary today (Mar. 20, 2008)

Police Arrest Suspect in Philadelphia Shooting; Flies Bug Game; Marion Jones Pleads Guilty (Oct. 6, 2007)

Philly Armored Car Robbery Suspect Apprehended; Marion Jones Pleads Guilty on Steroid Use; More Clues in Florida Boat Case (Oct. 6, 2007)

Hillary Plays Terror Card; Wal-Mart Partly Responsible For Dangerous Chinese Imports? (Aug. 24, 2007)

Nationwide Crackdown on Criminal Illegal Aliens? (Aug. 22, 2007)

PBS – Television

Hyperlinks embedded

Anne Milgram on the Dismissal of Geoffrey Berman (June 22, 2020)

Anne Milgram: Why Weinstein Verdict is a “Landmark Victory” (Feb. 24, 2020)

Anne Milgram Discusses New Impeachment Evidence (Jan. 23, 2020)

CNN Legal Analyst (February 2018 – March 2021) – Print

Trump is facing probes from 5 independently elected investigators (Updated Mar. 15, 2021) <https://www.cnn.com/2021/03/01/politics/trump-scrutiny-five-investigators/index.html>

Manhattan DA faces critical decisions in Trump investigation as his time in office runs low (Feb. 25, 2021) <https://www.cnn.com/2021/02/25/politics/trump-taxes-manchattan-da/index.html>

America delivers its verdict on Donald Trump (Nov. 8, 2020) <https://www.cnn.com/2020/11/08/opinions/americas-verdict-on-donald-trump-column-galant/index.html>

Trump’s brazen attack on our democracy (Nov. 6, 2020), <https://www.cnn.com/2020/11/06/opinions/trumps-brazen-attack-on-our-democracy-anne-milgram/index.html>

DOJ lets prosecutors announce voter fraud investigations close to Election Day (Oct. 7, 2020) <https://www.cnn.com/2020/10/07/politics/justice-department-fraud-investigations-election-2020/index.html>

The bittersweet beauty of RBG’s passing on Rosh Hashanah (Sept. 18, 2020), <https://www.cnn.com/2020/09/19/opinions/rbg-opinion-roundup/index.html>

Trump's revenge vs. Trump's rewards (Feb. 12, 2020) <https://www.cnn.com/2020/02/12/politics/what-matters-february-12/index.html>

Reality deals more blows to Trump's alternative narrative (Dec. 19, 2018)
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News Release, Division of Law Launches Volunteer Associates Program (July 14, 2009) <https://www.nj.gov/oag/newsreleases09/pr20090714a.html>

News Release, Licensing Board Suspends Physician Who Fraudulently Billed Insurance Providers (July 9, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090709c.html>

News Release, State Board Revokes License of Wildwood Physician (July 9, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090709b.html>

News Release, Indictments Charge Members of Bloods Gang With Orchestrating Bank Frauds Involving More Than \$654,000 in Counterfeit Checks (July 7, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090707a.html>

News Release, Attorney General, DEP Announce Settlement to Preserve Environmentally-Vital Land near Ocean in Cape May (July 1, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090701c.html>

News Release, Attorney General Announces Mortgage Fraud Indictments (June 30, 2009) <https://www.nj.gov/oag/newsreleases09/pr20090630c.html>

News Release, La Bonne Vie Travel and Dream Vacations International, Inc. Added As Defendants to the State's Lawsuit (June 30, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090630b.html>

News Release, Riza Dagli Named Acting Insurance Fraud Prosecutor (June 26, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090626b.html>

News Release, Taysen Van Itallie Appointed Division of Law Director (June 26, 2009) <https://www.nj.gov/oag/newsreleases09/pr20090626a.html>

News Release, Juvenile Justice Commission Holds High School Commencement Ceremony (June 24, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090624b.html>

News Release, Attorney General Announces Multi-State Settlement with Major Retailer Over Consumer Data Breach (June 23, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090623b.html>

News Release, Combating Underage Drinking 'Down the Shore' (June 23, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090623a.html>

News Release, Jersey City Man Pleads Guilty To Stealing From Investors (June 22, 2009) <https://www.nj.gov/oag/newsreleases09/pr20090622b.html>

News Release, Indiana Company Sued for Selling Banned Yo-Yo Waterballs in New Jersey; Scotch Plains Girl Injured by Company's Product (June 22, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090622a.html>

News Release, Lyndhurst Lawyer Sentenced to 15 Years in Prison for Stealing \$4 Million in Real Estate Closing Funds to Gamble In Atlantic City (June 19, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090619b.html>

News Release, New Jersey-Led Coalition of States Urges Federal Inspector General to Pursue Investigation Into Bonuses Paid to AIG Executives (June 19, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090619a.html>

News Release, Jersey City Dentist Faces Loss of License for Providing Prescription Drugs to His Girlfriend (June 16, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090616b.html>

News Release, Salem County Investment Broker Pleads Guilty to Defrauding Elderly Clients Out of \$1.8 Million (June 15, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090615e.html>

News Release, Physician Arrested for Selling Pain Killer Prescriptions for Cash (June 15, 2009) <https://www.nj.gov/oag/newsreleases09/pr20090615d.html>

News Release, Third Campaign Worker Charged with Voter Fraud in Atlantic City Mayoral Primary (June 12, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090612a.html>

News Release, Two Men Convicted of Leading South Jersey Narcotics Ring (June 11, 2009) <https://www.nj.gov/oag/newsreleases09/pr20090611e.html>

News Release, Former Employee of City of Newark and 2 Grocery Store Owners Indicted for Defrauding Federal Child Nutrition Program (June 9, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090609a.html>

News Release, Two Campaign Workers Charged with Submitting Fraudulent Absentee Ballots in Atlantic City Mayoral Primary (June 5, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090605c.html>

News Release, Leader of Joseph Vas' 2006 Congressional Campaign Pleads Guilty to Soliciting Fraudulent Contributions (June 5, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090605a.html>

News Release, Deutsche Bank Securities Inc. Pays \$1M to the New Jersey Bureau of Securities to Settle Auction-Rate Securities Case (June 3, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090603c.html>

News Release, Settlement Reached With Pascack Valley Hospital Debt Collectors (June 3, 2009) <https://www.nj.gov/oag/newsreleases09/pr20090603b.html>

News Release, State Sues Elizabeth Used Car Dealer (June 1, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090601a.html>

News Release, Attorney General Milgram Files Suit Against Two More Ticket Sellers Springsteen Concert Tickets Sold Prior to June 1 On-Sale Date (May 29, 2009) <https://www.nj.gov/oag/newsreleases09/pr20090529b.html>

News Release, Three Men Who Targeted Wyckoff Church Members Reach Settlements with the N.J. Bureau of Securities (May 28, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090528a.html>

News Release, Attorney General Milgram Files Suit in Response to Deceptive Sales of Springsteen Concert Tickets Before Initial Public Sales Date (May 27, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090527a.html>

News Release, Licensing Board Takes Disciplinary Actions Against Two Dentists (May 26, 2009) <https://www.nj.gov/oag/newsreleases09/pr20090526a.html>

News Release, Attorney General's Office Obtains Second Indictment Charging Assemblyman Joseph Vas with Corruption as Perth Amboy Mayor (May 21, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090521d.html>

News Release, Attorney General Announces Neighborhood Crime Prevention Grants (May 21, 2009) <https://www.nj.gov/oag/newsreleases09/pr20090521c.html>

News Release, 2,586 Fans to Attend Two Springsteen Concerts Under Settlement with Ticketmaster (May 21, 2009) <https://www.nj.gov/oag/newsreleases09/pr20090521a.html>

News Release, Citigroup Pays \$3.3M to New Jersey Bureau of Securities to Settle Auction Rate Securities Case (May 20, 2009) <https://www.nj.gov/oag/newsreleases09/pr20090520b.html>

News Release, "Operation False Charity" New Jersey Works with Federal Trade Commission to Protect Consumers Against Fraudulent Solicitors (May 20, 2009) <https://www.nj.gov/oag/newsreleases09/pr20090520a.html>

News Release, "Proms and Alcohol Don't Mix" Winners Announced in TV Public Service Announcement Contest (May 13, 2009) <https://www.nj.gov/oag/newsreleases09/pr20090513b.html>

News Release, Former Municipal Tax Collector in Cumberland County Indicted on Charges She Stole \$100,000 in Property Tax Payments (May 11, 2009) <https://www.nj.gov/oag/newsreleases09/pr20090511c.html>

News Release, Pennsylvania Man Pleads Guilty to Gun Charge Resulting from New Jersey's Partnership with ATF to Trace Illegal Firearms (May 11, 2009) <https://www.nj.gov/oag/newsreleases09/pr20090511a.html>

News Release, Division of Criminal Justice Charges Monmouth County Financial Advisor with Stealing \$10 Million from Clients (May 8, 2009) <https://www.nj.gov/oag/newsreleases09/pr20090508a.html>

News Release, South Jersey Dentist Surrenders License Prior to Scheduled Disciplinary Hearing (May 6, 2009) <https://www.nj.gov/oag/newsreleases09/pr20090506a.html>

News Release, Landmark Settlement Reached with Medical Device Maker Synthes (May 5, 2009) <https://www.nj.gov/oag/newsreleases09/pr20090505a.html>

News Release, Uniform Crime Report for First Six Months of 2008 Shows Drop in Violent Crimes, But Non-Violent Offenses Increase (May 4, 2009) <https://www.nj.gov/oag/newsreleases09/pr20090504b.html>

News Release, Former Atlantic City Councilwoman Indicted for Voting to Sell City Land So She Could Acquire it in a Secret Deal (Apr. 29, 2009) <https://www.nj.gov/oag/newsreleases09/pr20090429b.html>

News Release, Morris County Tax Commissioner Indicted on Charges He Gambled \$278,000 Stolen from Elks & Voted to Hire Firm to Which He had Ties (Apr. 29, 2009) <https://www.nj.gov/oag/newsreleases09/pr20090429a.html>

News Release, Attorney General Sues Foreclosure Rescue Company (Apr. 27, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090427a.html>

News Release, Indictment Charges Former Clerk for Motor Vehicle Commission
 with Selling Hundreds of Fraudulent Vehicle Titles (Apr. 22, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090422b.html>

News Release, Man Sentenced to Prison for Trafficking Handguns, Assault Rifles &
 Shotguns Bought in Pennsylvania (Apr. 17, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090417a.html>

News Release, Tax Preparation Firm Ordered to Pay \$3.5 Million for Deceptive Sales
 of "Refund Anticipation Loans" (Apr. 14, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090414a.html>

News Release, Board of Medical Examiners Ratifies Temporary License Suspension
 for Dr. Parvez Dara (Apr. 8, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090408b.html>

News Release, Foulke Management Corporation ("Cherry Hill Triplex") and State
 Settle Lawsuit (Apr. 2, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090402a.html>

News Release, Pastors of Morris County Church to Reimburse Congregants for
 Misappropriated Donations (Apr. 1, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090401b.html>

News Release, Attorney General Announces \$2.1 Million in Victim Assistance
 Grants for 49 Programs that Provide Support to Crime Victims (Apr. 1, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090401a.html>

News Release, Ex-Administrator at UMDNJ Indicted on Charges He Took Gifts from
 Contractor He Hired for Millions of Dollars of Work (Mar. 31, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090331d.html>

News Release, Jersey City Man Pleads Guilty In \$573,000 Homestead Rebate Scam
 (Mar. 31, 2009) <https://www.nj.gov/oag/newsreleases09/pr20090331b.html>

News Release, Perth Amboy Recreation Supervisor Admits Stealing City Funds
 (Mar. 30, 2009) <https://www.nj.gov/oag/newsreleases09/pr20090330a.html>

News Release, Pemberton Man Gets 40-Year Sentence on Gun and Drug Charges
 Filed by Division of Criminal Justice and County Prosecutor (Mar. 27, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090327b.html>

News Release, Former State Warehouse Employee Sentenced to Prison for Stealing
 from Warehouse in Hamilton (Mar. 26, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090326a.html>

News Release, Compass Dodge Reaches Settlement to Resolve Alleged Used Vehicle Sales Violations (Mar. 25, 2009)

<https://www.nj.gov/oag/newsreleases09/pr20090325b.html>

News Release, Campaign Worker Indicted for Allegedly Changing Votes on Absentee Ballots in 29th District Races for State Legislature (Mar. 23, 2009)

<https://www.nj.gov/oag/newsreleases09/pr20090323b.html>

News Release, Top City Official Under Former Mayor Joseph Vas Pleads Guilty to Assisting Mayor in Theft of Funds from Perth Amboy (Mar. 23, 2009)

<https://www.nj.gov/oag/newsreleases09/pr20090323a.html>

News Release, our Indicted in Auto Theft Network that Stole Cars from Dealership Lots and Shipped them to Africa (Mar. 20, 2009)

<https://www.nj.gov/oag/newsreleases09/pr20090320c.html>

News Release, New Jersey Launches Investigation into Bonuses Paid to AIG Executives (Mar. 19, 2009)

<https://www.nj.gov/oag/newsreleases09/pr20090319d.html>

News Release, Two Leaders of Joseph Vas' 2006 Congressional Campaign Charged with Soliciting Fraudulent Contributions (Mar. 19, 2009)

<https://www.nj.gov/oag/newsreleases09/pr20090319c.html>

News Release, Random Ticket Selection for Springsteen Concert Tickets Scheduled for March 31 (Mar. 19, 2009)

<https://www.nj.gov/oag/newsreleases09/pr20090319a.html>

News Release, State Sues Verizon Over Deceptive FiOS Sales and Marketing Practices (Mar. 18, 2009)

<https://www.nj.gov/oag/newsreleases09/pr20090318a.html>

News Release, New Jersey Reaches Settlements With Seven Companies Regarding Pre-Paid Calling Cards (Mar. 17, 2009)

<https://www.nj.gov/oag/newsreleases09/pr20090317a.html>

News Release, Attorney General Announces Three New Mortgage Fraud Complaints (Mar. 12, 2009)

<https://www.nj.gov/oag/newsreleases09/pr20090312a.html>

News Release, Attorney General's Office Indicts State Assemblyman Joseph Vas on Charges He Stole City Funds as Mayor of Perth Amboy (Mar. 11, 2009)

<https://www.nj.gov/oag/newsreleases09/pr20090311b.html>

News Release, State Licensing Board Revokes Registrations of Newark Funeral Homes Involved in Illegal Body Parts Harvesting (Mar. 11, 2009)

<https://www.nj.gov/oag/newsreleases09/pr20090311a.html>

News Release, Attorney General Announces Lawsuit Against Unregistered Investment Firm Accused of Defrauding \$15 Million from Clients (Mar. 9, 2009)

<https://www.nj.gov/oag/newsreleases09/pr20090309a.html>

News Release, Woodbridge Travel Agency to Pay \$276,077 in Consumer Restitution As Part of Settlement with the State (Mar. 5, 2009)

<https://www.nj.gov/oag/newsreleases09/pr20090305b.html>

News Release, AG Announces Settlement with PriceWaterhouseCoopers Suit Charged that Audit Firm Played Role in State's Pension Fund Losses (Mar. 4, 2009)

<https://www.nj.gov/oag/newsreleases09/pr20090304b.html>

News Release, Funeral Homes Where Illegal Body Parts Harvesting Occurred to be Temporarily Shut (Mar. 3, 2009)

<https://www.nj.gov/oag/newsreleases09/pr20090303a.html>

News Release, Member of Nine Trey Headbustas Set of Bloods Street Gang Pleads Guilty to First-Degree Racketeering (Feb. 27, 2009)

<https://www.nj.gov/oag/newsreleases09/pr20090227c.html>

News Release, Two Leaders Of Multi-Million Dollar Sports Gambling Ring That Operated Inside Poker Room At Borgata Sentenced To Prison (Feb. 27, 2009)

<https://www.nj.gov/oag/newsreleases09/pr20090227b.html>

News Release, Three North Jersey Motor Vehicle Commission Clerks Arrested on Charges They Sold Driver's Licenses to Unauthorized Persons (Feb. 26, 2009)

<https://www.nj.gov/oag/newsreleases09/pr20090226b.html>

News Release, N.J. Joins Multi-State Settlement with Coke, Nestle Over Calorie-Burning, Weight Loss Claims for Green Tea Beverage (Feb. 26, 2009)

<https://www.nj.gov/oag/newsreleases09/pr20090226a.html>

News Release, Appeals Court Rules in Favor of Challenge to Federal Air Standard (Feb. 24, 2009) <https://www.nj.gov/oag/newsreleases09/pr20090224d.html>

News Release, Man Pleads Guilty to Gun Charges for Trafficking Handguns, Assault Rifles & Shotguns Bought in Pennsylvania (Feb. 24, 2009)

<https://www.nj.gov/oag/newsreleases09/pr20090224b.html>

News Release, Former Employee of City of Newark Sentenced to Prison for Conspiring to Defraud Federal Child Nutrition Program (Feb. 23, 2009)

<https://www.nj.gov/oag/newsreleases09/pr20090223d.html>

News Release, Attorney General Welcomes U.S. Supreme Court Denial of Appeal by Utility Group on Regulation of Harmful Mercury Emissions (Feb. 23, 2009)

<https://www.nj.gov/oag/newsreleases09/pr20090223a.html>

News Release, Monmouth County Man Sentenced to State Prison for \$2.9 Million Mortgage and Investment Scams (Feb. 20, 2009)

<https://www.nj.gov/oag/newsreleases09/pr20090220c.html>

News Release, Attorney General, DEP announce settlement with PPG (Feb. 19, 2009)

<https://www.nj.gov/oag/newsreleases09/pr20090219b.html>

News Release, State Acts to Shut Funeral Homes After Owner Allegedly Violated Restrictions Imposed After Illegal Body Parts Harvesting (Feb. 19, 2009) <https://www.nj.gov/oag/newsreleases09/pr20090219a.html>

News Release, Licensing Board Finds Teaneck Physician Sexually Groped Patients, Suspends His License and Permanently Bars Him from Treating Female Patients (Feb. 18, 2009) <https://www.nj.gov/oag/newsreleases09/pr20090218a.html>

News Release, Former Camden Principal Sentenced to Prison in Theft Schemes (Feb. 13, 2009) <https://www.nj.gov/oag/newsreleases09/pr20090213a.html>

News Release, Three Defendants Indicted on Attempted Murder Charge for Robbery and Shooting in Paterson Investigated Under Ceasefire Program (Feb. 10, 2009) <https://www.nj.gov/oag/newsreleases09/pr20090210a.html>

News Release, Court Upholds State's Lawsuit Against ExxonMobil Seeking Damages for Pollution from Refineries in Bayonne, Linden (Feb. 9, 2009) <https://www.nj.gov/oag/newsreleases09/pr20090209a.html>

News Release, Attorney General Lauds Decision by EPA to Drop Appeal of Court Ruling That Vacated its Mercury Rules (Feb. 6, 2009) <https://www.nj.gov/oag/newsreleases09/pr20090206c.html>

News Release, Camden Man Sentenced to Eight Years in Prison for Two Shootings Investigated Under Ceasefire Program (Feb. 6, 2009) <https://www.nj.gov/oag/newsreleases09/pr20090206a.html>

News Release, Attorney General Anne Milgram Charges Tax Preparers Falsely Advertised "Same Day" Tax Refunds (Feb. 5, 2009) <https://www.nj.gov/oag/newsreleases09/pr20090205d.html>

News Release, Attorney General Names Marsetta Lee Director of New Jersey Victims of Crime Compensation Office (Feb. 20, 2009) <https://www.nj.gov/oag/newsreleases09/pr20090205c.html>

News Release, Attorneys General Urge New EPA Administrator Jackson to Act Swiftly on Greenhouse Gases as Ordered by U. S. Supreme Court (Feb. 5, 2009) <https://www.nj.gov/oag/newsreleases09/pr20090205b.html>

News Release, College Gossip Website Says it is Shutting Down (Feb. 4, 2009) <https://www.nj.gov/oag/newsreleases09/pr20090204c.html>

News Release, Six Defendants Plead Guilty to Racketeering for Their Roles in Multi-Million Dollar Prescription Drug Ring (Feb. 5, 2009) <https://www.nj.gov/oag/newsreleases09/pr20090204b.html>

News Release, State Permanently Bars Three Securities Brokers for Market Timing Violations and Assesses \$1.15 Million in Civil Penalties (Feb. 2, 2009) <https://www.nj.gov/oag/newsreleases09/pr20090202a.html>

News Release, Leader of Nine Trey Gangsters Set of Bloods Gang Sentenced to 70 Years in Prison on Attempted Murder and Other Charges (Jan. 30, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090130b.html>

News Release, Operation Trifecta Nets 20 Arrests, Shuts Cocaine/Heroin Operation (Jan. 29, 2009) http://www.njecpo.org/Press/pr_956.html

News Release, State Files Suit to Dissolve 9/11 Charitable Organization After Finding \$75,000 in Illegal Expenditures (Jan. 28, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090128a.html>

News Release, Division of Criminal Justice Achieves 47% Increase in Cases in 2008 (Jan. 27, 2009) <https://www.nj.gov/oag/newsreleases09/pr20090127b.html>

News Release, Former Orange Mayor Mims Hackett Jr. Sentenced to Five Years in Prison for Official Misconduct in Case Filed by Attorney General (Jan. 23, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090123c.html>

News Release, Leader of Nine Trey Gangsters Set of Bloods Street Gang Convicted of Attempted Murder and Related Charges (Jan. 23, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090123b.html>

News Release, State Files Suit Against Four Sansone Auto Dealerships (Jan. 22, 2009) <https://www.nj.gov/oag/newsreleases09/pr20090122c.html>

News Release, East Rutherford Acupuncturist's License Restricted Pending Sexual Misconduct Hearing (Jan. 22, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090122a.html>

News Release, Third-Annual "Proms and Alcohol Don't Mix" Contest Helps High School Seniors Learn Dangers of Underage Drinking (Jan. 21, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090121c.html>

News Release, Division of Law's Legal Efforts Meant \$154 Million in Judgments, Recoveries for State in 2008 (Jan. 21, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090121a.html>

News Release, Attorney General Joins Lawsuit Against Federal Rule Jeopardizing Women's Health Rights, Including Birth Control Access (Jan. 15, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090115b.html>

News Release, New Jersey to Receive \$9.5 Million in Medicaid Settlement with Eli Lilly Over Illegal Off-Label Marketing of Drug (Jan. 15, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090115a.html>

News Release, Department of Corrections Official Charged with Assisting South Jersey Alarm System Contractor to Rig Bids on State Contracts (Jan. 14, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090114b.html>

News Release, AG Announces Settlement With Dell, Inc., Dell Financial Over Disclosure of Financing Terms, Customer Service (Jan. 12, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090112a.html>

News Release, Former Clayton Police Chief Sentenced to Prison for Stealing from Mothers Against Drunk Driving and Police Department (Jan. 9, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090109e.html>

News Release, Statewide Mortgage Foreclosure Mediation Program Launched (Jan. 9, 2009) <https://www.nj.gov/oag/newsreleases09/pr20090109a.html>

News Release, Former Director for OSI Collection Services Charged with Theft & Corporate Misconduct for Overbilling State More Than \$1 Million (Jan. 7, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090107e.html>

News Release, AG Milgram Announces Settlement with Arbitron; Company Agrees to Modify Ratings Method, Promote Minority Radio (Jan. 7, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090107c.html>

News Release, New Jersey to Receive \$43 Million in Lawsuit Settlement for Contaminated Landfill in Morris County (Jan. 6, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090106e.html>

News Release, Funeral Directors Lose License for Role in Body-Parts Scheme (Jan. 6, 2009) <https://www.nj.gov/oag/newsreleases09/pr20090106b.html>

News Release, Closed Hoboken Health Club Agrees to Reimburse Consumers for Paid Memberships (Jan. 6, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090106a.html>

News Release, Lyndhurst Lawyer Pleads Guilty to Stealing \$4 Million in Funds for Real Estate Closings Which He Gambled in Atlantic City (Jan. 2, 2009)
<https://www.nj.gov/oag/newsreleases09/pr20090102a.html>

2008 Press Releases

News Release, New Security Systems in Place at Oyster Creek, Salem and Hope Creek Nuclear Power Stations Video Monitoring System linked to State Police Regional Operations and Intelligence Center (Dec. 26, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20081226b.html>

News Release, State and Federal Authorities Arrest Salem County Investment Broker for Defrauding Elderly Citizens Out of \$1.3 Million (Dec. 18, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20081218a.html>

News Release, Former New Jersey Assemblyman Neil M. Cohen Indicted on Official Misconduct and Child Pornography Charges (Dec. 17, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20081217b.html>

News Release, Attorney General Announces New Jersey Part of \$7 Million Settlement with Airborne Health (Dec. 16, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20081216c.html>

News Release, Consumer Affairs Investigators Check Stores for Recalled Toys (Dec. 16, 2008) <https://www.nj.gov/oag/newsreleases08/pr20081216b.html>

News Release, Leaders of Multi-Million Dollar Sports Gambling Ring that Operated in Poker Room at Borgata Plead Guilty, Face Prison (Dec. 16, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20081216a.html>

News Release, DEA and Morris County Prosecutor's Office Announce Gang Arrests: Strategy for Safe Streets and Neighborhoods (Dec. 16, 2008)
<https://www.dea.gov/sites/default/files/divisions/nj/2008/nwk121608p.html>

News Release, State Worker Pleads Guilty to Taking Gas from Government Pumps for Personal Use; Faces State Prison Sentence (Dec. 15, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20081215c.html>

News Release, Attorney General Announces N.J. Part of \$12 Million Settlement with Mattel on Toys Recalled for Excess Lead Paint (Dec. 15, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20081215a.html>

News Release, Bergenfield Council Members Indicted on Charges They Forged Resignations of Members of Bergenfield Democratic Committee (Dec. 12, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20081212c.html>

News Release, Consultant for Essex County Indicted for Steering Contracts for Boiler Projects to Companies That Paid Him \$500,000 in Fees (Dec. 11, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20081211e.html>

News Release, State Files Suit Against Lakewood-Based Sellers of Kinoki Detox Foot Pads (Dec. 11, 2008) <https://www.nj.gov/oag/newsreleases08/pr20081211c.html>

News Release, Statewide Violent Crime Anti-Gang Initiative Nets More Than 1,800 Arrests (Dec. 9, 2008) <https://www.nj.gov/oag/newsreleases08/pr20081209a.html>

News Release, Bridgewater Man Sentenced for Using Position as Trustee of Community Center to Divert Center's Funds for His Own Benefit (Dec. 5, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20081205c.html>

News Release, Mecca Pilgrims to Receive Restitution from Woodbridge Travel Agency That Left Them Stranded (Dec. 5, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20081205a.html>

News Release, South Jersey Alarm System Contractor Indicted for Rigging Bids on Contracts with Department of Corrections and Municipalities (Dec. 4, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20081204a.html>

News Release, Former Tax Division Employee Pleads Guilty to Stealing \$2,400 by Entering False Homestead Rebate Applications Into Database (Dec. 3, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20081203a.html>

News Release, Four Paterson Men Indicted on Charges They Conspired to Steal \$272,000 from State by Filing False Tax Returns (Dec. 2, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20081202b.html>

News Release, Attorney General Issues Directive Creating Child Abduction Response Team (Dec. 1, 2008) <https://www.nj.gov/oag/newsreleases08/pr20081201a.html>

News Release, N.J. Bureau of Securities Revokes Registrations of Two Agents Who Defrauded Elderly Investors (Nov. 25, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20081125a.html>

News Release, \$4 Million in Grants Awarded to New Jersey Law Enforcement Agencies for Bullet-Resistant Vests (Nov. 24, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20081124a.html>

News Release, Former Blairstown Committee Member Sentenced to Prison for Stealing More Than \$46,000 by Diverting Funds from Municipal Complex Project to Dummy Corporation (Nov. 21, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20081121b.html>

News Release, New Jersey Named as the Annie E. Casey Foundation's First Juvenile Detention Alternatives Initiative Model State (Nov. 21, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20081121a.html>

News Release, New Directive from Attorney General Orders Expanded Use of Federal Crime Database (Nov. 20, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20081120c.html>

News Release, State Warehouse Supervisor and Employee Indicted on Charges They Stole from Warehouse in Mercer County (Nov. 20, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20081120b.html>

News Release, Pennsylvania Dentist Indicted by State Grand Jury for Dumping Needles & Other Medical Waste that Washed up on Avalon Beach (Nov. 18, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20081118a.html>

News Release, Atlantic City Man Sentenced to Prison for Racketeering as Member of Nine Trey Gangsters Set of Bloods Street Gang (Nov. 14, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20081114a.html>

News Release, New Jersey to Receive \$4 Million in Settlement of Lawsuit Over Superfund Landfill Site in Burlington County (Nov. 13, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20081113c.html>

News Release, Bergen County Man Admits Stealing \$49,000 in Health Benefits from NJ Familycare Program by Underreporting Income on Application (Nov. 5, 2008) <https://www.nj.gov/oag/newsreleases08/pr20081105b.html>

News Release, Former Camden City School Principal Pleads Guilty to Official Misconduct for Deceiving Parents and Teachers Out of \$14,000 (Nov. 3, 2008) <https://www.nj.gov/oag/newsreleases08/pr20081103a.html>

Genovese Organized Crime Family Captain Michael Coppola Indicted on Racketeering Charges, Including 1977 Murder of Giovanni Larducci and Mob Control of New Jersey Waterfront: FBI Apprehended Defendant In March 2007 After Eleven Years On The Run (Nov. 03, 2008) <https://www.justice.gov/archive/usao/nye/pr/2008/2008nov03b.html>

News Release, Three New York City Men Sentenced to 10 Years in Prison in Connection with Jersey City Heroin Mill (Oct. 31, 2008) <https://www.nj.gov/oag/newsreleases08/pr20081031d.html>

News Release, Court Places Temporary Restraints on United Credit Adjusters and Related Companies (Oct. 31, 2008) <https://www.nj.gov/oag/newsreleases08/pr20081031b.html>

News Release, Bronx Man Sentenced to Prison for Causing Asbestos Hazard at Paterson Church by Unlawful Insulation Removal (Oct. 31, 2008) <https://www.nj.gov/oag/newsreleases08/pr20081031a.html>

News Release, Attorney General Announces Settlement with Educational Research Center of America on Collection, Marketing of Student Information (Oct. 30, 2008) <https://www.nj.gov/oag/newsreleases08/pr20081030b.html>

News Release, Team of Deputy Attorneys General on Call for Election Day (Oct. 30, 2008) <https://www.nj.gov/oag/newsreleases08/pr20081030a.html>

News Release, Former Camden Teacher Pleads Guilty in Scheme to Collect Extra Wages for School Meetings That Never Took Place (Oct. 23, 2008) <https://www.nj.gov/oag/newsreleases08/pr20081023b.html>

News Release, Attorney General Sues Foreclosure Rescue Operations for Fraud and Racketeering (Oct. 20, 2008) <https://www.nj.gov/oag/newsreleases08/pr20081020c.html>

News Release, Wachovia Securities Agrees to Offer Restitution to Customers and \$400,000 in Civil Penalties for Violations at A.G. Edwards Branch in Short Hills (Oct. 20, 2008) <https://www.nj.gov/oag/newsreleases08/pr20081020b.html>

News Release, State Police/ATF Arrest Illegal Gun Dealer, Seize Assault Weapons (Oct. 17, 2008) <https://www.nj.gov/oag/newsreleases08/pr20081017d.html>

News Release, Monmouth County Man Pleads Guilty to First-Degree Money Laundering in \$2.9 Million Mortgage and Investment Scams (Oct. 17, 2008) <https://www.nj.gov/oag/newsreleases08/pr20081017a.html>

News Release, State Files Suit Against United Credit Adjusters and Related Companies (Oct. 15, 2008) <https://www.nj.gov/oag/newsreleases08/pr20081015a.html>

News Release, The New Jersey High School Graduation Campaign: Keeping Kids In School (Oct. 14, 2008) <https://www.nj.gov/oag/newsreleases08/pr20081014a.html>

News Release, AG Announces Lawsuit Against Arbitron Over Ratings Method (Oct. 10, 2008) <https://www.nj.gov/oag/newsreleases08/pr20081010b.html>

News Release, Attorney General Announces Suit Against Out-of-State Tobacco Seller For Illegal Sale of “Tax Free” Cigarettes by Mail Order (Oct. 10, 2008) <https://www.nj.gov/oag/newsreleases08/pr20081010a.html>

News Release, Attorney General Announces Agreement with Shell Oil Products on Reducing Underage Tobacco Sales at Convenience Marts (Oct. 8, 2008) <https://www.nj.gov/oag/newsreleases08/pr20081008c.html>

News Release, AG Announces N.J.’s Recovery of \$1.88 Million in Landmark Settlement with Eli Lilly Over Anti-Psychotic Medication (Oct. 7, 2008) <https://www.nj.gov/oag/newsreleases08/pr20081007a.html>

News Release, (Oct. 6, 2008) <https://www.nj.gov/oag/newsreleases08/pr20081006a.html>

News Release, New Jersey to Receive Nearly \$2.5 Million in Medicaid Settlement with CEPHALON Over Illegal Off-Label Marketing of Drugs (Sept. 29, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080929b.html>

News Release, 12 Members of Violent Bloods Set Charge (Sept. 25, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080925b.html>

News Release, Member of Nine Trey Headbusta Street Gang Pleads Guilty to First-Degree Racketeering (Sept. 23, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080923a.html>

News Release, Violent Crimes in New Jersey Decreased 7 percent in 2007; Number of Murders Down 11 percent (Sept. 22, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080922a.html>

News Release, Attorney General Directs No Plea Bargains for Teen Drivers (Sept. 19, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080919b.html>

News Release, State Successfully Opposes Bid by Foreign Oil Companies to Be Excused from Lawsuit Over Passaic River Pollution (Sept. 15, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080915c.html>

News Release, Operation Fire Extinguisher Douses Gun and Drug Distribution by The Bloods Street Gang (Sept. 11, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080911a.html>

News Release, Court: Exxon Created Nuisance by Polluting Refinery Sites (Sept. 10, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080910b.html>

News Release, Former Clayton Police Chief Pleads Guilty to Stealing from Mothers Against Drunk Driving and Police Department (Sept. 10, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080910a.html>

News Release, Division of Consumer Affairs Cites Motor Vehicle Dealerships for Violating Laws Governing Used Car Sales (Sept. 9, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080909b.html>

News Release, \$5 Million Prisoner Re-entry Initiative for New Jersey and Newark (Sept. 9, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080909a.html>

News Release, Pennsylvania Dentist Charged with Dumping Needles and Other Medical Waste that Washed Up on Avalon Beach (Sept. 5, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080905c.html>

News Release, State Files Suit Against Drug Fair, Target and Wal-Mart for Expired Infant Formula and Over-the-Counter Medicines (Sept. 4, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080904b.html>

News Release, "NJ 21 Coalition" Formed to Support Current Legal Drinking Age of 21 (Sept. 4, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080904a.html>

News Release, College Student from Monmouth County Arrested on Charges He Sold Fake New Jersey Digital Driver's Licenses Used by Underage Drinkers (Sept. 3, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080903b.html>

News Release, Attorney General Announces Testing of New Jersey's REPORT ABUSE! Icon Underway on Facebook (Sept. 3, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080903a.html>

News Release, Attorney General's Office Offers \$10,000 Reward for Information on Those Responsible for Washup of Medical Waste in Avalon (Aug. 27, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080827c.html>

News Release, Camden Man Indicted on Attempted Murder Charge as a Result of Shooting Investigation Under Ceasefire Program (Aug. 27, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080827b.html>

News Release, N.J. Bureau of Securities Files Suit Against Burlington County Resident Who Defrauded Investors (Aug. 27, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20080827a.html>

News Release, Attorney General Advises College Students to be Alert to Cyber-Bullies and Sexual Predators on the Internet (Aug. 26, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20080826a.html>

News Release, Attorney General Names Wanda Moore Statewide Director of Re-Entry Program (Aug. 21, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20080821a.html>

News Release, Colorite Specialty Resins Agrees to Reduce Emissions at Burlington Twp. Manufacturing Plant (Aug. 19, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20080819b.html>

News Release, Two Contractors Plead Guilty to Offering Bribes in Alleged Scheme by Former Irvington Mayor Michael Steele to Rig Contracts as Business Administrator for Irvington School (Aug. 18, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20080818a.html>

News Release, Bureau of Securities Files Suit Against Scammers Who Targeted Wyckoff Church Members (Aug. 8, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20080808c.html>

News Release, N.J. Bureau of Securities Participates in Settlement With Citigroup; Investors to Recover Billions in Auction Rate Securities (Aug. 7, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20080807a.html>

News Release, NJ Joins Notice of Intent to Sue EPA over Failure to Act on Greenhouse Gas Emissions from Marine Vessels, Aircraft, Non-Road Vehicles (July 31, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080731a.html>

News Release, AG Announces Major Anti-Crime Effort in Camden, New Police Leadership (July 30, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20080730c.html>

News Release, Newark Daycare Operator Convicted of Theft of State Funds (July ,30 2008) <https://www.nj.gov/oag/newsreleases08/pr20080730a.html>

News Release, State Prison Guard Arrested for Drug Trafficking Five others linked to a cocaine trafficking ring that operated in Essex County (July 24, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20080724c.html>

News Release, Burlington County Contractor Sentenced To Prison For Fraud In Disposal Of Contaminated Soil From Trenton Bridge Project (July 24, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20080724b.html>

News Release, Attorney General Asks Internet Service Providers to Block Access to Child Pornography Websites (July 22, 2008)

<https://www.nj.gov/oag/newsreleases08/pr20080722b.html>

News Release, Ocean County Man Sentenced to State Prison after Pleading Guilty to Theft for Selling Fake Securities to Investor (July 22, 2008)

<https://www.nj.gov/oag/newsreleases08/pr20080722a.html>

News Release, Mercer County Painting Contractor Indicted on Charges He Falsified a State Registration to Obtain Public Contracts (July 18, 2008)

<https://www.nj.gov/oag/newsreleases08/pr20080718a.html>

News Release, Alleged Leader of Harrisburg Cocaine Ring Indicted with His Girlfriend on Charges They Laundered More Than \$500,000 in Drug Proceeds at Atlantic City Casino (July 17, 2008)

<https://www.nj.gov/oag/newsreleases08/pr20080717c.html>

News Release, National Cable & Telecommunications Association and the National Center for Missing and Exploited Children agree to limit availability of child porn on the Internet (July 17, 2008)

<https://www.nj.gov/oag/newsreleases08/pr20080717a.html>

News Release, Head of Crime Victim Compensation Office Relieved of His Duties by Attorney General (July 16, 2008)

<https://www.nj.gov/oag/newsreleases08/pr20080716b.html>

News Release, Bronx Man Pleads Guilty to Causing Asbestos Hazard at Paterson Church by Unlawful Insulation Removal (July 16, 2008)

<https://www.nj.gov/oag/newsreleases08/pr20080716a.html>

News Release, Lawsuit Filed Against Cumberland County Pool Contractor (July 15, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080715b.html>

News Release, Former Chief Judge and Former Administrator of Jersey City Municipal Court Indicted for Allegedly Fixing Parking Tickets (July 14, 2008)

<https://www.nj.gov/oag/newsreleases08/pr20080714a.html>

News Release, Attorney General Names Gramiccioni Director of the Division of Criminal Justice (July 11, 2008)

<https://www.nj.gov/oag/newsreleases08/pr20080711a.html>

News Release, Attorney General Names New Administrator for the Department of Law & Public Safety (July 9, 2008)

<https://www.nj.gov/oag/newsreleases08/pr20080709a.html>

News Release, 15 Indicted on Racketeering and Drug Charges as Members of Nine Trey Headbustas Set of Bloods Street Gang Operating in Camden (July 8, 2008)

<https://www.nj.gov/oag/newsreleases08/pr20080708b.html>

News Release, Woman Pleads Guilty to Stealing More Than \$275,000 from Clients of Red Bank Investment Company She Ran With Her Boyfriend (July 3, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20080703c.html>

News Release, Attorney General Announces Multi-State Settlement with Wire Transfer Firm (July 2, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20080702a.html>

News Release, Pennsylvania Man Indicted For Allegedly Stealing \$44,000 From State Of New Jersey By Filing Fraudulent Tax Returns (July 1, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20080701b.html>

News Release, Woman Pleads Guilty to Money Laundering for Assisting Boyfriend in \$3 Million Mortgage and Investment Scams (June 27, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20080627e.html>

News Release, JJC to Host 4th Annual JDAI All Sites Conference (June 25, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20080625b.html>

News Release, State Licensing Board Suspends License of Surgeon Who Removed Wrong Lung (June 25, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20080625a.html>

News Release, Cherry Hill Man Sentenced to Three Years in State Prison for Promoting Gambling and Possessing Outlawed Weapons (June 24, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20080624b.html>

News Release, State Announces Settlement with Rite Aid (June 23, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20080623c.html>

News Release, Attorney General Names Special Assistant Deborah Gramiccioni Acting Director of the Division of Criminal Justice (June 20, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20080620c.html>

News Release, Statewide Task Force Finds Violations at Gas Stations (June 19, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20080619c.html>

News Release, Attorney General Announces Mortgage Fraud Lawsuits (June, 17 2008) <https://www.nj.gov/oag/newsreleases08/pr20080617b.html>

News Release, High-Level Atlantic City Casino Executive Among Three Men Charged With Stealing Rated Player List From Tropicana (June 16, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20080616b.html>

News Release, David Szuchman Assumes Leadership of the N.J. Division of Consumer Affairs (June 12, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20080612e.html>

News Release, Former Pastor of Newark Church Charged with Stealing Nearly \$160,000 from Parishioners and Others He Solicited for Loans (June 12, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20080612d.html>

News Release, State Secures \$4 Million In Natural-Resource Damage Settlements, Preserves More Than 700 Acres (June 11, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20080611c.html>

News Release, Six State Workers and Six Camden City Employees Indicted on Charges They Stole Gas From Government Pumps (June 11, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20080611a.html>

News Release, Division of Criminal Justice Director Gregory A. Paw Resigning for Private Practice (June 9, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20080609b.html>

News Release, New Jersey to Receive More Than \$1 Million in Medicaid Fraud Settlement with Walgreens (June 4, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20080604b.html>

News Release, Division of Law Prevails Against Challenge to Constitutionality of Corporate Business Tax Income Allocation Formula (June 4, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20080604a.html>

News Release, Head of Private Education Services Corporation Pleads Guilty to Fraudulently Overbilling School Districts \$1.3 Million (June 2, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20080602a.html>

News Release, Five Men Indicted on Gun Charges as a Result of New Jersey's Historic Partnership With ATF to Trace Illegal Firearms (May 29, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20080529b.html>

News Release, State Warehouse Employee Pleads Guilty to Official Misconduct for Stealing From Warehouse in Hamilton (May 28, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20080528b.html>

News Release, Orange Mayor Mims Hackett Jr. Pleads Guilty to State Charge of Official Misconduct & Federal Charge of Attempted Extortion (May 27, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20080527b.html>

News Release, State Attorney General's Office Charges Orange Mayor and Former Assemblyman Mims Hackett Jr. With Official Misconduct (May 20, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20080520c.html>

News Release, Attorney General Files Judgment Against Merck Resolving Investigation Into Marketing of Vioxx (May 20, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20080520b.html>

News Release, Defendant Agrees to Pay \$275,000 to Settle Stock Fraud Lawsuit (May 19, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080519b.html>

News Release, "Proms and Alcohol Don't Mix" (May 19, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080519a.html>

News Release, Attorney General Announces Arrest of Sex Offenders Surfing Social Networking Sites (May 16, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080516c.html>

News Release, Man Sentenced to State Prison for Stealing \$790,000 from Clients of His Red Bank Investment Firm (May 16, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080516b.html>

News Release, Attorney General Announces \$73 Million Settlement of Tyco Fraud Suit (Apr. 30, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080430d.html>

News Release, Attorney General, DEP Announce Settlement in Superfund Landfill Case (Apr. 23, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080423b.html>

News Release, Consumers Cautioned About the "Advance Fee" Scam (Apr. 23, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080423a.html>

News Release, Juvenile Drug Dealer Sentenced to State Prison for Racketeering (Apr. 18, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080418a.html>

News Release, Former Carneys Point Mayor Sentenced to Prison for Attempting to Bribe Political Opponent to Drop Out of Committee Race (Apr. 15, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080415a.html>

News Release, Warehouse Supervisor and Four Other State Employees Charged with Stealing from State Warehouse in Hamilton (Apr. 11, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080411a.html>

News Release, 24 Indicted in Multi-Million Dollar Sports Gambling Ring That Operated Inside Poker Room at Borgata (Apr. 10, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080410b.html>

News Release, New Jersey Department of Corrections Administrator Indicted for Rigging Bids, Taking Kickbacks and Fraud in Connection With \$678,000 in State Contracts He Awarded (Apr. 3, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080403a.html>

News Release, N.J. Joins Suit Seeking to Compel EPA to Comply With U.S. Supreme Court on Greenhouse Gas Emissions (Apr. 2, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080402a.html>

News Release, Uniform Crime Report for first six months in 2007 shows total number of crime incidents down 7 percent compared to first six months in 2006 (Apr. 1, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080401a.html>

News Release, Monmouth County Furniture Retailer Permanently Barred From Operating Chelsea Manor, L.L.C., The Cabbage Rose, and Classic House Furniture (March 28, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080328a.html>

News Release, New Jersey Receives \$350,000 in Medicaid Fraud Settlement With CVS/Caremark (March 27, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080327a.html>

News Release, Attorney General Issues Supplemental Policy on Less-Lethal Ammunition (March 24, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080324a.html>

News Release, States Files Suit Against Monmouth County Investment Company; Investors Lost \$12 Million in Ponzi Scheme (March 20, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080320a.html>

News Release, State Subpoenas Records From JuicyCampus.com As It Investigates the College Gossip Website (March 18, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080318b.html>

News Release, Attorney General Issues Directive Mandating Local Police Departments Report Gun Trace Information to State Police and ATF (March 18, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080318a.html>

News Release, State Requests Court Approval to Impound Additional Wedding Materials and to Distribute the Materials to Affected Consumers (March 14, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080314b.html>

News Release, Josh Lichtblau Sworn In as Director of the New Jersey Division of Gaming Enforcement (March 12, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080312b.html>

News Release, Forensic Scientist Appointed to Head State Police Crime Lab (March 12, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080312a.html>

News Release, Attorney General Milgram Calls on Congress to Restore Funding Cut from Front-Line Victim Assistance and Anti-Crime Programs (March 11, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080311a.html>

News Release, Monmouth County Man Indicted on Charges of Securities Fraud, Theft and Money Laundering for Stealing \$690,000 from Investors (March 7, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080307a.html>

News Release, Senate Confirms Lawson as Executive Director of the Juvenile Justice Commission (March 4, 2008)

<https://www.nj.gov/oag/newsreleases08/pr20080304c.html>

News Release, Two Juvenile Drug Dealers Plead Guilty to Racketeering (Feb. 26, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080226b.html>

News Release, Colts Neck Man Convicted of First-Degree Conspiracy and Money Laundering Charges in \$2 Million Bankruptcy Fraud Scheme (Feb. 22, 2008)

<https://www.nj.gov/oag/newsreleases08/pr20080222a.html>

News Release, Heroin Kingpin Sentenced to Life in Prison on Racketeering, Drug Distribution & Weapons Charges (Feb. 21, 2008)

<https://www.nj.gov/oag/newsreleases08/pr20080221b.html>

News Release, Attorney General, DEP Commissioner Announce Challenge to EPA Rule on Emissions Record-Keeping (Feb. 19, 2008)

<https://www.nj.gov/oag/newsreleases08/pr20080219b.html>

News Release, Attorney General Files Suit to Recover Cost of East Orange School Site Clean-Up (Feb. 19, 2008)

<https://www.nj.gov/oag/newsreleases08/pr20080219a.html>

News Release, Former Camden Police Officer Sentenced to Prison for Giving Gun to Robber in Exchange for Share of Robbery Proceeds (Feb. 15, 2008)

<https://www.nj.gov/oag/newsreleases08/pr20080215d.html>

News Release, Jackson Woman Charged With Stealing More Than \$600,000 from Investors by Selling Shares in Fraudulent Investment Funds (Feb. 15, 2008)

<https://www.nj.gov/oag/newsreleases08/pr20080215c.html>

News Release, Ocean County Man Indicted on Charges He Stole More Than \$4 Million from Investors by Selling Fake Securities (Feb. 15, 2008)

<https://www.nj.gov/oag/newsreleases08/pr20080215b.html>

News Release, Know the Facts Before Agreeing to a Refund Anticipation Loan (Feb. 14, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080214c.html>

News Release, Couple Accused of Stealing Investments from Philadelphia Philanthropist Barred from the N.J. Securities Industry (Feb. 14, 2008)

<https://www.nj.gov/oag/newsreleases08/pr20080214b.html>

News Release, Higher Education Student Assistance Authority Agrees to Adopt Code of Conduct and Independent Monitor in Handling Student Loans (Feb. 14, 2008)

<https://www.nj.gov/oag/newsreleases08/pr20080214a.html>

News Release, Trenton Man Sentenced to 25 Years in Prison as Leader of Cocaine Ring Linked to Bloods Street Gang (Feb. 8, 2008)

<https://www.nj.gov/oag/newsreleases08/pr20080208c.html>

News Release, New Jersey to Receive More Than \$7 Million in Medicaid Settlement With Merck & Co. (Feb. 7, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20080207b.html>

News Release, Second-Annual “Proms and Alcohol Don’t Mix” Contest Helps High School Seniors Learn Dangers of Underage Drinking (Feb. 7, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20080207a.html>

News Release, Community Development Executive in Paterson Named State Prevention Director for Governor’s Anti-Crime Plan (Feb. 4, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20080204a.html>

News Release, New Jersey Joins Petition Asking EPA to Regulate Greenhouse Gas Emissions from Non-Road Vehicles (Jan. 29, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20080129a.html>

News Release, Governor Nominates Prosecutor to Head the Division of Consumer Affairs (Jan. 28, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080128d.html>

News Release, Parole Board Member Nominated to Direct State Juvenile Justice Commission (Jan. 28, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20080128c.html>

News Release, Former Administrator at Wilson Elementary School in Camden Pleads Guilty to Conspiracy to Steal \$14,000 in Field Trip Money (Jan. 28, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20080128b.html>

News Release, Court Authorizes State to Impound All Photos/Videos from Closed Wedding Photography Studio (Jan. 25, 2008)
<https://www.nj.gov/oag/newsreleases08/pr20080125d.html>

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News Release, New Indictments Filed by Environmental Crimes Bureau (Jan. 22, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080122d.html>

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News Release, New Jersey Office of Insurance Fraud Prosecutor Participates in National Medicaid Settlement with Purdue Pharma Corp (Jan. 18, 2008)
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News Release, State Announces Settlement with South Jersey Car Dealership (Jan. 18, 2008) <https://www.nj.gov/oag/newsreleases08/pr20080118b.html>

News Release, Defendants Agree to Settlement of State's Suit Stopping Illegal Distribution of Prescription Drugs from Canada (Jan. 16, 2008)
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News Release, Former Blairstown Committee Member Pleads Guilty to Official Misconduct for Stealing More Than \$46,000 by Diverting Funds From Municipal [sic] Complex Project to Dummy Corporation (Jan. 15, 2008)
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News Release, Attorney General Milgram Joins Colleagues to Announce Nationwide Agreement With MySpace Regarding Social Networking Safety (Jan. 14, 2008)
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News Release, Attorney General Announces Successful Defense of Highlands Protection Act (Jan. 11, 2008)
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News Release, East Orange Police Director Named Statewide Director of Gangs, Guns And Violent Crime (Dec. 21, 2007)
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News Release, Mercer County Prosecutor Withdraws From Case (Dec. 20, 2007)
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News Release, Attorney General Milgram Announces Arrests of Two Top Bosses of Lucchese New York Crime Family and Top New Jersey Capo On Gambling, Money Laundering And Racketeering Charges (Dec. 18, 2007)
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News Release, Two Ringleaders Plead Guilty For Their Roles In Burglary Ring That Targeted Dunkin Donuts Shops and Other Small Businesses in New Jersey and Pennsylvania (Dec. 10, 2007)
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News Release, New Anti-Gun Strategy to Be Launched In January (Dec. 6, 2007)
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News Release, AG Announces NJ Participation in Lawsuit Against EPA (Nov. 28, 2007) <https://www.nj.gov/oag/newsreleases07/pr20071128a.html>

News Release, Attorney General Says Newark Police Officer Violated Immigration Directive (Nov. 26, 2007) <https://www.nj.gov/oag/newsreleases07/pr20071126b.html>

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News Release, Team of Deputy Attorneys General On Call For Election Day (Nov. 5, 2007) <https://www.nj.gov/oag/newsreleases07/pr20071105a.html>

News Release, Cherry Hill Man Indicted on Gambling, Steroid Possession Charges (Nov. 2, 2007) <https://www.nj.gov/oag/newsreleases07/pr20071102d.html>

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News Release, Eleven Members of Sex Money Murder Street Gang Indicted, Including Three Top NJ Leaders of Violent Set of Bloods (Sept. 14, 2007) <https://www.nj.gov/oag/newsreleases07/pr20070914d.html>

News Release, Atlantic County Contractor Sentenced to Prison for Defrauding State in Installation of Crash Barriers (Sept. 14, 2007) <https://www.nj.gov/oag/newsreleases07/pr20070914b.html>

News Release, Consumer Relations Director Lawrence DeMarzo Named Acting Director of Consumer Affairs (Sept. 14, 2007) <https://www.nj.gov/oag/newsreleases07/pr20070914a.html>

News Release, Attorney General Says State Should Extend Statutory Deadline for Voter Verified Paper Record Systems (Sept. 13, 2007) <https://www.nj.gov/oag/newsreleases07/pr20070913a.html>

News Release, Attorney General Milgram and N.J. Civic Leaders Launch Educational Campaign About Notaries Public (Sept. 10, 2007) <https://www.nj.gov/oag/newsreleases07/pr20070910b.html>

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News Release, Attorney General Issues Loan Code of Conduct For State Colleges And Universities (Sept. 04, 2007) <https://www.nj.gov/oag/newsreleases07/pr20070904a.html>

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News Release, Burlington County Contractor Charged With Fraud In Contract to Dispose of Contaminated Soil From Trenton Bridge Project (Aug. 15, 2007)
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Milgram says medical marijuana proposal 'workable' but she has enforcement concerns | Local News | pressofatlanticcity.com (Apr. 21, 2009)

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General Anne; New Jersey's top law enforcer has a playful side, but she'll be darned if it gets in the way of a job she takes VERY seriously, The Star-Ledger (Newark, New Jersey) (Oct. 1, 2008) (PDF Attached)

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Quotes While at the Arnold Foundation

Laura and John Arnold Foundation Addresses Use of Fines, Fees in Criminal Justice System (Nov. 10, 2015)

21 Cities, States Adopt Risk Assessment Tool to Help Judges Decide Which Defendants to Detain Prior to Trial (June 26, 2015)

Judges Replacing Conjecture With Formula for Bail, NYT (June 26, 2015)
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Arnold Foundation to Fund Research on Hawaii's Opportunity Probation with Enforcement Model (Apr. 24, 2015)

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Arnold Foundation Announces Release of National Academy of Sciences Report on Eyewitness IDs (Oct. 2, 2014)

Researchers to Study Affordable Care Act's Impact on Public Safety (June 24, 2014)

Arnold Foundation Partners With International Association of Chiefs of Police on Citation Research (Apr. 2, 2014)

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<https://www.abajournal.com/magazine/article/ex-nj-attorney-general-works-to-reform-the-pretrial-process-with-a-texas-fo>

Arnold Foundation to Fund National Academy of Sciences Assessment of Eyewitness ID Procedures (Oct. 14, 2013)

Hawaii partners with Arnold Foundation on First HOPE Pretrial Pilot Program (July 22, 2013)

Arnold Foundation Announces Creation of First Interactive Database of Pretrial Laws for All 50 States (July 8, 2013)

Arnold Foundation Partners With Louisville Metro Government to Improve Criminal Justice System (May 28, 2013)

The New Science of Giving: A young Houston couple is planning to give away \$4 billion—but only to projects that prove they are worth it. Can they redefine the world of philanthropy?, Wall Street Journal (May 17, 2013),
<https://www.wsj.com/articles/SB10001424127887323372504578466992305986654>

Arnold Foundation Announces Release of 50-State Survey of Laws Affecting Pretrial Justice (Mar. 28, 2013)

Arnold Foundation Announces Release of National Conference of State Legislatures Survey of Pretrial Legislation in All 50 States (Nov. 26, 2012)

Arnold Foundation Announces Release of 50-State Survey of Laws Affecting Pretrial Detention and Diversion (Nov. 26, 2012)

CivicScape Quotes

Case Builds For Greater Transparency In How Police Use Data To Predict Crime (June 5, 2017). <https://www.forbes.com/sites/delltechnologies/2017/06/05/case-builds-for-greater-transparency-in-how-police-use-data-to-predict-crime/?sh=6e93f9066cd3>

Other Podcast Interviews

Talking Feds: Women At The Table – 88 is the New 40 (Mar. 16, 2021)
<https://www.stitcher.com/show/talking-feds-women-at-the-table/episode/88-is-the-new-40-82448828>

Talking Feds: Women At The Table – Living from the Waist Up (Mar. 9, 2021)
<https://www.stitcher.com/show/talking-feds-women-at-the-table/episode/living-from-the-waist-up-82265712>

Inside Politics: Monday, March 8, 2021: New Guidelines for Fully Vaccinated Americans (Mar. 8, 2021)

Talking Feds: Women At The Table – Censure and Sensibility + Pauli Murray (Feb. 5, 2021) <https://www.stitcher.com/show/talking-feds-women-at-the-table/episode/censure-and-sensibility-pauli-murray-81393044>

Talking Feds: Women At The Table – Account/Ability (Jan. 14, 2021)
<https://www.stitcher.com/show/talking-feds-women-at-the-table/episode/account-ability-80820659>

The Oath with Chuck Rosenberg: A City Invincible (Dec. 9, 2020)

<https://podcasts.apple.com/us/podcast/anne-milgram-a-city-invincible/id1461312941?i=1000501805010>;

<https://www.msnbc.com/podcast/transcript-anne-milgram-city-invincible-n1250543>
(transcript)

Talking Feds: Women At The Table – A Shot in the Arm (Dec. 9, 2020)

<https://www.stitcher.com/show/talking-feds-women-at-the-table/episode/a-shot-in-the-arm-80021451>

Stay Tuned with Preet: Election Debrief (Nov. 4, 2020) <https://cafe.com/stay-tuned/election-debrief-with-cafe-hosts/> (transcript)

Talking Feds: Women At The Table – Make Voting Safe Again (Nov. 2, 2020)

<https://www.stitcher.com/show/talking-feds-women-at-the-table/episode/make-voting-safe-again-79066574>

Talking Feds: Women At The Table – Report from the (Women's) Front: Somebody's

Gotta Make Lunch (Oct. 23, 2020) <https://www.stitcher.com/show/talking-feds-women-at-the-table/episode/report-from-the-womens-front-somebodys-gotta-make-lunch-78804809>

Talking Feds: Women At The Table – Separation Anxiety (Oct. 10, 2020)

<https://www.stitcher.com/show/talking-feds-women-at-the-table/episode/separation-anxiety-78470399>

Stay Tuned with Preet (guest host): Educating America with John King Jr. (October 2020) <https://cafe.com/stay-tuned-bonus/stay-tuned-bonus-10-05-john-king-jr/>

Amanpour (Jun. 23, 2020)

<https://www.stitcher.com/show/amanpour/episode/amanpour-kristalina-georgieva-reverend-william-j-barber-ii-anne-milgram-matthew-desmond-and-afua-hirsch-72150628>

Stay Tuned with Preet (guest host): Scenes from the Mueller Probe with Andrew

Weissmann (July 22, 2020) <https://cafe.com/stay-tuned/scenes-from-the-mueller-probe-with-anne-milgram-andrew-weissmann/> (transcript)

Stay Tuned with Preet (guest host): The Camden Police Model: Interview of Scott

Thomson (June 18, 2020) <https://cafe.com/stay-tuned/the-camden-policing-model-with-anne-milgram-scott-thomson/> (transcript)

Talking Feds: In Like Flynn (May 11, 2020) <https://www.stitcher.com/show/talking-feds-2/episode/in-like-flynn-69534355>

Talking Feds: Governments' Responses to COVID-19: The Good, The Bad, and The

Ridiculous (March 23, 2020) <https://www.stitcher.com/show/talking-feds-2/episode/governments-responses-to-covid-19-the-good-the-bad-and-the-ridiculous-68224513>

Stay Tuned with Preet: Pardonpalooza & #MeToo (with Ronan Farrow) (Feb. 20, 2020) <https://cafe.com/stay-tuned/pardonpalooza-metoo-with-ronan-farrow/> (transcript)

Squadroom: Ice-T Shares His Endless Wisdom (Feb. 13, 2020): <https://www.stitcher.com/show/the-law-order-svu-podcast/episode/squadroom-ice-t-shares-his-endless-wisdom-s21e14-67331534>

Stay Tuned with Preet: Stone Cold Crisis (with Anne Milgram) (Feb. 12, 2020) <https://cafe.com/stay-tuned/stay-tuned-special-stone-cold-crisis-with-anne-milgram/> (transcript)

The Vergecast: New Jersey's former attorney general on Ring cameras and facial recognition (Feb. 2020): <https://www.theverge.com/2020/2/11/21120372/anne-milgram-ring-cameras-facial-recognition-policing-vergecast-podcast> Talking Feds: We're Lost (Jan. 27, 2020) <https://www.stitcher.com/show/talking-feds-2/episode/were-lost-66876679>

Stay Tuned with Preet: Impeachment Special (Nov. 22, 2019) <https://www.stitcher.com/show/stay-tuned-with-preet/episode/impeachment-special-with-anne-milgram-65463660>

Stay Tuned with Preet: Ukraine & Brazen Power (with Samantha Power) (Sept. 26, 2019) <https://cafe.com/stay-tuned/ukraine-brazen-power-with-samantha-power/> (transcript)

Stay Tuned with Preet: Mueller Testimony (with Anne Milgram) (July 25, 2019) <https://cafe.com/stay-tuned/stay-tuned-the-mueller-testimony-with-anne-milgram/> (transcript)

Stay Tuned with Preet: Mueller Speaks & The Underdog (with Andrew Yang) (May 30, 2019) <https://cafe.com/stay-tuned/stay-tuned-mueller-speaks-the-underdog-with-andrew-yang/>

Words Matter Podcast: Contempt of Congress (May 27, 2019) <https://www.stitcher.com/show/words-matter-with-elise-jordan-and-steve-schmidt/episode/contempt-of-congress-with-anne-milgram-61136773>

Stay Tuned with Preet: The Mueller Report (with Anne Milgram) (April 19, 2019) <https://cafe.com/stay-tuned/stay-tuned-the-mueller-report-with-anne-milgram/> (transcript)

The Edge of Analytics: Live from the MIT Sloan Sports Analytics Conference 2019 Part Two, Wharton Business Daily Podcast (Mar. 28, 2019) <https://www.stitcher.com/show/wharton-business-radio-highlights/episode/the-edge-of-analytics-live-from-the-mit-sloan-sports-analytics-conference-2019-part-two-59690416>

The Q Factor with Gregg Fischer: Finding Justice Through Data
<https://www.youtube.com/watch?v=5x31AyGlm50> (Mar. 21, 2019)

Stay Tuned with Preet: The Kavanaugh Hearings (with Anne Milgram) (Sept. 28, 2018) <https://cafe.com/stay-tuned/stay-tuned-the-kavanaugh-hearings-with-anne-milgram/> (transcript)

Stay Tuned with Preet: Mulling Mueller (with Anne Milgram) (Jan. 11, 2018)
<https://cafe.com/stay-tuned/stay-tuned-mulling-mueller-with-anne-milgram/>
 (transcript)

Stay Tuned with Preet: Criminal Justice, Part 4 <https://www.stitcher.com/show/stay-tuned-with-preet/episode/criminal-justice-part-4-your-questions-answered-with-anne-milgram-and-lisa-monaco-54986572> (June 20, 2018)

Politics Unusual with Joe Toohey: The Russia Investigation
<https://www.stitcher.com/show/politics-with-joe-toohey/episode/17-the-russia-investigation-52543573> (Dec. 12, 2017)

Stay Tuned with Preet: Making Sense of Mueller's Charges (Nov. 2, 2017)
<https://cafe.com/stay-tuned/episode-8-making-sense-of-muellers-charges-with-anne-milgram/>
 (transcript)

Amici: Third Branch Info & Insight – Podcast on human trafficking (Oct. 28, 2015)
<https://www.podchaser.com/podcasts/amici-third-branch-info-insight-86656/episodes/anne-milgram-human-trafficking-4208876>

- 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.

In February 2006, I was appointed First Assistant Attorney General for the State of New Jersey by then-Governor Jon Corzine. This position did not require Senate confirmation.

I was later appointed as Attorney General for the State of New Jersey by then-Governor Jon Corzine in June 2007. In June 2007, I was confirmed by New Jersey State Senate as Attorney General for the State of New Jersey. I served in this role until January 2010. I have never run for, or held, elected 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 spent one day knocking on doors in West Virginia for the Presidential campaign of Senator John Kerry in 2004.

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

July 2017 – Present
 Special Counsel
 Lowenstein Sandler, LLP
 1251 Avenue of the Americas, 18th floor
 New York, NY 10020

September 2011 – February 2016
 Vice-President, Criminal Justice Initiative
 Arnold Ventures (formerly Laura & John Arnold Foundation)
 1717 West Loop S
 Houston, Texas 77027

June 2007 – January 2010
Attorney General
Office of the Attorney General, New Jersey
Richard J. Hughes Justice Complex
Trenton, NJ 08611

February 2006 – June 2007
First Assistant Attorney General
Office of the Attorney General, New Jersey
Richard J. Hughes Justice Complex
Trenton, NJ 08611

January 2005 – January 2006
Counsel
Senator Jon S. Corzine
United States Senate
50 Constitution Avenue, NE
Washington, D.C. 20002

January 2001 – April 2005; June 2006
Special United States Attorney for Sentencing (2006)
Special Litigation Counsel, Human Trafficking (2004 – 2005)
Trial Attorney (2001 – 2004)
United States Department of Justice
Civil Rights Division, Criminal Section

August 1997 – January 2000
Assistant District Attorney
Trial Bureau 40 General Crimes
Domestic Violence Unit; Sex Crimes Unit (1999)
New York County (Manhattan) District Attorney's Office
1 Hogan Place
New York, NY 10013

August 1996 – August 1997
Judicial Law Clerk
The Honorable Anne E. Thompson, United States District Court for the
District of New Jersey
402 E State St.
Trenton, NJ 08608

September 1995 – December 1995
Legal Intern
United States' Attorney's Office, Eastern District of New York /
NYU School of Law
225 Cadman Plaza E
Brooklyn, NY 11201

May 1995 – August 1995
 Summer Associate
 Davis, Polk & Wardwell
 450 Lexington Ave.
 New York, NY 10017

June 1994 – August 1994
 Legal Intern
 Brookdale Center on Aging, Everett Public Service Fellowship
 425 E. 25th St.
 New York, NY 10010

- 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 never 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.

I began my career as a judicial law clerk to the Honorable Anne E. Thompson of the United States District Court for the District of New Jersey. I assisted Judge Thompson with legal research and the drafting of legal opinions.

From August 1997 to January 2000, I was an Assistant District Attorney in the Manhattan District Attorney's Office. I was responsible for prosecuting criminal misdemeanor and felony cases from arrest through trial, plea, or other disposition. I also handled both domestic violence and sex crimes cases. I appeared in court on a weekly, and often daily, basis, and served as sole trial counsel for 6 jury trials and co-counsel on 1 jury trial.

From January 2001 to approximately April 2005, I served as a prosecutor at the United States Department of Justice, Civil Rights Division, Criminal Section, and handled human trafficking, hate crimes, and official misconduct offenses. I was co-counsel on two federal cases that were tried by jury. I also handled many other cases

that resulted in guilty pleas prior to trial. I was promoted to be the Special Litigation Counsel for Human Trafficking and the Coordinator for Involuntary Servitude and Slavery in 2004. For my work at the Department, I was awarded the U.S. Department of Justice Special Commendation for Outstanding Service and the U.S. Department of Justice Director's Award. I briefly returned to the United States Department of Justice in June 2006 to serve as a Special United States Attorney for Sentencing in *U.S. v. Carreto* (described further in Question 15).

From approximately April 2005 to January 2006, I served as counsel to Senator Jon S. Corzine in the United States Senate. In that role, I advised Senator Corzine on criminal justice, homeland security, and others matters before the Judiciary Committee.

In February 2006, I became the First Assistant Attorney General for the State of New Jersey. In June 2007, I was nominated and confirmed as New Jersey's 57th Attorney General. In that role, I served as the State's Chief Law Enforcement Officer, with oversight responsibility for the 21 county prosecutors and more than 30,000 local, county, and state law enforcement officers. I also directly oversaw the Division of Criminal Justice, the New Jersey State Police, the Division of Law, the Bureau of Securities, the Division of Consumer Affairs, the Division of Civil Rights, the Juvenile Justice Commission, the Division of Gaming Enforcement, the Division of Highway Traffic Safety, the Racing Commission, and the Division of Alcoholic Beverage Control. I also oversaw the Camden, New Jersey Police Department (CPD), and, under my leadership, CPD significantly reformed and reduced violent crime by more than 40% in one year.

In January 2010, following my departure as Attorney General, I joined the NYU School of Law as a Senior Fellow and Distinguished Scholar in Residence. This position was part of the Center on the Administration of Criminal Law at NYU School of Law. I designed and taught a seminar on human trafficking and co-authored a law school textbook on human trafficking.

In 2011, I joined the Laura and John Arnold Foundation (Foundation), now known as Arnold Ventures, to be the Vice-President of Criminal Justice Initiatives. Through the Foundation, the initiative funded more than \$50 million in grants and projects across the United States aimed at improving the criminal legal system. During my time at the Foundation, I remained part-time faculty at NYU School of Law and continued to teach a seminar on human trafficking.

In February 2016, I left the Arnold Foundation to return full-time to NYU School of Law, where I became a Professor of Practice and founded the Criminal Justice Lab. The Criminal Justice Lab at NYU School of Law has focused primarily on three projects related to the intersection of public health and criminal justice system.

- (1) **The HealthLink Diversion Tool.** The Lab developed a 10-question screening tool to pre-screen individuals for mental health and substance abuse disorders for potential diversion out of the criminal justice system and into treatment. The Lab tested and conducted validation studies on the tool in close partnership with police departments in Indianapolis, Indiana and McLean County, Illinois. The Lab is currently developing a technology application to make this tool free for use by police departments and other first responders. The Lab will also provide ongoing support to individual jurisdictions for most effective implementation.
- (2) **The Public Safety Dashboard Project.** The goal of the project is to identify the social and environmental conditions in people's lives that impact safety and then build the first public dashboard dedicated to identifying and tracking these upstream drivers of public safety. After metrics are identified, a dashboard platform will be built and scaled – to assess census-tract-level metrics of social determinants of public safety for 500+ cities. This public platform will allow policy makers and community residents to assess public safety in a new and more impactful.
- (3) **Partnership with the Mayor of Indianapolis and the Indianapolis Metropolitan Police Department (IMPD).** The Lab is building a roadmap in partnership with the City and IMPD to restructure the Police Department to improve community safety, reduce violence, improve equity, create a path for continuous community input, and enhance accountability to the community.

I have also taught seminars in human trafficking, criminal justice innovation, and local prosecution as well as one semester of criminal procedure since my return to the NYU Law.

Since July 2017, I have had a limited engagement with Lowenstein Sandler LLP as Special Counsel, performing work with Lowenstein Sandler for, on average, 1 day or less per week. In private practice, I have largely focused on internal investigations and handling regulatory and cybersecurity issues for large companies and organizations.

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

As an Assistant District Attorney in the Manhattan District Attorney's Office, I represented the people of the State of New York.

As a prosecutor at the U.S. Department of Justice, I represented the people of the United States.

As Attorney General and First Assistant Attorney General of New Jersey, I represented the people of the State of New Jersey.

As Special Counsel at Lowenstein Sandler since 2017, I have handled approximately 13 matters for corporate clients concerning civil and regulatory matters and internal investigations.

- 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.

For the first 10 years of my legal career, I served as a judicial law clerk and then as a local and federal prosecutor. My practice as a prosecutor focused solely on criminal matters and I appeared in court frequently – on a weekly if not daily basis for much of that time.

As Attorney General of New Jersey, I oversaw the state's prosecution of hundreds of criminal cases per year and thousands of civil cases. I appeared in two cases while I was Attorney General: *Abbott v. Burke*, 199 N.J. 140 (2009) and *Wilson v. Brown*, 404 N.J. Super. 557, 962 A.2d 112 (2009). The rest of the cases were handled by attorneys that I supervised.

At Lowenstein Sandler, the majority of my practice has been internal investigations, cybersecurity, and regulatory matters. I have not appeared in court as part of my Lowenstein practice. To date, I have handled only civil matters at Lowenstein.

As Counsel to Senator Jon Corzine, as Vice-President of Criminal Justice Initiatives at the Arnold Foundation, and as a professor at NYU School of Law, I primarily focused on matters of legal policy.

- i. Indicate the percentage of your practice in:
 - a. federal courts: 45%
 - b. state courts of record: 50%
 - c. other courts: 0%
 - d. administrative agencies: 5%
- ii. Indicate the percentage of your practice in:
 - a. civil proceedings: 25%
 - b. criminal proceedings: 75%

- iii. 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.
- a. Completed trials: 10 total. 7 as sole counsel and 3 as co-counsel.
 - b. What percentage of these trials were:
 - i. jury: 90%
 - ii. non-jury: 10%

During my time in the New Jersey Attorney General's Office, I was part of the team that litigated *Abbott v. Burke* and *Wilson v. Brown*. I argued the appeal before the New Jersey Supreme Court in *Abbott* and argued the appeal in *Wilson* before the Appellate Division. Other members of the legal team handled the other parts of the litigation.

- d. 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 never appeared before the Supreme Court. As Attorney General of New Jersey, I signed certain briefs filed on behalf of the State of New Jersey in matters pending before the Supreme Court. I did not participate in the drafting of these briefs. The briefs I signed as Attorney General of New Jersey are attached and listed below.

- Brief for the States of Illinois, Maryland, and New Jersey as Amici Curiae in Support of Respondents, *McDonald v. City of Chicago, Illinois*, No. 08-1521, 2010 WL 59029 (U.S. Jan. 6, 2010)
- Brief for the States of Illinois, Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Indiana, Iowa, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming and the District of Columbia as Amici Curiae in Support of Petitioner, *Levin v. Commerce Energy, Inc.*, No. 09-223, 2009 WL 5190481 (U.S. Dec. 30, 2009)

- Brief of the States of Indiana, Massachusetts, Alabama, Arizona, Colorado, Connecticut, Delaware, Florida, Idaho, Iowa, Kansas, Maryland, Michigan, Minnesota, New Jersey, New Mexico, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Utah, Washington, Wisconsin, Wyoming and the District of Columbia as Amici Curiae in Support of Respondent, *Briscoe v. Commonwealth of Virginia*, No. 07-11191, 2009 WL 3652660 (U.S. Nov. 2, 2009)
- Brief of Ohio and 25 other States and Commonwealths as Amici Curiae in Support of Respondents, *Merck & Co., Inc. v. Reynolds*, No. 08-905, 2009 WL 3495343 (U.S. Oct. 26, 2009)
- Brief for the States of California, Arkansas, Delaware, Illinois, Iowa, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, Ohio, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Virginia, Washington, West Virginia and Wyoming, as Amici Curiae Supporting Respondents, *Stop the Beach Renourishment, Inc. v. Florida Department of Environmental Protection*, No. 08-1151, 2009 WL 3199616 (U.S. Oct. 5, 2009)
- Brief for the States of New York, Colorado, Connecticut, Florida, Hawaii, Idaho, Illinois, Iowa, Maryland, Minnesota, Mississippi, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Ohio, Texas, Utah, West Virginia, and Wyoming as Amici Curiae in Support of Petitioner, *Jerman v. Carlisle*, No. 08-1200, 2009 WL 3143708 (U.S. Sept. 28, 2009)
- Brief of the States of Indiana, Alabama, Florida, Hawaii, Idaho, Illinois, Louisiana, Maryland, Minnesota, Mississippi, Nebraska, New Jersey, New Mexico, Ohio, Pennsylvania, South Carolina, Utah, West Virginia, and Wyoming as Amici Curiae in Support of Respondent, *Hemi Group, LLC v. City of New York*, No. 08-969, 2009 WL 3155003 (U.S. Sept. 23, 2009)
- Brief for the States of Kansas, et al., as Amici Curiae in Support of Petitioner, *United States v. Comstock*, No. 08-1224, 2009 WL 2896311 (U.S. Sept. 4, 2009)
- Brief of the States of Pennsylvania, Alabama, Alaska, Arkansas, Colorado, Delaware, Florida, Georgia, Hawaii, Idaho, Indiana, Iowa, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Nebraska, New Hampshire, New Jersey, New Mexico, North Dakota, Ohio, Oklahoma, South Carolina, Utah, Vermont, Virginia, Washington, and Wyoming as Amici Curiae in Support of Petitioners, *Graham County Soil & Water Conservation District v. United States of America ex rel. Karen T. Wilson*, No. 08-304, 2009 WL 2903917 (U.S. Sept. 3, 2009)

- Brief of the States of Montana, Arizona, Connecticut, Florida, Hawaii, Illinois, Iowa, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, West Virginia, as Amici Curiae Addressing June 29, 2009 Order for Supplemental Briefing and Supporting Neither Party, *Citizens United v. Federal Election Commission*, No. 08-205, 2009 WL 2365205 (U.S. July 31, 2009)
- Brief of the States of Alabama, Alaska, Arkansas, Colorado, Florida, Hawaii, Idaho, Indiana, Maine, Maryland, Massachusetts, Michigan, Nebraska, Nevada, New Hampshire, New Jersey, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, Wisconsin, Wyoming, and the District of Columbia as Amici Curiae in Support of Petitioners, *Perdue v. A*, No. 08-970, 2009 WL 1913524 (U.S. June 29, 2009)
- Brief of the States of Alaska, Alabama, Arkansas, Colorado, Delaware, Florida, Idaho, Maryland, Massachusetts, Montana, New Jersey, North Carolina, Ohio, Utah, Washington, West Virginia, and Wyoming as Amici Curiae in Support of Respondent, *Polar Tankers, Inc. v. City of Valdez, Alaska*, No. 08-310, 2009 WL 599443 (U.S. March 4, 2009)
- Brief for the States of North Carolina, Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin and Wyoming as Amici Curiae in Support of Petitioners, *Cuomo v. The Clearing House Association, L.L.C.*, No. 08-453, 2009 WL 583791 (U.S. March 4, 2009)
- Brief of Florida, Alabama, Arizona, Colorado, Delaware, Hawaii, Idaho, Indiana, Iowa, Kansas, Maryland, Michigan, Missouri, Montana, New Hampshire, New Jersey, New Mexico, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wisconsin as Amici Curiae In Support of Respondent, *Rivera v. Illinois*, No. 07-9995, 2009 WL 216162 (U.S. Jan. 27, 2009)
- Respondent's Brief in Opposition, *Utility Air Regulatory Group v. State of New Jersey*, Nos. 08-352 & 08-512, 2009 U.S. S. Ct. Briefs LEXIS 1957 (U.S. Jan. 20, 2009)

- Reply to Brief in Opposition to Petition for Writ of Certiorari, *New Jersey v. Matthews*, No. 08-473, 2009 U.S. S. Ct. Briefs LEXIS 3585 (U.S. Jan. 7, 2009)
- Brief of Amici Curiae States of New Mexico, Alabama, Arizona, Colorado, Delaware, Florida, Hawaii, Idaho, Illinois, Indiana, Kentucky, Maryland, Michigan, Montana, New Hampshire, New Jersey, North Dakota, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, and Virginia on Behalf of Petitioner, *State of Kansas v. Ventris*, No. 07-1356, 2008 WL 5026648 (U.S. Nov. 24, 2008)
- Brief of Utah, Alabama, Alaska, Arizona, Arkansas, Colorado, Delaware, Florida, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, and Wyoming as Amici Curiae in Support of Petitioner, *State of Vermont v. Brillon*, No. 08-88, 2008 WL 4933583 (U.S. Nov. 14, 2008)
- Brief for the States of North Carolina, Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin and Wyoming as Amici Curiae in Support of Petitioners, *Cuomo v. The Clearing House Association, L.L.C.*, No. 080453, 2008 U.S. S. Ct. Briefs LEXIS 2808 (U.S. Nov. 6, 2008)
- Brief of the Commonwealth of Virginia and 26 Other States as Amici Curiae in Support of the Petitioners, *Alabama v. Pope*, No. 08-354, 2008 U.S. S. Ct. Briefs LEXIS 3601 (U.S. Oct. 17, 2008)
- Petition for Writ of Certiorari, *New Jersey v. Matthews*, No. 08-473, 2008 U.S. S. Ct. Briefs LEXIS 3966 (U.S. Oct. 13, 2008)
- Brief of the States of Pennsylvania, Florida, Hawaii, Indiana, Kansas, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New Mexico, Ohio, Oklahoma, Oregon, South Carolina, Utah, Vermont, and Wyoming as Amici Curiae in Support of Petitioners, *Graham County Soil & Water Conservation Dist. v. U.S.*, No. 08-304, 2008 WL 4600054 (U.S. Oct. 8, 2008)
- Brief of Amici Curiae State of Idaho and 30 Other States in Support of Respondent, *Bell v. Kelly*, No. 07-1223, 2008 WL 4496589 (U.S. Oct. 3, 2008)

- Brief for the States as Respondents, *Entergy Corp. v. Environmental Protection Agency*, Nos. 07-588, 07-589, 07-597, 2008 WL 4441078 (U.S. Sept. 29, 2008)
- Brief of the States of Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Indiana, Kansas, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, Ohio, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Virginia, Washington, Wyoming, and the District of Columbia as Amici Curiae in Support of Respondent, *Melendez-Diaz v. Commonwealth of Massachusetts*, No. 07-591, 2008 WL 4185394 (U.S. Sept. 9, 2008)
- Brief for the States of Illinois, Alabama, Arkansas, Colorado, Delaware, Florida, Hawaii, Idaho, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, Wisconsin, and Wyoming as amici curiae in Support of Petitioner, *State of Arizona v. Johnson*, No. 07-1122, 2008 WL 4154534 (U.S. Sept. 5, 2008)
- Brief of Amici Curiae Vermont, Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, West Virginia, Virginia, Washington, Wisconsin, and Wyoming in Support of Respondent, *Wyeth v. Levine*, No. 06-1249, 2008 WL 3851613 (U.S. Aug. 14, 2008)
- Brief of Maine, Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin and Wyoming as Amici Curiae Supporting Respondents, *Altria Group, Inc. v. Good*, No. 07-562, 2008 WL 2489866 (U.S. June 18, 2008)
- Brief for the States of Illinois, Arizona, California, Connecticut, Georgia, Kansas, Kentucky, Maryland, Massachusetts, Mississippi, Missouri, New Jersey, New Mexico, and Ohio, as Amici Curiae in Support of Petitioners, *Bartlett v. Strickland*, No. 07-689, 2008 WL 2511784 (U.S. June 17, 2008)

- Brief of the States of Alabama, Alaska, Arkansas, Connecticut, Florida, Illinois, Iowa, Kansas, Louisiana, Massachusetts, Mississippi, Missouri, Nebraska, New Jersey, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas and Utah as Amici Curiae in Support of the Petitioners, *Carciere v. Kempthorne*, No. 07-526, 2008 WL 2445505 (U.S. June 13, 2008)
- Brief for the States of Illinois, Alabama, Alaska, Arkansas, California, Colorado, Florida, Georgia, Hawaii, Idaho, Indiana, Massachusetts, Michigan, Mississippi, Montana, Nevada, New Hampshire, New Jersey, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming, and the Commonwealth of Puerto Rico as Amici Curiae in Support of Petitioners, *Pearson v. Callahan*, No. 07-751, 2008 WL 2445507 (U.S. June 12, 2008)
- Brief of Ohio and 19 Other States and Commonwealths as Amici Curiae in Support of Petitioner, *Crawford v. Metropolitan Government of Nashville*, No. 06-1595, 2008 WL 1891898 (U.S. Apr. 16, 2008)
- Brief for the States of Illinois, Alabama, Arizona, Colorado, Delaware, Florida, Hawaii, Idaho, Indiana, Iowa, Kansas, Maine, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming as Amici Curiae in Support of Respondent, *Giles v. California*, No. 07-6053, 2008 WL 859391 (U.S. Mar. 26, 2008)
- Brief in Opposition to Petition for a Writ of Certiorari, *Castle Rock Estates, LLC v. New Jersey*, No. 07-1017, 2008 U.S. S. Ct. Briefs LEXIS 1728 (U.S. Mar. 6, 2008)
- Brief in Opposition for the States of Rhode Island, Connecticut, Delaware, New Jersey, New York and the Commonwealth of Massachusetts, *Entergy Corp. v. EPA*, Nos. 07-588, 07-589 & 07-597, 2008 U.S. S. Ct. Briefs LEXIS 436 (U.S. Mar. 3, 2008)
- Brief of State of Maryland and 33 Other States as Amici Curiae in Support of Respondents, *Exxon Shipping Company v. Baker*, No. 07-219, 2008 WL 275488 (U.S. Jan. 29, 2008)
- Brief for the States of Illinois, Alabama, Arkansas, Colorado, Connecticut, Delaware, Hawaii, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nevada, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Utah, Vermont, Washington, West Virginia, and Wyoming, and the Cities of Chicago, New York, and Philadelphia, and the City & County of San Francisco as Amici Curiae in Support of Petitioner, *State of Florida Department of Revenue v. Piccadilly Cafeterias, Inc.*, No. 07-312, 2008 WL 345045 (U.S. Jan. 29, 2008)

- Brief of the National Association of Regulatory Utility Commissioners, the New England Conference of Public Utilities Commissioners, and the New Jersey Board of Public Utilities As Amici Curiae in Support of Respondents, *Morgan Stanley Capital Group Inc. v. Public Utility District No. 1 of Snohomish County Washington*, Nos. 06-1457, 06-1462, 2008 WL 189543 (U.S. Jan. 14, 2008)
- Brief for New York, Hawaii, Maryland, Massachusetts, New Jersey, and Puerto Rico as Amici Curiae in Support of Petitioners, *District of Columbia v. Heller*, No. 07-290, 2008 WL 157197 (U.S. Jan. 11, 2008)
- Brief for the States of Kansas, et al. as Amicus Curiae in Support of Respondents, *Warner-Lambert Company LLC v. Kent*, No. 06-1498, 2008 WL 189544 (U.S. Jan. 11, 2008)
- Brief for the States of New York, Arizona, Connecticut, Iowa, Illinois, Maryland, Massachusetts, Missouri, Nevada, New Jersey, Ohio, Oregon, Vermont, and West Virginia as Amici Curiae in Support of Respondent, *CBOCS West, Inc. v. Humphries*, No. 06-1431, 2008 WL 63192 (U.S. Jan. 2, 2008)
- Brief in Opposition to Petition for a Writ of Certiorari, *Baraka v. McGreevey*, No. 07-79, 2007 U.S. S. Ct. Briefs LEXIS 2409 (U.S. Oct. 10, 2007)
- Brief for the States of North Carolina, Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin and Wyoming as Amici Curiae in Support of Petitioners, *Department of Revenue of Kentucky v. Davis*, No. 06-666, 2007 WL 2115445 (U.S. July 19, 2007)
- Brief of the States of New York, Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming as Amicus Curiae in Support of the Petitioner, *Watters v. Wachovia Bank, N.A.*, No. 05-1342, 2006 WL 2570992 (U.S. Sept. 1, 2006)

- Petition for a Writ of Certiorari, *Whitman v. American Trucking Associations, Inc.*, No. 051638, 2006 U.S. S. Ct. Briefs LEXIS 1929 (U.S. June 21, 2006)

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.

1. Abbott v. Burke

Case No./Citation: 199 N.J. 140 (2009)
 Court of Jurisdiction: Supreme Court of New Jersey
 Presiding Judge: N/A
 Dates of Involvement: 2007-2009

From 2007-2009, I supervised the state of New Jersey in litigation concerning the constitutionality of the state's School Funding Reform Act of 2008 (SFRA). The lawsuit arose as part of ongoing litigation in the State of New Jersey which began nearly twenty years earlier, over the manner in which state aid is provided to local public school districts. In this application, the State of New Jersey sought: 1) a declaration that the SFRA satisfied the requirements of the thorough and efficient clause of Article VIII, § 4, ¶ 1 of the New Jersey Constitution; and 2) an order relieving the State from the requirements imposed by this Court's prior remedial orders concerning funding for the Abbott, New Jersey school districts.

I served as counsel of record and managed the state's litigation. I argued for the state of New Jersey before the New Jersey Supreme Court and also supervised brief writing. In 2009, the Supreme Court of New Jersey granted the state's motion seeking declarations that SFRA satisfied the requirements of the New Jersey Constitution and to implement the SFRA's funding formula in the Abbott school districts. The Supreme Court held that the SFRA's funding scheme, based on the socioeconomic needs of each individual student, rather than geography, satisfied the thorough and efficient clause of the New Jersey constitution.

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2. *State of New Jersey v. Neil Cohen*

Case No./Citation: Docket No. 08-12-00275-S (Indictment); 0907-00132-S (Superseding Indictment)
Court of Jurisdiction: New Jersey Superior Court, Mercer County
Presiding Judge(s): Judge Gerald Council, Judge Linda Feinberg, A.J.S.C.
Dates of Involvement: 2008-2009

The investigation began when State Police and the Attorney General's Office received information concerning the discovery of child pornography in Former Assemblyman Neil Cohen's legislative office. Former Assemblyman Neil Cohen resigned from the New Jersey Legislature on July 20, 2008, after the investigation became public.

On December 17, 2008, Former Assemblyman Neil Cohen was indicted by the State Grand Jury for second-degree official misconduct and for a number of child pornography offenses, including using computer equipment in the 20th Legislative District office to view child pornography and print copies of child pornography that he left around the office. On July 9, 2009, the State Grand Jury returned a superseding five-count indictment against Cohen.

On April 12, 2010, after my term as Attorney General had ended, Cohen pleaded guilty to one count of second-degree endangering the welfare of a child after he admitted to using taxpayer-funded computers at his legislative office in Union Township to view and print photos of an underage girl in various stages of nudity and placing them in the desk drawer of the office's female receptionist.

I oversaw and was active in this investigation and prosecution of the case, but was not the lead courtroom attorney. The case continued after I left the Office of the Attorney General.

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3. United States v. Carreto

Case No./Citation: No. 04-140 (E.D.N.Y. 2004), 583 F.3d 152 (2d Cir. 2009)
 Court of Jurisdiction: United States Court of Appeals for the Second Circuit
 Presiding Judge(s): Hon. Frederic Block U.S.D.J., Hon. Barrington D. Parker, Circuit Judge, Hon. Debra Ann Livingston, Circuit Judge, Hon. Denny Chin, U.S.D.J. (sitting by designation)
 Dates of Involvement: 2003-2005; 2006

From 2003-2005, I prosecuted an extensive Mexican sex trafficking network that was comprised mostly of members of the Carreto family. The prosecution was conducted jointly between my office at the Department of Justice Civil Rights Division and the United States Attorneys Office for the Eastern District of New York (EDNY).

Between 1991 and 2003, the Carreto family traffickers forced dozens of Mexican women and girls into prostitution in Mexico and the United States. I worked closely with the U.S. Attorney's in EDNY and with the Department of Homeland Security (DHS) to locate the traffickers and their victims. Former EDNY Civil Rights Chief Pamela Chen (now a federal district court judge) and I spent weeks interviewing victims to determine that they had been trafficked by members of the Carreto family through physical and sexual abuse, threats, and coercion and to obtain details about the trafficking conduct. I also traveled on two occasions with DHS agents to Mexico, where we met with Mexican prosecutors and interviewed other victims of the Carreto organization and their family members.

In November 2004, six defendants, including two who were located in Mexico, were charged in a 27-count superseding indictment with sex trafficking, forced labor, Mann Act violations (i.e., the foreign and interstate transportation of women for prostitution) and immigration offenses. Two defendants pleaded guilty in 2004 and agreed to cooperate with the government's case. Two other defendants were initially not in the United States, and were later extradited to the United States for prosecution. In April 2005, after jury selection and immediately before opening statements, the three remaining defendants pleaded guilty to all of the charges in the indictment. I left the Department of Justice later in 2005 and subsequently returned to the Eastern District of New York in 2006 as a Special United States Attorney for the sentencing of the three lead defendants. In April 2006, the two lead defendants, who are brothers, were each sentenced to a term of 50 years incarceration. A third defendant received a 25-year sentence.

In January 2007, after my involvement in the case concluded, the mother of the lead defendants and a supervisor of the trafficking organization, was extradited from Mexico to the United States. She later pled guilty to a sex trafficking conspiracy, and in November 2009, was sentenced to a term of 10 years' incarceration. The defendants' convictions and sentences were affirmed on appeal by the Second Circuit. *United States v. Carreto*, 583 F.3d 152 (2d Cir. 2009).

In 2006, the entire Carreto team received the Justice Department's Director's Award for Superior Performance by a Litigation Team from the United States Department of Justice in recognition of the investigation and prosecution of this case.

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4. United States v. Jimenez-Calderon

Case No./Citation Case No: 03-3738; D.C. Crim. Action No. 02-cr-00553
 Court of Jurisdiction: District Court of New Jersey; Court of Appeals for the Third Circuit; District of Columbia Circuit
 Presiding Judge(s): Faith S. Hochberg, U.S.D.J.; Alito, Circuit Judge; Smith, Circuit Judge; Hon. Jan E. DuBois, U.S.D.J. (sitting by designation); Scirica, Circuit Judge; Nygaard, Circuit Judge; Alarcon, Circuit Judge.
 Dates of Involvement: 2002-2003

On February 22, 2002, local police raided a brothel in Plainfield, New Jersey, and inside found four girls, whom they suspected of being underage. An investigation revealed that between October 2000 and February 2002, Antonia Jimenez-Calderon, Librada Jimenez-Calderon, and their brothers Delfino and Luis Jimenez-Calderon, conspired to recruit underage girls from Mexico to perform acts of prostitution in the United States. Delfino and Luis Jimenez-Calderon would target young girls from poverty-stricken areas in Mexico, and lure them away from their families and communities with false promises of love, marriage, and a better life. Once smuggled into the United States, the girls were held captive and forced into prostitution in the brothel in Plainfield and elsewhere.

October 1, 2002, a federal grand jury returned an indictment charging Antonia, Librada, Delfino, and Luis Jimenez-Calderon, and Sergio Farfan with multiple offenses including conspiracy in violation of 18 U.S.C. § 371; sex trafficking in violation of 18 U.S.C. § 1591; transportation into prostitution, in violation of 18 U.S.C. § 2421; enticement into slavery, in violation of 18 U.S.C. §1583; and obstruction of justice, in violation of 18 U.S.C. §1512.

Defendants Lopez, Ruiz, and Burgos subsequently entered guilty pleas to committing sex trafficking in violation of 18 U.S.C. §1591. On January 17, 2003, Antonia Jimenez-Calderon and Librada Jimenez-Calderon entered guilty pleas to conspiracy and sex trafficking charges. On January 21, 2003, the day the trial was scheduled to begin, Sergio Farfan entered a guilty plea to conspiring to obstruct justice.

I served as the co-lead prosecutor with then-U.S. Attorney in the District of New Jersey, Bob Holmsen, on this case.

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5. United States v. Bradley and O'Dell

Case No./Citation: 426 F.3d 54 (1st Cir. 2005); Docket Nos. 04-1146, 04-1147
 Court of Jurisdiction: District Court of New Hampshire; Court of Appeals for the First Circuit
 Presiding Judge(s): Hon. Joseph A. DiClerico, Jr., U.S.D.J.; Boudin, Circuit Judge; Torruella, Circuit Judge; Hon. Patti B. Saris, U.S.D.J. (sitting by designation)
 Dates of Involvement: 2001-2003

Timothy Bradley and Mary Kate O'Dell operated the Bradley Tree Service, a tree-cutting and removal service, in Litchfield, New Hampshire. From 1999 to 2001, Bradley and O'Dell used false promises of good work and pay to recruit and bring four Jamaican men to New Hampshire to work for the Tree Service. Once the men arrived in New Hampshire, Bradley and O'Dell forced them to live in a tool shed and a trailer in their backyard, without adequate heating or plumbing, and charged the men each \$50 per week for rent. Bradley and O'Dell threatened the men with serious harm and used physical restraint and psychological coercion to obtain their labor and services. They confiscated some of the victims' passports and tickets so they could not return home to Jamaica.

On September 20, 2001, Bradley physically assaulted one of the men by choking, striking, and kicking him. As the man fled, Bradley ordered his German Shepherd dog to attack him. Additionally, Bradley and O'Dell denied proper medical care to one of the men who was injured while working.

In April 2003, a federal grand jury returned an indictment against Bradley and O'Dell, charging them with conspiracy to commit forced labor, in violation of 18 U.S.C. 371 and 1589; forced labor, in violation of 18 U.S.C. 1589; attempted forced labor, in violation of 18 U.S.C. 1594; trafficking into forced labor, in violation of 18 U.S.C. 1590; document servitude, in violation of 18 U.S.C. 1592; and wire fraud, in violation of 18 U.S.C. 1343. Additionally, O'Dell was charged with violating 18 U.S.C. 1001, by making a false statement to an FBI agent regarding her role in Bradley Tree Service.

On August 29, 2003, Bradley and O'Dell were convicted following a jury trial on the conspiracy, forced labor, trafficking into forced labor, document servitude, and wire fraud. O'Dell was acquitted of making a false statement to the FBI. On January 16, 2004, both defendants were sentenced to 70 months in prison and ordered to jointly pay a total of \$13,052 in restitution to their victims.

I jointly prosecuted this case from investigation through indictment and trial with Assistant United States Attorney Mark Zuckerman. We worked closely on this matter with the lead investigator, former FBI Agent James Laverick.

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6. United States v. Heim, District of Wisconsin

Case No./Citation: 1:0-cr-82
Court of Jurisdiction: Eastern District of Wisconsin
Presiding Judge: Hon. William C. Griesbach, U.S.D.J.
Dates of Involvement: 2002-2004

On April 29, 2004, Grant J.P. Heim pled guilty to conspiring with others to violate the civil rights of a biracial family in Green Bay, Wisconsin. Heim and two accomplices drove to the family's home with the intent of intimidating them. When Heim and his accomplices arrived at the home, Heim verbally threatened the son. When the mother came to the boy's aid, Heim swung a baseball bat towards her and knocked a mailbox off its post. Heim then stated that he did not like the color of her son's skin, and threatened to return with a gun to shoot him. Later that night, Heim drove through the family's lawn, shouting racial slurs and threatening to kill members of the family.

I served as co-counsel on this prosecution with another attorney from the Civil Rights Division's Criminal Section.

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7. United States v. Doug Jones, District of Missouri

Case No./Citation: 4:02-cr-556
 Court of Jurisdiction: Eastern District of Missouri
 Presiding Judge(s): Hon. Audrey G. Fleissig, U.S.M.J.; Hon. Rodney W. Sippel, U.S.D.J.
 Dates of Involvement: 2001-2003

Beginning in 2001, the FBI investigated allegations that Douglas Jones, the Sheriff of Clark County, Missouri, had sexual contact with a prisoner he was transporting from St. Louis to Clark County and thereby violated an inmate's constitutional right to be free from sexual assault by someone acting under color of state law. Jones falsely told an FBI agent that he did not have sexual intercourse or other form of sexual contact with the inmate. Jones was later charged with lying to a federal agent and pleaded guilty in March 2003. As part of his guilty plea, Jones agreed to resign his position as Sheriff of Clark County.

I jointly prosecuted this matter with the United States Attorney's Office in St. Louis, Missouri.

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8. United States v. Sharpe James, District of New Jersey

Case No.: 2:07-cr-00578
Court of Jurisdiction: District of New Jersey
Presiding Judge: Hon. William J. Martini, U.S.D.J.
Dates of Involvement: 2006-2008

On July 12, 2007, Sharpe James, the former Mayor of Newark, New Jersey, from 1986 to 2006, was indicted on charges that he used his city-issued credit cards to spend lavishly on himself, eight female companions, and others during personal trips and vacations to such places as Martha's Vineyard, Rio de Janeiro, the Dominican Republic and Puerto Rico. James offered false justifications and pretexts to the City of Newark financial authorities for these trips by claiming they were for city business. The indictment alleged that more than \$58,000 in expenditures made on two city-issued credit cards were for purely personal expenses, and not legitimate, city-related business.

The 33-count indictment also charged James in a second fraud against the citizens of Newark in which he allegedly facilitated and approved the drastically cut-rate sale of city-owned land to Tamika Riley, one of his companions, who fraudulently reaped hundreds of thousands of dollars from the sales. She was also charged with fraud in the indictment.

On April 16, 2008, a federal jury convicted James on all counts against him: three counts of mail fraud related to the sale of the city lots to Riley; one count of fraud involving a local government receiving federal funds; and one count of conspiracy to defraud the public of James' honest services. The jury also convicted Riley on three counts of mail fraud for her fraudulent receipt of housing rental assistance for which she was not qualified; two counts of tax fraud for failing to report the income she received from her sale of the Newark properties; one count of corporate tax fraud, and one count of tax evasion.

The matter involved a joint prosecution, brought in federal court, between the United States Attorney's Office for the District of New Jersey and the New Jersey State Attorney General's Office. As Attorney General of New Jersey, I played a supervisory role in the matter and an attorney from my office was detailed to become a Special Assistant United States Attorney for purposes of this matter. I remained engaged in a supervisory role from investigation through trial and consulted with the federal prosecutors leading this prosecution.

Co-Counsel

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Law Offices of Perry Primavera, LLC
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Phillip H. Kwon
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Opposing Counsel

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 Rockaway, New Jersey 07866
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Gerald Krovatin
 Krovatin Nau, LLC
 60 Park Place, Suite 1100
 Newark, New Jersey 07102
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9. *State of New Jersey v. Joseph Vas and Anthony Jones*

Case No./Citation: 09-05-00091-S (Indictment Number); Criminal Action No. 09-370 (SDW) (D.N.J. Aug. 10, 2010) (D.N.J. Federal Docket No. 11-4116)

Court of Jurisdiction: Superior Court of New Jersey

Presiding Judge: Judge Anthony Mellaci

Dates of Involvement: 2007-2009

On March 11, 2009, then-Assemblyman Joseph Vas was indicted on 11 charges including conspiracy, official misconduct, theft, misapplication of government property, and tampering with public records in incidents occurring between June 17, 2003, and September 27, 2007, while he was mayor of Perth Amboy, New Jersey. The indictment also charged Anthony Jones, a city maintenance supervisor and Vas's personal driver at the time, with conspiracy and official misconduct.

Vas was accused of conspiring with municipal employees to bill the city for \$5,000 worth of clothing, sneakers, and other personal items, and of participating in a scheme to rig a housing lottery so his former personal driver could buy a new home at a reduced price. Vas arranged for a co-conspirator to draw a folded index card with Jones' name during a public lottery that included 40 other entries. Jones was then able to purchase a home through a U.S. Department of Housing and Urban Development program for first-time buyers. Jones bought the two-family house for \$129,800 in 2003 and received \$2,000 in subsidized closing costs from the city.

On May 21, 2009, a second, 19-count indictment detailed further corruption charges against Vas, along with his aide Melvin Ramos, 53, two corporations that were city vendors, and two owners of one of the corporations. The new indictment charged Vas with four distinct criminal schemes:

- **Free Home Improvements.** Between May and November 2002, Vas allegedly had city vendor Jenicar Builders Contractors Co., Inc. perform approximately \$25,000 in work at his home in the city, free of charge. Vas and Jenicar faced second-degree charges of conspiracy and official misconduct in connection with those home improvements.

- **Catering Bill.** Between April and September 2008, Vas and Ramos allegedly conspired with city vendor Imperial Construction Group, Inc. and two of its owners – Frank Dominguez and Richard Briggs – to have the company pay a \$58,006 catering bill for a ribbon cutting ceremony at the new Perth Amboy Public Safety-Court-Community Complex on April 19, 2008. Vas and Ramos allegedly had Dominguez and Briggs add the cost of the catering to invoices Imperial Construction submitted to the city under its contract to provide project management services for the construction of the new complex. Vas and Ramos allegedly approved the invoices, concealing the city's payment for the catering services, which were not bid and authorized in compliance with state law on local contracts. Vas, Ramos, Imperial Construction, Dominguez and Briggs were each charged with conspiracy (2nd degree), official misconduct (2nd degree), theft by deception (3rd degree), false government contract payment claims (2nd degree), false representations for a government contract (2nd degree), tampering with public records or information (3rd degree), falsifying or tampering with records (4th degree), and misapplication of entrusted property and property of government (3rd degree). In addition, Vas and Ramos were charged with pattern of official misconduct (2nd degree), and Dominguez and Briggs were charged with misconduct by a corporate official (3rd degree).
- **Fraudulent Campaign Contributions.** Between January and July 2006, Vas and Ramos allegedly solicited city employees and others to make fraudulent contributions to Vas's 2006 campaign for the U.S. House of Representatives for the 13th Congressional District. Ramos allegedly paid cash to the people he solicited to reimburse them for writing personal checks payable to "Vas for Congress." Vas and Ramos were each charged with second-degree conspiracy and third-degree money laundering, and with second-degree official misconduct for the scheme.
- **Medical and Eyecare Bills.** Between November 2004 and July 2005, Vas allegedly stole \$5,926 from the city by unlawfully authorizing the submission to the city and approval of payment of a personal medical bill for \$5,322 he received from the Mayo Clinic of Jacksonville, Florida, and a personal eyeglasses bill for \$604 he received from Lenscrafters. Vas was charged with official misconduct (2nd degree), theft by unlawful taking (3rd degree), and misapplication of entrusted property and property of government (3rd degree).

In addition, around the same time, the U.S. Attorney's Office for the District of New Jersey announced an 11-count federal indictment charging Vas and Ramos with, among other things, committing mail fraud in connection with a scheme to misuse Vas's position as mayor to misappropriate New Jersey Council on Affordable Housing Regional Contribution Agreement funds in connection with Vas's sale of a multi-unit apartment building to a contractor in 2006. The New Jersey Attorney General's Office assisted in that investigation.

As Attorney General of New Jersey, I oversaw and was active in this investigation and prosecution of the state cases, but I was not the lead courtroom attorney. The case continued after I left the Office of the Attorney General.

Co-Counsel

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Joint Base MDL, New Jersey 08640
Tel: (609) 562-6456

Lewis Korngut
Kamensky, Cohen & Riechelson
94 South Broad Street
Trenton, New Jersey 08608
Tel: (609) 528-2596

Boris Moczula (retired)
Contact information unavailable

Christine Hoffman
Division of Criminal Justice
State of New Jersey
Richard J. Hughes Justice Complex
25 Market Street
Trenton, New Jersey 08625
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Opposing Counsel

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60 Morris Turnpike #3
Summit, New Jersey 07901
Tel: (973) 833-4724, azegas@zegaslaw.com

10. Operation Heat Matters

Case No./Citation: 07-08-00104-S (Indictment); 10-05-00057-S (Indictment); Docket No. MRS-07-002859
Court of Jurisdiction: New Jersey Superior Court, Morris County
Presiding Judge: Superior Court Judge Salem Vincent Ahto
Dates of Involvement: 2006-2007

On December 18, 2007, the New Jersey Attorney General's Office arrested two ruling members of the New York-based Lucchese organized crime family and other members and associates, including its top New Jersey captain, for allegedly running a gambling operation that transacted approximately \$2.2 billion in wagers, primarily on sporting events, and relied on extortion and violence to collect debts.

The arrests resulted from a year-long investigation by the Division of Criminal Justice dubbed "Operation HEAT," which also led to charges against a New Jersey corrections officer and an incarcerated high-ranking member of the Nine Trey Gangster set of the Bloods gang in connection with an alliance between the Lucchese crime family and the gang member to smuggle drugs heroin, cocaine, marijuana and pre-paid cell phones into East Jersey State Prison in Woodbridge, New Jersey.

The gambling operation involved agents or "package holders," each of whom brought in bets from a group of gamblers. The enterprise and all of its packages involved hundreds or even thousands of gamblers. Records showed that one high-rolling gambler wagered more than \$2 million in a two-month period. The arrests include package holders as well as individuals who allegedly acted as collectors for the operation, collecting and paying out wins and losses. The illicit proceeds allegedly were divided by the package holders and the members they worked under, who in turn made "tribute" payments to the New York bosses of the family. It was charged that collection operations at times took the form of threats or acts of violence. At other times, debtors were allegedly forced to take loans at annual interest rates reaching higher than 200 percent, in violation of New Jersey's criminal usury statute, or were forced to refinance their homes. The gambling operation received and processed the wagers using Web sites and a Costa Rican "wire room" where bets were recorded and results tallied.

Thirty-two individuals were indicted on charges of promoting gambling, money laundering and racketeering; bribery; extortion and aggravated assault in connection with threats and attempts to use violence against individuals who owed money or tried to take business away from the gambling operation; and conspiracy to distribute heroin, among other charges. Investigators executed search warrants at 12 locations, 10 in New Jersey and two in New York. They seized two shotguns, one handgun, one hand grenade, 2,000 OxyContin-grade pills and \$200,000 in cash. In addition, the state obtained court orders to seize or restrain seven homes, 16 bank accounts and 16 vehicles.

I was serving as Attorney General at this time and played a supervisory role for the investigation and prosecution. I oversaw and was active in the investigations and prosecutions, but was not the lead courtroom attorney. The case continued after I left the Office of the Attorney General.

Co-Counsel

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Citigroup – Compliance & Investigations
388 Greenwich Street
New York, New York 10013
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The Honorable Christopher Romanyszyn
New Jersey Superior Court
Essex County Veterans Courthouse
50 West Market Street, 7th Floor
Newark, New Jersey 07102
Tel: (973) 776-9452

Lauren Scarpa-Yfantis
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Richard J. Hughes Justice Complex
25 Market Street
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178 South Street, Suite Six
Freehold, NJ 07728
Tel: (732) 780-9932

Paul S. Chiamonte
 Law Offices of Paul S. Chiamonte, Esq.
 75 A Lake Rd Ste 117
 Congers, NY, 10920
 Contact information unavailable

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.)

During my career, I have had the privilege of engaging in legal activities outside of litigation.

Most recently, I have taught at NYU School of Law, where I founded and led the Criminal Justice Lab. The Lab's work includes the design and build of a screening tool to identify individuals suffering from mental health and substance abuse disorders who can be safely diverted out of the criminal justice system and into treatment. The Lab has also partnered with the Indianapolis Metropolitan Police Department on their efforts to restructure the IMPD to enhance safety, equity, community-relations, and accountability. We have also partnered with the NYU Medical School to look at overlaps between the Social Determinants of Health and community safety. My work with the Lab is described in more detail in Question 14.

Prior to returning to NYU School of Law, I served as the Vice-President for Criminal Justice Initiatives at the Laura and John Arnold Foundation (now Arnold Ventures). The Criminal Justice Initiative presented potential grants to the Foundation Board for funding. During my time there, the Board authorized more than \$50 million in grants to local jurisdictions, research institutions, and non-profits. The focus of the funding was primarily on making changes to the front end of the criminal justice system, which included pretrial, policing, fines and fees, the overlap of health and crime, and evidence-based research.

From 2007 – 2010, I served as New Jersey's Attorney General. I devoted a great deal of time and effort to transforming the Camden, New Jersey Police Department (CPD), which was then one of the most dangerous cities in America. Under my direction, the Attorney General's Office also focused on reducing violent crime statewide and on being more data-driven in how we used statewide resources to address violence. Part of our work also involved rethinking how to address illegal firearms and, to do so, the Attorney General's Office formed a partnership between the New Jersey State Police and ATF to facilitate the tracing of all illegal firearms in New Jersey that came into police possession through arrests, investigations, and found property.

As Attorney General, I also oversaw the Division of Law, which worked on thousands of cases each year. Under my leadership, the Division of Law established an Affirmative Litigation Unit to proactively assist the people of the State. That unit devoted considerable time to bringing civil mortgage fraud cases following the 2008 financial and housing crises. The Affirmative Litigation Unit also led the State's litigation in 2009 against a for-profit college, the Stevens Institute of Technology, which charged the school with financial mismanagement, misuse of endowment assets, and excessive compensation for a school president. The Stevens Institute of Technology entered into a settlement with the State of New Jersey wherein the board of trustees agreed to adopt sweeping corporate governance changes.

I have also handled a small number of matters in private practice. These have mostly involved internal investigations and regulatory matters. One such matter was a 2018 investigation into workplace harassment at the Dallas Mavericks basketball team. I was co-lead investigator on this investigation and our work resulted in a public report and recommendations.

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.

Human Trafficking Seminar (Fall 2010; Spring 2014; Fall 2017; Spring 2019; Fall 2020)

Beginning in 2010, I designed and taught a course on human trafficking prosecutions. The course studies the Trafficking Victims Protection Act of 2000 and subsequent amendments to that law; the elements of criminal prosecutions for sex trafficking and forced labor; law enforcement efforts to detect traffickers; civil litigation; immigration status and benefits questions for human trafficking survivors; the State Department report on human trafficking worldwide; and other related issues.

Local Prosecution Externship Seminar (Spring 2017; Spring 2018; Spring 2020; Spring 2021)

I have co-taught the Local Prosecution Externship with Evan Krutoy since 2016. Both Evan and I are alumni of the Manhattan District Attorney's Office. As part of this course, the students work 12-15 hours a week in the Manhattan or Brooklyn District Attorney's Office. The 2 hour weekly seminar focuses on case rounds, where the students discuss their work, and on discussion of relevant issues in criminal prosecution.

Criminal Justice Innovation (Fall 2017)

I designed and co-taught this course with Tali Farhadian Weinstein. The course focused on ways in which the criminal justice system has innovated over the years and students completed a final project where they designed and proposed new criminal justice innovations. We also had a series of guest speakers come in to discuss their work.

Criminal Procedure (Fall 2019)

At the request of my amazing criminal law professor, James Jacobs, who was battling ALS at the time, I co-taught this course with him in Fall 2019. This was an overview course on critical constitutional and legal issues in criminal procedure.

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.

None.

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.

No.

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).

See OGE Standard Form-278.

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

Statement of net worth attached.

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 and the Department of Justice's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I will enter into with the Department's designated agency ethics official. There are no other likely conflicts of interest at this time.

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

I will consult with the Department of Justice's Designated Agency Ethics Official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's Designated Agency Ethics Official.

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 career I have been committed to performing *pro bono* legal service. During my service as a board member at Covenant House International (CHI), from February 2011 until April 12, 2021, I provided pro bono legal counsel when asked. Specifically, I recall reviewing potential civil litigation related to human trafficking survivors to advise the Board on whether CHI should join that litigation.

During the time that I have served as a Board member of the Century Foundation, I have occasionally provided advice and counsel on internal legal matters.

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Kenneth Allen Polite, Jr.
2. **Position**: State the position for which you have been nominated.

Assistant Attorney General, Criminal Division
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.

Morgan, Lewis & Bockius LLP
1701 Market Street
Philadelphia, Pennsylvania 19103
4. **Birthplace**: State date and place of birth.

1976, New Orleans, Louisiana
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.

Georgetown University Law Center
August 1997 – May 2000
Degree: J.D.
Graduation: May 2000

Harvard University
September 1993 – May 1997
Degree: A.B. (Government)
Graduation: May 1997
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.

Morgan, Lewis & Bockius LLP
1701 Market Street
Philadelphia, Pennsylvania 19103
Position: Partner
Term: August 2018 – Present

Entergy Corporation
639 Loyola Avenue
New Orleans, Louisiana 70113
Position: Vice President and Chief Compliance Officer
Term: April 2017 – August 2018

U.S. Attorney's Office, Eastern District of Louisiana
650 Poydras Street, Suite 1600
New Orleans, Louisiana 70130
Position: United States Attorney
Term: September 2013 – March 2017

New Orleans Public Belt Railroad Commission
4822 Tchoupitoulas Street
New Orleans, Louisiana 70115
Position: Commissioner
Term: July 2012 – September 2013

Louisiana Civil Service Commission
1201 North Third Street, Suite 3-280
Baton Rouge, Louisiana 70802
Position: Commissioner
Term: February 2011 – September 2013

Liskow & Lewis
One Shell Square
701 Poydras, Suite 5000
New Orleans, Louisiana 70139
Position: Shareholder
Term: March 2010 – September 2013

U.S. Attorney's Office, Southern District of New York
One St. Andrew's Plaza
New York, New York 10007
Position: Assistant U.S. Attorney, Criminal Division
Term: January 2007 – March 2010

Skadden, Arps, Slate, Meagher & Flom LLP
 Four Times Square
 New York, New York 10036
 Position: Associate, White Collar Criminal Defense Group
 Term: September 2002 – December 2006

U.S. Court of Appeals for the Third Circuit
 Honorable Thomas L. Ambro, Circuit Judge
 5122 Federal Building, Lockbox 32
 844 N. King Street
 Wilmington, Delaware 19801
 Position: Law Clerk
 Term: September 2001 – August 2002

Skadden, Arps, Slate, Meagher & Flom LLP
 One Rodney Square, P.O. Box 636
 Wilmington, Delaware 19899
 Position: Associate, Corporate Litigation Group
 Term: August 2000 – August 2001

Skadden, Arps, Slate, Meagher & Flom LLP
 One Rodney Square, P.O. Box 636
 Wilmington, Delaware 19899
 Position: Summer Associate
 Term: May 1999 – July 1999

Phelps Dunbar
 Canal Place
 365 Canal Street, Suite 2000
 New Orleans, Louisiana 70130-6534
 Position: Summer Associate
 Term: July 1998 – August 1998

McDermott, Will & Emery
 600 13th Street, N.W.
 Washington, D.C. 20005-3096
 Position: Summer Associate
 Term: May 1998 – July 1998

Phelps Dunbar
 Canal Place
 365 Canal Street, Suite 2000
 New Orleans, Louisiana 70130-6534
 Position: Trial Clerk
 Term: May 1997 – August 1997

Board Memberships

Lawyers' Committee for Civil Rights under the Law
1500 K Street NW Suite 900
Washington, DC 20005
Position: Board Member
Term: October 2019 – Present

Crescent City Corps
1314 Ursulines Avenue
New Orleans, LA 70116
Positions: Board Member, Board Chair
Term: October 2019 – Present

Serve America Movement
P.O. Box 40403
Denver, CO 80204
Position: Board Member
Term: December 2018 – Present

Louisiana Felony Class System Task Force
Positions: Member, Task Force Chair
Term: November 2017 - January 2018

Ochsner Health System
1514 Jefferson Highway
New Orleans, LA 70121
Position: Board Member
Term: September 2017 – Present

New Schools for New Orleans
1555 Poydras Street #781
New Orleans, LA 70112
Positions: Board Member, Board Chair
Term: May 2017 – Present

Anti-Defamation League – South Central Region
605 Third Avenue
New York, NY 10158-3650
Position: Board Member
Term: May 2017 – Present

Youth Empowerment Project
1600 Oretha Castle Haley Blvd.
New Orleans, LA 70113
Positions: Board Member, Board Vice-Chair
Term: April 2017 – Present

Revis Ortiue Leadership Institute
6600 Plaza Drive, Suite 600
New Orleans, LA 70127
Position: Fellow
Term: January 2013 – July 2013

The Pro Bono Project
935 Gravier Street, Suite 1340
New Orleans, LA 70112
Positions: Board Member, Chair, Law Firm Outreach Committee
Term: January 2012 - September 2013

Breakthrough New Orleans (formerly Summerbridge)
1903 Jefferson Avenue
New Orleans, LA 70115
Positions: Board Member, Board Chair
Term: July 2011 – September 2013

Young Leadership Council
1840 Euterpe Street
New Orleans, LA 70113
Positions: Board Member, Board Secretary/General Counsel
Term: November 2010 – December 2012

New Orleans College Prep Charter School
2301 Marengo Street
New Orleans, LA 70115
Positions: Board Member, Board Chair, Board Vice-Chair
Term: September 2010 – June 2013

De La Salle High School Alumni Association
5300 St. Charles Avenue
New Orleans, LA 70115
Positions: Board Member, Board Secretary
Term: September 2010 – March 2012

Loyola University Institute of Politics
6363 St. Charles Avenue, Campus Box 119
New Orleans, LA 70118
Position: Fellow
Term: September 2010 – March 2011

Riverbridge Court Condominium Owners Association (New York, NY)
 603 W. 148th Street
 New York, NY 10031
 Position: Member
 Term: July 2007 – Present

Thomas Edison Charter School (Wilmington, DE)
 2200 N. Locust Street
 Wilmington, DE 19802
 Positions: Board Vice-Chair, Member, Board of Directors
 Term: September 2000 – August 2002

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 United States Military. I have registered for 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.

Pennsylvania Trailblazer, The Legal Intelligencer (2020)

Best of the Bar, White Collar, Philadelphia Business Journal (2019)

Social Justice Award, Louisiana Appleseed (2018)

Goldman Criminal Justice Reform Award, Courtwatch NOLA (2016)

Honorary Degree, Doctor of Laws, Loyola University Law School (2015)

Community Light in Mentorship Award, Each One, Save One (2015)

Monte M. Lemann Award, Louisiana Civil Service League (2013)

Civic Role Model Award, Young Leadership Council (2013)

America's Leading Lawyers, White Collar Crime and Government Investigations, Chambers USA (2011 - 2013)

Editor-In-Chief, Fifteenth Survey of White Collar Crime, American Criminal Law Review, Vol. 37-2 (1999 - 2000)

Law Fellow, Legal Research and Writing Department, Georgetown University Law Center (1998 – 1999)

Yingling Honor Scholar, Georgetown University Law Center (1998 – 2000)

Stride Rite Scholar for Community Service, Harvard University (1995 – 1997)

Coca-Cola National Scholar, De La Salle High School (1993)

National Achievement Scholar, De La Salle High School (1993)

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 (Member, Standing Committee on the Federal Judiciary, July 2019 - present)

National Bar Association

Delaware State Bar Association

New York State Bar Association

Louisiana State Bar Association

New Orleans Bar Association

National Association of Criminal Defense Lawyers

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.

Pennsylvania, October 2018

Louisiana, October 2010

New York, March 2004

Delaware, December 2000

No membership lapses.

- 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. Court of Appeals, Second Circuit, February 2007

U.S. Court of Appeals, Third Circuit, March 2019

U.S. Court of Appeals, Fifth Circuit, May 2011

U.S. District Court, District of Delaware, March 2001

U.S. District Court, Eastern District of New York, April 2004

U.S. District Court, Southern District of New York, April 2004

U.S. District Court, Eastern District of Louisiana, April 2011

U.S. District Court, Eastern District of Pennsylvania, March 2019

No membership lapses.

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.

In addition to the organizations with which I am affiliated as an officer or director, I have listed memberships below. In addition, I have made financial contributions to charitable organizations over the years. Such organizations may list me as a member by virtue of my financial contribution. I have not listed below any organization to which I gave funds and did not otherwise participate in programmatic activities.

The Fitler Club

Position: Member

Term: December 2019 – Present

Sigma Pi Phi Fraternity (“Boule”)

Position: Member

Term: 2014 – Present

Krewe of Rex (Mardi Gras organization)

Position: Member

Term: 2014 – Present

Krewe of Zulu (Mardi Gras organization)

Position: Member

Term: 2014 – Present

Kappa Alpha Psi Fraternity

Positions: Life Member, Regional Undergraduate President

Term: April 1994 – Present

- b. Indicate whether any 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 membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

Kappa Alpha Psi Fraternity, Sigma Pi Phi Fraternity, the Krewe of Rex, and the Krewe of Zulu limit membership on the basis of sex. I have not taken action to change these organizations' policies in this regard.

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 items called for in this question, including a thorough 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:

“The Outlook for Enforcement Actions Under A Biden Administration,” *The Temple 10-Q*, March 1, 2021 (article provided)

“What to Expect from Federal Agency Leadership Changes,” *Law360*, November 30, 2020 (article provided)

“What to Expect from DOJ Enforcement Under Biden,” *Law360*, November 23, 2020 (article provided)

“The Outlook for Enforcement Actions Under a Biden Administration,” *Morgan Lewis Insight*, November 19, 2020 (article provided)

“DOJ Updates Corporate Compliance Evaluation Guidance,” *Morgan Lewis Insight*, June 2, 2020 (article provided)

“New Orleans Should Be Vanguard of Justice Reform on Bail,” *New Orleans Advocate*, October 19, 2019 (article provided)

“All Of Us Must Work To Heal Traumatized Children,” *New Orleans Times Picayune*, July 8, 2018 (article provided)

“Despite Promising Developments, Work Remains to Address Equity In New Orleans Schools,” *New Orleans Advocate*, September 29, 2017 (article provided)

“As Communities Struggle with Crime, Parents Are Our Best Police,” *New Orleans Times Picayune*, October 28, 2016 (article provided)

“NOPD Officers Are Holding Each Other Accountable for Their Behavior,” *New Orleans Times Picayune*, October 12, 2016 (article provided)

“Pretrial Justice,” *Vera Institute*, November 13, 2015 (article provided)

“Potential Increase in Criminal Liability for Clean Water Act Violations,” *Liskow & Lewis Newsletter*, February 2011 (article provided)

“Fifteenth Survey of White Collar Crime,” *American Criminal Law Review*, Editor-In-Chief, Vol. 37-2, Spring 2000 (I have provided a copy of the Foreword which is the only portion of the publication that I authored.)

“Mail & Wire Fraud,” Co-Author, “Fourteenth Survey of White Collar Crime,” *American Criminal Law Review*, Volume 36-3, Summer 1999 (article provided)

- 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.

Under the protocols of the American Bar Association’s Standing Committee on the Federal Judiciary on which I have served as a member, I have participated in the preparation and review of evaluations of certain nominees to the federal bench. In accordance with long standing practices of the Standing Committee, those evaluations are confidential and the reports are deleted and not retained by the members.

In addition, out of an abundance of caution and to prevent any appearance of a conflict of interest, I am resigning my post as a member of the Committee. To that end, on Q.9, my tenure on the Committee should now reflect July 2019 - April 2021.

The Louisiana Felony Class Task Force was a legislative-created committee established for the “expressed purpose of studying, evaluating, and developing ‘a recommendation for a felony class system to the legislature before the 2018 Regular Session.’” *See* the Final Report of the Felony Class System Task Force, dated February 1, 2018 (report provided).

- 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.

I have done my best to identify any testimony, official statements or other communications related, in whole or in part, to matters of public policy or legal interpretation, including a thorough review of my personal files and searches of publicly available electronic databases. Despite my searches I have not identified any responsive material.

- 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 all items called for in this question, including a thorough 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:

“Race, Equity, and LaSallian Leadership,” LaSallian District of San Francisco/New Orleans Leadership Conference, September 23, 2020 (notes provided)

“Welcome Comments,” University of Massachusetts Inclusive Leadership Summit, October 19, 2019 (notes provided)

Panel Discussion on “Global Compliance and Compliance for Third Parties,” Practising Law Institute (PLI) Compliance & Ethics Essentials CLE, July 17, 2019 (slide deck provided)

“Central Issues to Criminal Justice: Challenges and Promising Reforms,” Racial Justice Institute, sponsored by the Lawyers Committee for Civil Rights, June 26, 2019 (no text or notes retained)

“The Power of the Profession,” Wyoming Trial Lawyers Association Annual Convention, June 21, 2019 (notes provided)

Panel Discussion on “Third Party Due Diligence Dilemmas,” American Conference Institute (ACI) 35th International Conference on the FCPA, November 28, 2018 (slide deck provided)

Panel Discussion on “Working With The Defense Towards Innovative Practices,” 5th Innovation in Prosecution Summit, University of Pennsylvania Law School, November 15, 2018 (agenda provided)

“Keynote Address – Understanding the Rule of Law in Today’s Society,” New Orleans Chapter of the Federal Bar Association – Court Camp, July 19, 2018 (notes provided)

“Welcome Address,” De La Salle High School Foundations Program, June 18, 2018 (notes provided)

“Combating Police Misconduct,” Ethical Policing is Courageous (EPIC) Training, April 20, 2018 (notes provided)

“Keynote Address,” New Orleans Chapter of the National Black MBA Association Annual Scholarship Gala, April 7, 2018 (notes provided)

“Improving Public Safety,” Association for Corporate Growth (ACG) Louisiana, April 3, 2018 (no text or notes retained)

“The Power of the Profession,” Virginia Trial Lawyers Association Annual Convention, March 23, 2018 (notes provided). Video also available at <https://www.facebook.com/VaTrialLawyers/videos/kenneth-polite-the-power-of-profession/10156150005937482/>

“Addressing Mass Incarceration,” De La Salle High School, January 23, 2018 (no text or notes retained)

“A Roadmap For Physicians: Avoiding Fraud And Abuse,” LSU Health System, January 10, 2018 (slide deck provided)

“Welcome Address,” National Collegiate Honors Council Annual Conference, November 9, 2017 (notes provided)

“Keynote Address,” Corning In-house Counsel, November 2, 2017 (notes provided)

“Welcome Address,” Shared Hope JUST Conference, October 24, 2017 (notes provided)

“The Power of the Profession,” Joint Session of the New Orleans-area Inns of Court, October 17, 2017 (notes provided)

“Keynote Address,” Conference on Heroin and Opioid Awareness, hosted by the Louisiana Department of Behavioral Health, September 27, 2017 (notes provided)

“Welcome Comments – Master of Ceremonies,” Martinet Society Scholarship Gala, September 9, 2017 (notes provided)

“Keynote Address,” New Orleans-area LaSallian Schools Teachers Convocation, September 1, 2017 (notes provided)

“Commencement Address,” Crescent Leadership Academy, May 26, 2017 (notes provided)

“Commencement Address,” St. Paul Lutheran School, May 25, 2017 (notes provided)

Panel Discussion on “Civic Engagement,” Measuring the Dream Symposium, National Center for Civil and Human Rights, May 10, 2017 (no text or notes retained)

“Keynote Address,” New Orleans Chapter of the Federal Bar Association, Civil Rights CLE, April 7, 2017 (notes provided)

“Public Safety,” Bienville Society, March 23, 2017 (no text or notes retained)

“Welcome Comments,” Community Conversation Event, hosted by the National Basketball Association and Youth Empowerment Project, February 17, 2017 (no text or notes retained)

“Welcome Comments,” George Washington Carver High School Evening of Empowerment, February 10, 2017 (no text or notes retained)

“Introduction of Dr. Norman Francis,” U.S. Attorney’s Office Black History Month Celebration, February 10, 2017 (no text or notes retained)

“Keynote Address,” ADL Unity Day, February 10, 2017 (no text or notes retained)

Panel Discussion on “Public Safety,” Loyola University Institute of Politics, January 31, 2017 (no text or notes retained)

“Office Update,” Louisiana Consular Corps, January 17, 2017 (no text or notes retained)

“Keynote Address,” Ministerial Alliance of Greater St. Tammany – Martin Luther King, Jr. Day Celebration, January 15, 2017 (notes provided)

“Keynote Address,” St. John Parish Sheriff’s Office Awards Dinner, January 12, 2017 (notes provided)

“Human Trafficking in the New Orleans Area,” DOJ Human Trafficking Panel, January 9, 2017 (notes provided)

“Keynote Address,” St. Tammany Parish “Salute the Uniform” Luncheon, late 2016/early 2017 (notes provided)

“Roundtable on Criminal Justice Reform,” NYU Law School, December 2, 2016 (no text or notes retained)

“Panel on Criminal Justice Reform,” Tulane University Criminal Law Clinic, hosted by the Press Club of New Orleans, November 17, 2016 (no text or notes retained)

“Smart on Crime,” The Jefferson Business Council, November 16, 2016 (no text or notes retained)

“Panel Discussion on Meeting with the Chiefs,” New Orleans District Attorney’s Office Citizens’ Academy, November 1, 2016 (no text or notes retained)

“Acceptance Speech,” Court Watch NOLA Awards Reception, October 27, 2016 (no text or notes retained)

“Student Pledge Against Gun Violence,” Capdau Elementary School, October 19, 2016 (no text or notes retained)

“Student Pledge Against Gun Violence,” Florida Parishes Detention Center, October 19, 2016 (no text or notes retained)

“Student Pledge Against Gun Violence,” South Thibodeaux Elementary School, October 19, 2016 (no text or notes retained)

“Welcome Comments,” Learn to Live Community Trust event, hosted by NOPD and National Organization of Black Law Enforcement (NOBLE), October 12, 2016 (no text or notes retained)

“Keynote Address,” Heroin and Opioid Awareness Week event, hosted by St. Paul’s School, October 7, 2016 (no text or notes retained)

“Welcome Comments,” Community Policing Basketball Event, hosted by KIPP Central City and NOPD, October 5, 2016 (no text or notes retained)

“Keynote Address,” Heroin and Opioid Awareness Week event, hosted by Chalmette High School, September/October 2016 (no text or notes retained)

“Keynote Address,” Independent School Data Exchange (INDEX) Conference, September 25, 2016 (notes provided)

“Keynote Address,” St. Tammany Parish Law Enforcement Appreciation Day, September 23, 2016 (notes provided)

“Keynote Address,” The New Teacher Project (TNTP) Conference, September 23, 2016 (notes provided)

“Welcome Comments,” U.S. Attorney’s Office Training on Crisis Management for School-Based Incidents, September 20, 2016 (no text or notes retained)

“Welcome Comments and Panel Discussion,” Heroin and Opioid Awareness Week event, hosted by Loyola University, September 19, 2016 (notes provided)

Panel Discussion on “Police-Community Engagement,” City of New Orleans, August 23, 2016 (no text or notes retained)

Panel Discussion on “Changing the Profession from Within,” Louisiana Bar Association, August 20, 2016 (no text or notes retained)

“Opening Address,” Leadership Summit for Returning Citizens, August 9, 2016 (no text or notes retained)

“Keynote Address,” Youth Empowerment Project 40 Under 40 event, July 26, 2016 (no text or notes retained)

“Office Update,” New Orleans Police Department Citizens’ Academy, July 20, 2016 (no text or notes retained)

Panel Discussion on “Building Community Trust,” NAACP National Convention, July 18, 2016 (no text or notes retained)

“Board Service,” Young Leadership Council, July 13, 2016 (no text or notes retained)

“Welcome Comments,” VALOR Training Program, hosted by Plaquemines Parish Sheriff’s Office, July 12, 2016 (notes provided)

“Congratulatory Remarks,” Investiture of St. Tammany Parish Sheriff Randy Smith, July 1, 2016 (notes provided)

“Commencement Address,” ReNew Accelerated High School, June 24, 2016 (notes provided)

“Closing Remarks,” U.S. Attorney’s Office Pride Month Celebration, June 16, 2016 (no text or notes retained)

“Keynote Address,” FBI Appreciation Ceremony, June 13, 2016 (notes provided)

“Commencement Address,” Karr High School, May 25, 2016 (notes provided)

“Commencement Address,” Success Preparatory Academy, May 20, 2016 (notes provided)

“Commencement Address,” KIPP Renaissance High School, May 20, 2016 (notes provided)

“Commencement Address,” Lafourche Parish Sheriff’s Office Training Academy, May 19, 2016 (notes provided)

“Building Community Trust,” Algiers Tech Academy, May 1, 2016 (no text or notes retained)

“Commencement Address,” Boy Scouts Troop 1911, sponsored by Kappa Alpha Psi Fraternity, Kenner Alumni Chapter, April 26, 2016 (no text or notes retained)

“Juvenile Reentry Efforts,” HUD/HANO Grant Press Conference, April 25, 2016 (notes provided)

“Panel Discussion on Human Trafficking,” Federal Bar Association, April 21, 2016 (no text or notes retained)

“Opening Comments,” City of New Orleans Midnight Basketball, April 16, 2016 (no text or notes retained)

“Partnership with U.S. Attorney’s Office and FBI,” Muslims for Peace, April 12, 2016 (no text or notes retained)

“Keynote Address,” Louisiana State University Black Law Students Association Annual Banquet, April 8, 2016 (no text or notes retained)

“Keynote Address,” Loyola University Law Review Annual Banquet, April 6, 2016 (no text or notes retained)

“Keynote Address (with Dr. Florencia Polite),” KIPP Schools Awards Dinner, March 4, 2016 (notes provided)

“Keynote Address,” ADL Unity Day, February 26, 2016 (notes provided)

“Office Update,” Metropolitan Crime Commission Awards Luncheon, February 23, 2016 (notes provided)

“Keynote Address,” St. John Parish Sheriff’s Office Appreciation Day, hosted by New Jerusalem Baptist Church, February 21, 2016 (notes provided)

“Panel discussion regarding Public Safety,” Asia Baptist Church Black History Month Celebration, February 20, 2016 (no text or notes retained)

“Keynote Speaker,” St. Joseph Missionary Baptist Church Black History Program, February 19, 2016 (no text or notes retained)

“Office Update,” ASIS International Conference, January 28, 2016 (notes provided)

“Keynote Address,” Reentry Symposium, January 26, 2016 (notes provided)

“Welcome and Introduction of Attorney General Lynch,” Law Enforcement Roundtable, January 26, 2016 (notes provided)

“Keynote Address,” LSU Criminal Justice Reform Symposium, January 22, 2016 (notes provided)

“Office Update,” St. John Parish Business Association, January 13, 2016 (notes provided)

“Criminal Justice,” Loyola University Institute of Politics, January 12, 2016 (no text or notes retained)

“Building Community Trust,” Civil Rights Division, January 12, 2016 (notes provided)

“Civil Rights Enforcement,” FBI New Orleans – Greater New Orleans Civil Rights Working Group, January 11, 2016 (notes provided)

Panel Discussion regarding “Innovative Employer Approaches to Reentry,”
Second Chance Act Symposium, December 18, 2015 (notes provided)

“Reentry Efforts,” Catholic Charities, November 23, 2015 (notes provided)

“Reentry and Soft Skills,” Greater New Orleans Foundation, November 19, 2015
(notes provided)

“Smart on Crime,” Crimefighters of Louisiana, November 10, 2015 (no text or
notes retained)

“Rebuilding Community Trust,” Xavier University Black Lives Matter
Symposium, November 7, 2015 (notes provided)

“Update on Federal Efforts to Combat Human Trafficking,” Eden House Annual
Dinner, November 4, 2015 (notes provided)

“Commencement Address,” St. Charles Parish Sheriff’s Office Training
Academy, October 30, 2015 (notes provided)

“Office Update,” Orleans Parish District Attorney’s Office Citizens’ Academy,
October 27, 2015 (no text or notes retained)

“Youth Empowerment in Preserving Public Safety,” Crimestoppers Youth
Conference, October 24, 2015 (no text or notes retained)

“Keynote Address,” St. Tammany Parish Law Enforcement Appreciation Day,
October 6, 2015 (notes provided)

“Civic Responsibility,” New Orleans Recreational Department Future Leaders
Program, October 3, 2015 (no text or notes retained)

“Office Update,” 100 Black Men of Metro New Orleans, September 30, 2015 (no
text or notes retained)

Panel discussion on “Smart on Crime Initiatives,” U.S. Attorney’s Office for the
District of Maine, September 24, 2015 (no text or notes retained)

“Addressing Violent Crime,” New Orleans Job Corps, September 18, 2015 (notes
provided)

“Commencement Address,” Herzing University, September 17, 2015 (notes
provided)

“Keynote Address,” Annual Meeting of the Police Jury Association of Louisiana, Regions I and II, September 14, 2015 (no text or notes retained)

“Commencement Address,” National Guard Youth Challenge Camp, September 12, 2015 (notes provided)

“Youth Empowerment Address,” Urban League Katrina+10 YouthRise Student Rally, August 28, 2015 (no text or notes retained)

“Improving Public Safety,” Icons for Peace Conference, August 26, 2015 (notes provided)

“Office Update,” St. Bernard Parish Business Association, August 19, 2015 (notes provided)

“Office Update,” Federalist Society – New Orleans Chapter, August 14, 2015 (notes provided)

“Panel discussion on Building a Movement for Black Male Achievement,” Kappa Alpha Psi Fraternity National Conference, August 13, 2015 (no text or notes retained)

“Keynote Address,” Kappa Alpha Psi Fraternity National Conference – Plenary Breakfast, August 13, 2015 (no text or notes retained)

“Keynote Address,” St. David Catholic Church Vacation Bible School, July 24, 2015 (no text or notes retained)

“Smart on Crime,” National Advocacy Center, July 8, 2015 (notes provided)

“Eulogy,” Funeral of NOPD Officer Daryle Holloway, June 27, 2015 (notes provided)

“Keynote Address,” Centennial Celebration of NAACP New Orleans Chapter, June 13, 2015 (notes provided)

“Keynote Address,” Dillard University Welcome Home Reentry Conference, May 31, 2015 (notes provided)

“Commencement Address,” Samuel J. Green Charter High School, May 30, 2015 (notes provided)

“Commencement Address,” Lafayette Academy Charter School, May 22, 2015 (notes provided)

“Commencement Address,” Lake Area Charter High School, May 21, 2015 (notes provided)

“Commencement Address,” Sophie B. Wright High School, May 18, 2015 (notes provided)

“Gang Violence Reduction Strategy Call-In,” Multi-Agency Gang Unit, May 18, 2015 (notes provided)

“Commencement Address,” Bethune Elementary School, May 15, 2015 (notes provided)

“Radical Ideas Forum: How to Reform Prosecutorial Discretion to Improve the Criminal Justice System,” Stanford Law School Symposium on Secrecy and Transparency in the Criminal Justice System, May 8, 2015 (no text or notes retained)

“Keynote Address,” Council on Alcohol and Drug Abuse, April 29, 2015 (notes provided)

“New Orleans as a Comeback City,” Columbia University Center for the Advancement of Public Integrity, April 24, 2015 (notes provided)

“Keynote Address,” Louisiana Forgery & Fraud Investigators Association, April 22, 2015 (notes provided)

“Smart on Crime,” Drug Policy Alliance, April 2, 2015 (notes provided)

“Public Corruption and Financial Fraud,” Association of Governmental Accountants and Accounting and Financial Women’s Alliance, March 19, 2015 (no text or notes retained)

“Keynote Address,” Friendship Community Missionary Baptist Church, March 15, 2015 (no text or notes retained)

“Keynote Address,” Isidore Newman School Cum Laude Society, March 11, 2015 (notes provided)

“Keynote Address,” New Zion Baptist Church, March 8, 2015 (notes provided)

“Federal Efforts to Combat Human Trafficking,” Federal Bar Association/Eden House Human Trafficking CLE, February 26, 2015 (notes provided)

“The Profit Pulpit,” First Grace Church, February 1, 2015 (no text or notes retained)

“Civil Rights Enforcement,” FBI New Orleans – Civil Rights Working Group, January 21, 2015 (notes provided)

“Role of Mentorship in Preserving Public Safety,” Silverback Society, January 19, 2015 (no text or notes retained)

“A Century of Black Life, History, and Culture,” New Orleans Library Martin Luther King, Jr. Celebration, January 16, 2015 (notes provided)

“Women in the U.S. Attorney’s Office,” Association of Women Attorneys Annual Dinner, January 15, 2015 (notes provided)

“Keynote Address,” New Hope Baptist Church Scholarship Banquet, January 10, 2015 (no text or notes retained)

“Commencement Address,” Young Marines Program, December 18, 2014 (notes provided)

Panel Discussion on “Criminal Justice,” Loyola University Institute of Politics, December 16, 2014 (no text or notes retained)

“Gang Violence Reduction Strategy Call-In,” Multi-Agency Gang Unit, December 10, 2014 (notes provided)

“Commencement Address,” New Orleans Police Department Academy, December 5, 2014 (notes provided)

Panel Discussion on “The Future of the Civil Rights Act,” Francophone Section of the Louisiana State Bar Association, Babineaux International Civil Law Symposium, November 20, 2014 (notes provided)

“Protecting Critical Infrastructure,” Facility Security Officer Workgroup, November 20, 2014 (no text or notes retained)

“Keynote Address,” Louisiana United, November 18, 2014 (notes provided)

“Welcome Address,” Securities Fraud Conference, November 13, 2014 (notes provided)

“Preserving Public Safety,” NOLA Peace Initiative, November 11, 2014 (no text or notes retained)

“Update on Federal Efforts to Combat Human Trafficking,” Eden House Annual Dinner, November 5, 2014 (notes provided)

“Hate Crimes Prosecutions,” Anti-Defamation League Forum on Hate Crime, October 30, 2014 (notes provided)

“Office Update,” Orleans Parish District Attorney’s Office Citizens’ Academy, October 28, 2014 (no text or notes retained)

“Dedication to J. Skelly Wright,” Loyola University Law School, October 24, 2014 (notes provided)

“Office Update,” Tulane University Alumni Association, October 23, 2014 (no text or notes retained)

“Office Update,” Helping Mothers Heal, hosted by the Family Center of Hope, October 18, 2014 (notes provided)

“Student Pledge Against Gun Violence,” Lafayette Academy Charter School, October 15, 2014 (notes provided)

“Student Pledge Against Gun Violence,” Bethune Elementary School, October 15, 2014 (notes provided)

“Student Pledge Against Gun Violence,” Johnson Gretna Park Elementary School, October 15, 2014 (notes provided)

“Student Pledge Against Gun Violence,” Algiers Charter Schools, October 15, 2014 (notes provided) (video available at <https://www.youtube.com/watch?v=MljX3KSxdZA>)

“Keynote Address,” Reentry Symposium, October 3, 2014 (notes provided)

Panel Discussion on “Careers in the Law,” Orleans Public Defenders and Tulane University Black Law Students’ Association, October 2, 2014 (no text or notes retained)

“Introduction of Honoree Bill Rouselle,” Men of Direction Honors Banquet, September 30, 2014 (no text or notes retained)

“Keynote Address,” NAACP State Conference Freedom Fund Banquet, September 27, 2014 (no text or notes retained)

“Commencement Address,” Orleans Parish Sheriff’s Office Training Academy, September 19, 2014 (notes provided)

“Keynote Address,” Constitution Day (Swearing in of new U.S. citizens), September 17, 2014 (notes provided)

“Youth Leadership,” Honore Center for Undergraduate Student Achievement, September 15, 2014 (no text or notes retained)

“Welcome Address,” Homeland Security Cornerstone Outreach Program, September 9, 2014 (notes provided)

“Commencement Address,” New Orleans Job Corps Graduation, August 30, 2014 (no text or notes retained)

“Panel Discussion on Public Safety and Justice,” Revis Ortiue Leadership Institute, August 28, 2014 (no text or notes retained)

“Keynote Address,” Kiwanis Club of Pontchartrain Luncheon, August 23, 2014 (no text or notes retained)

“Federal Reentry Efforts,” Louisiana Association of Business and Industry (LABI) Conference on Reentry, August 20, 2014 (notes provided)

“Office Update,” CeaseFire Peer Support Group, August 20, 2014 (no text or notes retained)

“Welcome Address,” Human Trafficking Joint Task Force Seminar, August 15, 2014 (notes provided)

“Keynote Speaker,” Tangipahoa African American Heritage Museum and Veterans Archives, August 2, 2014 (no text or notes retained)

“Keynote Address,” Westside Missionary Baptist Association Scholarship Awards, August 1, 2014 (no text or notes retained)

“Keynote Address,” St. Tammany Parish Chamber of Commerce, July 29, 2014 (notes provided)

“Smart on Crime,” National County Leaders Conference, July 12, 2014 (notes provided)

“Closing Comments,” NOLA Interfaith Peace Games, July 3, 2014 (notes provided)

“Welcome Comments,” National Association of School Safety and Law Enforcement Officials (NASSLEO) Conference, June 30, 2014 (notes provided)

“Keynote Address,” St. Tammany Parish Sheriff’s Office Awards Banquet, June 25, 2014 (notes provided)

“Keynote Address,” Dawn Busters Metairie Kiwanis Club, June 11, 2014 (no text or notes retained)

“Office Update,” League of Women Voters, June 7, 2014 (no text or notes retained)

Panel Discussion on “Criminal Justice Reform,” New Leaders Council, May 31, 2014 (no text or notes retained)

“Commencement Address,” Miller-McCoy High School, May 29, 2014 (notes provided)

“Office Update,” New Orleans Police Department Citizens’ Academy, May 28, 2014 (no text or notes retained)

“Commencement Address,” Walter L. Cohen High School, May 23, 2014 (notes provided)

“Commencement Address,” New Orleans College Prep High School, May 22, 2014 (notes provided)

“Introduction and Office Update,” Young Leadership Council, May 22, 2014 (notes provided)

“Welcome Comments,” DEA New Orleans Operation Pillution, May 22, 2014 (notes provided)

“Office Update,” St. Charles Parish Business Association, May 21, 2014 (notes provided)

“Keynote Address,” Police and Justice Foundation Awards Luncheon, May 20, 2014 (notes provided)

“Welcome Comments,” U.S. Attorney’s Office Training on Investigating Police Misconduct, May 13, 2014 (notes provided)

“Commencement Address,” Silverback Society (mentor program), May 6, 2014 (notes provided)

“Commencement Address,” City Year New Orleans, May 1, 2014 (notes provided)

“Youth Leadership,” Boys Town Louisiana (Gretna Location), April 23, 2014 (no text or notes retained)

“Youth Leadership,” Boys Town Louisiana (New Orleans Location), April 21, 2014 (no text or notes retained)

“March Against Violence Keynote Address,” New Orleans-area Christian Brothers schools, April 12, 2014 (notes provided)

“Introduction and Office Update,” St. John Parish Business Association, April 9, 2014 (notes provided)

“Commencement Address,” Southern University of New Orleans, April 9, 2014 (notes provided)

“Introduction and Office Update,” St. Clement Church, April 8, 2014 (notes provided)

“Introduction and Environmental Crime Enforcement,” Exxon In-house Counsel, April 2, 2014 (notes provided)

“Keynote Address,” Crimestoppers Annual Luncheon, March 25, 2014 (notes provided)

“Student Pledge Against Gun Violence,” Miller-McCoy High School, March 24, 2014 (notes provided)

“Operation Roundtable,” DOJ/Homeland Security/Postal Inspection Service Press Conference, March 18, 2014 (notes provided)

“Keynote Address,” Loyola Law School Black Law Students Association Dinner, March 14, 2014 (notes provided)

“Office Update,” Association of Certified Fraud Examiners, New Orleans Chapter, March 12, 2014 (notes provided)

“Men’s Day Keynote Address,” Progressive Baptist Church, March 9, 2014 (notes provided)

“Opening Comments,” City of New Orleans Midnight Basketball, March 8, 2014 (notes provided)

“Keynote Address,” New Leadership Reception, sponsored by Spears Consulting, March 6, 2014 (notes provided)

“Office Update,” Metropolitan Crime Commission Awards Luncheon, March 3, 2014 (notes provided)

“Student Pledge Against Gun Violence,” Hammond Junior High School, February 28, 2014 (notes provided)

“Office Update,” Shell Oil – New Orleans Office, February 27, 2014 (notes provided)

“Office Black History Month Celebration,” U.S. Attorney’s Office for the Eastern District of Louisiana, February 20, 2014 (notes provided)

“Introduction and Office Update,” St. Angela Church, February 18, 2014 (notes provided)

“Keynote Address,” Metropolitan Crime Commission Annual Awards Luncheon, February 18, 2014 (notes provided)

“Black History Month Keynote Address,” Sixth Avenue Baptist Church, February 16, 2014 (notes provided)

“Introduction and Office Update,” Kiwanis Club, February 13, 2014 (notes provided)

“Cybersecurity Update,” Infragard Regional Meeting, February 12, 2014 (notes provided)

“Student Pledge Against Gun Violence,” Washington Parish Middle School, February 7, 2014 (notes provided)

“Closing Remarks,” De La Salle High School Award and Scholarship Dedication Ceremony, January 20, 2014 (notes provided)

“Keynote Address,” City of New Orleans Martin Luther King Jr. Day Celebration, January 20, 2014 (notes provided)

“Keynote Address,” Police and Justice Foundation “Stake Out for Justice” Luncheon, January 10, 2014 (notes provided)

“Business Sense,” Reentry Forum, January 9, 2014 (notes provided)

“Office Update,” CEO Forum, January 7, 2014 (notes provided)

“Gang Violence Reduction Strategy Call-In,” Multi-Agency Gang Unit, December 17, 2013 (notes provided)

“Panel Discussion on Stand Your Ground Laws,” Sigma Pi Phi Fraternity, December 14, 2013 (no text or notes retained)

“Keynote Address,” Liskow & Lewis Women’s Lunch, December 10, 2013 (notes provided)

“Keynote Address,” Investiture Ceremony, December 5, 2013 (notes provided)

“Introduction and Office Update,” New Orleans Chamber of Commerce, December 4, 2013 (notes provided)

“Introduction and Office Update,” FBI Citizens’ Academy, November 20, 2013 (notes provided)

“Introduction and Office Update,” FBI New Orleans Field Office, November 20, 2013 (notes provided)

“Panel Discussion on Public Safety and Justice,” Orleans Parish Sheriff’s Office, November 13, 2013 (no text or notes retained)

“Men’s Day Keynote Address,” St. Peter Claver Catholic Church, November 10, 2013 (notes provided)

“Welcome Comments,” National Inspectors General Conference, November 7, 2013 (notes provided)

“Introduction and Office Update,” New Orleans Business Council, November 6, 2013 (notes provided)

“Introduction and Office Update,” New Orleans Business Council, November 6, 2013 (notes provided)

“Panel Discussion on The Big Issue – Violent Crime in New Orleans,” Tulane University Hillel, October 29, 2013 (no text or notes retained)

“Keynote Address,” Lafourche Parish NAACP Annual Freedom Fund Banquet, October 26, 2013 (notes provided)

“Keynote Address,” Norman C. Francis Leadership Conference, October 24, 2013 (notes provided)

“Introduction and Office Update,” Metropolitan Crime Commission, October 15, 2013 (notes provided)

“Office Update,” Night Out Against Crime Press Conference, October 14, 2013 (notes provided)

“Introduction and Office Update,” Trinity Church, hosted by the Metropolitan Crime Commission, October 9, 2013 (notes provided)

“First Office Meeting,” U.S. Attorney’s Office for the Eastern District of Louisiana, September 20, 2013 (notes provided)

“A Rising Tide: Criminal Investigation of Offshore Activities,” Liskow & Lewis MOI Seminar, November 8, 2012 (slide deck provided)

“Professionalism: Why Should I Bother When Winning Is the Only Thing?”, New Orleans Bar Association, November 21, 2011 (slide deck provided)

“International Anti-Corruption Compliance,” Liskow & Lewis Energy Law Seminar, October 20, 2011 (slide deck provided)

“Pleading the Fifth Amendment in Civil Litigation,” New Orleans Bar Association Bench Bar Conference, April 15, 2011 (notes provided)

“The Anatomy of a Fraud Investigation,” Association of Certified Fraud Examiners, New Orleans Chapter, February 23, 2011 (slide deck provided)

“What to do When the Feds Come Knocking: In-House Responsibilities for Criminal Enforcement Matters,” Liskow & Lewis MOI Seminar, October 28, 2010, and Association Of Corporate Counsel, Houston Chapter, June 8, 2010 (slide deck provided)

“Commencement Address,” Georgetown University Law Center Black Law Students Association Family Celebration, May 28, 2000 (no text or notes retained)

“Student Comments,” Harvard Black Students Association Rally against “The Bell Curve,” November 4, 1994 (no text or notes retained)

As the Regional Undergraduate President of Kappa Alpha Psi Fraternity, I frequently spoke at fraternal and university events across the Northeast. My comments typically related to themes of leadership and community service. I did not retain notes or transcripts of these addresses.

- 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.

I have done my best to identify all items called for in this question, including a thorough 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 identified the following:

Excerpt from Prof. Michelle Johnston's book, tentatively titled "The Seismic Shift in Leadership," Fall 2021 (expected publication) (draft provided)

"Addiction Matters: How a heroin user-turned-hero saved so many others, but not himself," WWL Television, November 17, 2020 (*available at* <https://www.wwltv.com/article/life/addiction-matters-how-a-heroin-user-turned-hero-saved-so-many-others-but-not-himself/289-9892ced0-e282-40e8-84c6-b03046b76962>)

"Media Briefing on Voter Intimidation Threats and Responses (focusing on criminal law exposure)," Lawyers' Committee on Civil Rights Under Law, October 2, 2020 (notes provided)

"Louisiana wrestles with police brutality and racism," Louisiana Illuminator Podcast, June 29, 2020 (*available at* <https://podcasts.apple.com/us/podcast/the-illuminator/id1519325398?i=1000480286146>)

Families Against Mandatory Minimums panel discussion regarding "Prison Sentencing Laws," C-SPAN Television, August 22, 2018 (*available at* <https://www.c-span.org/video/?450336-1/famm-hosts-forum-prison-sentencing-laws>)

"Kenneth Polite Talks Zero Tolerance Policy," WDSU Television, June 20, 2018 (*available at* <https://www.youtube.com/watch?v=PN6MqBQNPuE>)

"Young Offenders: How To Break The Cycle," WWL Television, June 14, 2018 (*available at* <https://www.wwltv.com/video/news/local/morning-show/young-offenders-how-to-break-the-cycle/289-8159812>)

Interview with Warren Bell, WBOK Radio, February 9, 2018 (no text or notes retained)

Panel discussion regarding "The Conversation: Women, Men and the Workplace," Dillard University, January 30, 2018 (*available at* <https://fi-fi.facebook.com/TavisTalks/videos/the-conversation-women-men-and-the-workplace-hd-new-orleans/10155950725801278/>)

"Addiction Matters" Interview with Mike Poole, Loyola University Radio, May 8, 2017 (no text or notes retained)

Interview with Oliver Thomas, WBOK Radio, March 23, 2017 (no text or notes retained)

"One-On-One With Former US Attorney: Kenneth Polite, Not Running For Mayor Of New Orleans," WDSU Television, March 13, 2017 (*available at*

<https://www.wdsu.com/article/one-on-one-with-former-us-attorney-what-s-next-for-kenneth-polite/9128358>)

“Student Pledge Against Gun Violence,” WWL Television, October 19, 2016 (no text or notes retained)

“Students Across The State To Take A Pledge Against Gun Violence Wednesday,” WDSU Television, October 17, 2016 (*available at* <https://www.wdsu.com/article/students-across-the-state-to-take-a-pledge-against-gun-violence-wednesday/6487884>)

“Hot Seat: U.S. Attorney Kenneth Polite Jr. Discusses High-Profile Crime In Louisiana,” WDSU Television, September 27, 2016 (*available at* <https://www.wdsu.com/article/hot-seat-us-attorney-kenneth-polite-jr-discusses-high-profile-crime-in-louisiana/3885717>)

“Heroin And Opioid Awareness Week,” WWL and WVUE Television, September 19, 2016 (no text or notes retained)

“U.S. Attorney Kenneth Polite Gears Up To Kick Off National Heroin And Opioid Awareness Week,” WDSU Television, September 15, 2016 (*available at* <https://www.wdsu.com/article/us-attorney-kenneth-polite-gears-up-to-kick-off-national-heroin-and-opioid-awareness-week/3379670>)

“Dream It, Build It, Be It: U.S. Attorney Kenneth Polite,” My Passion Breathes Life, March 30, 2016 (*available at* <https://www.youtube.com/watch?v=Er7FGvJfK7w>)

“Urban Speaks” Interview with Ethan Ashley regarding Leadership, Justice, and Mentorship, WBOK Radio, March 28, 2016 (no text or notes retained)

“U.S. Attorney beefs up efforts to get guns off streets,” WVUE Television, December 21, 2015 (*available at* <https://www.fox8live.com/story/30803649/us-attorney-beefs-up-efforts-to-get-guns-off-streets/>)

Interview with Oliver Thomas regarding Office Update, WBOK Radio, December 14, 2015 (no text or notes retained)

“Announcing Crimestoppers Youth Conference,” WWL Television, October 13, 2015 (no text or notes retained)

“Interview with ATF SAC Constance Hester regarding Prosecuting Firearms Offenses,” WWL and WVUE Television, July 30, 2015 (no text or notes retained)

“U.S. Attorney Promotes Gun-Free Zones In Local Schools,” WDSU Television, July 29, 2015 (*available at* <https://www.wdsu.com/article/us-attorney-promotes-gun-free-zones-in-local-schools/8516829>)

“State Prosecutor Ken Polite Talks About the Sex Trafficking Case Involving An Indian American,” ITV Gold, July 21, 2015 (*available at* <https://www.youtube.com/watch?v=M-kppGsd41k>)

“Louisiana Newsmaker – Office Update and Operation Wild Wild East,” Interview with Allan Katz, March 10, 2015 (no text or notes retained)

“Student Pledge Against Gun Violence,” WWL Television, October 10, 2014 (no text or notes retained)

“Student Pledge Against Gun Violence,” WVUE Television, October 8, 2014 (no text or notes retained)

Interview with Kaare Johnson regarding Office Update, The Kaare Johnson Show 1280AM Radio/Cox 4 Television, October 6, 2014 (no text or notes retained)

“Student Pledge Against Gun Violence,” WDSU Television, October 6, 2014 (no text or notes retained)

Panel discussion regarding “The Role of Federal Prosecutors,” C-SPAN Television, September 23, 2014 (*available at* <https://www.c-span.org/video/?321670-1/discussion-law-enforcement-mass-incarceration>)

Interview with Oliver Thomas regarding Office Update, WBOK Radio, August 28, 2014 (no text or notes retained)

“Hot Seat: The Silverback Society,” WDSU Television, May 19, 2014 (*available at* <https://www.wdsu.com/article/hot-seat-the-silverback-society-part-2/2943840>)

“Crime Prevention Week Marks 30 Year Milestone,” WDSU Television, April 12, 2014 (*available at* <https://www.youtube.com/watch?v=t1eflXF12Cw>)

“Crime Victims’ Rights Week,” WVUE Television, April 11, 2014 (no text or notes retained)

“Crime Victims’ Rights Week,” WWL Television, April 10, 2014 (no text or notes retained)

“Kenneth Polite’s Brother’s Murder Stays On His Mind,” *New Orleans Times Picayune*, March 29, 2014 (*available at* https://www.nola.com/opinions/article_6cce4447-c347-5eb8-9d7c-9af36c072928.html)

“U.S. Attorney Kenneth Polite And His Mother Remember Humble Beginnings,” WVUE Television, February 26, 2014 (*available at* <https://www.fox8live.com/story/24822953/us-attorney-kenneth-polite-and-his-mother-remember-humble-beginnings/>)

Interviews with AAG Karol Mason regarding “OJP Initiatives,” WDSU and WWL Television, February 26, 2014 (no text or notes retained)

“New U.S. Attorney Speaks In First Television Interview Since Assuming Office,” WDSU Television, September 20, 2013 (*available at* <https://www.wdsu.com/article/new-us-attorney-speaks-in-first-television-interview-since-assuming-office/2782834#>)

Radio interview with Garland Robinette regarding the Young Leadership Council’s support of the Forward New Orleans candidate platform, on or about March 19, 2012 (no text or notes retained)

Television interview with Councilwoman Cynthia Hedge-Morrell regarding the Young Leadership Council’s Operation Playground Rebound, on or about October 31, 2011 (no text or notes retained)

In addition, below are press releases from the Department of Justice in which I am mentioned or quoted.

2013

[Attorney General Eric Holder Delivers Remarks at the Investiture Ceremony for U.S. Attorney for the Eastern District of Louisiana Kenneth A. Polite Jr](#)

[Former Jefferson Parish Sheriff’s Deputy Pleads Guilty to Civil Rights, Bank Fraud and Aggravated Identity Theft Violations](#)

[Louisiana Sergeant Pleads Guilty to Assault of Detainee](#)

[Attorney General Eric Holder Delivers Remarks at the Summit for Preventing Youth Violence](#)

[United States Attorney’s Office Is Now On Twitter](#)

[Louisiana Sergeant Gary J. Shine Pleads Guilty To Assault Of Detainee](#)

[Former Motel Owner, Anil Patel, Sentenced For Tax Fraud](#)

[Two Gang Members From Hollygrove Area Sentenced On Federal Rico, Drug, And Firearms Charges](#)

[Two New Orleans Police Officers Indicted In Theft And Bribery Conspiracy](#)

[Gretna Men Sentenced For Conspiracy To Commit Bribery](#)

[Former NOPD Officer, Jason Cross, Pleads Guilty In Federal Court To Drug Charges](#)

[Hammond Woman, Sandra Renee Keith, Pleads Guilty To False Statements To An Agency Of The United States](#)

[New Orleans Man, Michael Larrieu, Sentenced For Failing To Register As Sex Offender](#)

[New Orleans Man, Gregory R. Alexander, Sentenced For Attempting To Firebomb His Truck](#)

[Ponchatoula Man, Robert Swan, Charged With The Sexual Exploitation Of Children, As Well As The Distribution And Receipt Of Child Pornography](#)

[John Labee Pleads Guilty To Aiding And Assisting In The Preparation Of False Tax Documents, Making False Statements On Income Tax Returns And Lying To A Federal Grand Jury](#)

[Two Texas-area Individuals Charged With Sex Trafficking Of A Minor By Force, Fraud, And Coercion Into The New Orleans Area](#)

[Mail-Order Diabetic Supply Company And Its Owners Resolve Allegations Of Civil And Criminal Fraud](#)

[Mail-order Diabetic Supply Company And Its Owners Resolve Allegations Of Civil And Criminal Fraud Arising From Kickback Payments](#)

[New Orleans Man, Christopher M. Schwab, Charged With Producing And Distributing Child Pornography](#)

[St. Tammany Coroner, Peter Galvan, Charged With Conspiracy To Steal Funds From Coroner's Office](#)

[New Orleans Elevation Company And Its Owner, Ramon Santos, Sentenced For Conspiracy To Commit Money Laundering](#)

[Former New Orleans Traffic Court Accountant, Vandale Thomas, Indicted](#)

[Turkish National, Giray Biyiklioglu, Convicted Of Wire Fraud, Aggravated Identity Theft, Tax, And Money Laundering Charges](#)

[Gang Member From Hollygrove Area, Theron Golston, Sentenced To Life In Prison On Federal Rico, Drug, And Murder Charges](#)

[Former St. Tammany Coroner Peter Galvan Pleads Guilty To Conspiracy To Steal Funds From Coroner's Office](#)

[Eight Individuals Indicted For Crimes Involving The Sexual Victimization Of Children](#)

[Former State Representative, Girod Jackson, Pleads Guilty To Federal Tax Violations](#)

[Gang Indictment Unsealed Charging Seven Defendants From The East Hollygrove Neighborhood With Federal Murder, Drug, And Firearms Violations](#)

[Florida Man, George Potter, Pleads Guilty To Distribution Of Child Pornography](#)

[Financial Advisor, Jabari Ragas, Charged With Money Laundering And Tax Fraud](#)

[Former Jefferson Parish Sheriff's Deputy, Mark Hebert, Pleads Guilty To Civil Rights, Bank Fraud And Aggravated Identity Theft Violations](#)

[Raceland Man, Ronald Breaux, Sentenced To 151 Months For Distributing Child Pornography](#)

[Brothers Plead Guilty To Federal Murder Charges](#)

[20-count Indictment Returned For Rico Violations, Violent Crimes In Aid Of Racketeering, Federal Gun Control, And Controlled Substances Acts](#)

[Estrade Guilty Plea](#)

[2014](#)

[Louisiana Man Pleads Guilty to Racially-Motivated Assault on Hurricane Relief Workers](#)

[Three Men from Tennessee Charged with Sex Trafficking by Force, Fraud and Coercion in the New Orleans Area](#)

[Louisiana State Bond Commission Agrees to Settlement to Resolve Housing Discrimination Lawsuit](#)

[City of New Orleans Agrees to Settlement to Resolve Housing Discrimination Lawsuit](#)

[Former Jefferson Parish Sheriff's Deputy Sentenced to 92 Years in Prison for Civil Rights, Bank Fraud and Aggravated Identity Theft Violations](#)

[Mastermind of \\$56 Million Medicare Fraud Scheme and Doctor Plead Guilty](#)

[Seven Defendants Indicted and Three Other Defendants Plead Guilty for Their Roles in \\$56 Million Medicare Fraud Scheme](#)

[Department of Justice Reaches Agreement with the Louisiana Supreme Court to Protect Bar Candidates with Disabilities](#)

[Justice Department's Civil Rights Lawsuit Leads to Improved Conditions at Terrebonne Parish Juvenile Detention Center](#)

[U.S. Attorney Polite Announces Personnel And Unit Changes](#)

[Houma Man Charged With Violating The Federal Controlled Substances Act](#)

[Honduran Man Charged with Illegal Reentry](#)

[New Orleans Woman Charged with Theft of Government Funds](#)

[Mexican Man Pleads Guilty to Illegally Reentry](#)

[New Orleans Man Indicted for Selling Counterfeit Movie DVDs and Music CDs](#)

[New Orleans Woman Charged with Theft of Government Funds](#)

[Honduran National Pleads Guilty to Illegal Reentry](#)

[Guatemalan National Charged with Illegal Reentry](#)

[Two Plea Guilty to the Unlawful Employment of Aliens](#)

[Houma Man Sentenced After Pleading Guilty To Cocaine Possession Charges](#)

[Mexican National Guilty of Immigration Offense](#)

[Georgia Woman Pleads Guilty to Methamphetamine Conspiracy](#)

[Honduran National Sentenced for Illegal Reentry](#)

[Nicaraguan National Sentenced in Federal Court for Illegal Reentry](#)

[Marrero Woman Sentenced for Theft of Government Funds](#)

[Honduran Man Pleads Guilty to Illegally Reentry](#)

[Honduran National Sentenced for Illegal Reentry](#)

[Honduran National Sentenced for Illegal Reentry](#)

[New Orleans Bail Bondswoman Pleads Guilty to Mail Fraud Conspiracy](#)

[Trinidad and Tobago Resident Sentenced for Transporting Seven Kilograms of Cocaine](#)

[Honduran National Charged with Illegal Reentry into the United States](#)

[New Orleans Men Sentenced for Heroin Distribution Conspiracy](#)

[Hammond Couple Sentenced for Conspiracy to Make, Possess and Pass Counterfeit U.S. Currency](#)

[Honduran National Pleads Guilty to Illegally Reentry](#)

[Mexican National Guilty of Immigration Offense](#)

[Honduran National Pleads Guilty to Illegal Re-Entry of a Removed Alien](#)

[Honduran Man Pleads Guilty to Immigration Offense](#)

[Harvey Man, Dominic Terrell Lewis, Sentenced For Receipt Of Stolen Government Money](#)

[Honduran Man, Miguel Villatoro-Portillo, Sentenced For Illegally Reentry](#)

[Mexican Citizen, Antonio Rodriguez-Gallardo, Charged With Illegal Reentry](#)

[Kenner Man, Jose Rafael Hiraldo-Suarez, Sentenced For Unlawful Transfer Of Identification Document](#)

[New Orleans Man, James Conrad, Jr., Charged With Stealing From Two Federal Agencies](#)

[Mexican Man, Galdino Martinez-Carrillo, Pleads Guilty To Illegal Re-entry](#)

[Mexican Citizen, Ramon Frias-lopez, Illegally In United States Sentenced](#)

[Witness Tampering Indictment Returned Against Two New Orleans Men](#)

[New Orleans Man Sentenced to 30 Years in Drug-Related Murder](#)

[New Orleans Man Admits to Stealing Nearly \\$250,000 from Two Federal Agencies](#)

[Honduran Man, Ricky Guiti, Charged With Immigration Offense](#)

[Undocumented Alien From Honduras, Selvin Irias-Murillo, Charged With Illegal Reentry Into The United States After Four Previous Deportations](#)

[Two Men Indicted By Grand Jury For Violations Of The Federal Controlled Substances Act](#)

[Undocumented Alien, Alvaro D. Campos, Charged With Illegal Reentry After Previously Being Deported](#)

[Two Charged In Bill Of Information For Unlawful Employment Of Aliens](#)

[Metairie Man, Timothy Duckworth, Charged With Making False Statements On Tax Return](#)

[New Orleanian, Lionel Thomas, Indicted For Violations Of The Federal Controlled Substances Act](#)

[Honduran Man, Jason Guzman-Urquia, Charged With Immigration Offense](#)

[Illegal Alien, Juan Carlos Moscoso-Cardenas, Indicted For Illegal Reentry](#)

[Honduran Man, Jose Hernandez-Hernandez, Charged With Illegal Reentry](#)

[Honduran Man, Alfredo Varela-Hernandez, Charged With Illegal Reentry](#)

[New Orleans Men Pled Guilty to Heroin Distribution](#)

[Honduran National Pleads Guilty to Illegally Reentering United States](#)

[Bogalusa Man Sentenced for Drug Violations](#)

[Covington Man Pleads Guilty to Lacey Act Violation](#)

[Former Orleans Criminal District Court Employee Pleads Guilty to Role in Bail Bonds Fraud](#)

[Metairie Man Pleads Guilty to Making False Statements on Tax Return](#)

[Guilty Pleas in Heroin Trafficking Organization](#)

[Belle Chase Man Pleads Guilty to Methylone Distribution](#)

[Hong Kong Man Pleads Guilty to Conspiracy to Smuggle Turtles out of the United States and to Violation of The Lacey Act](#)

[Houma Man is Convicted of Drug Distribution Charge](#)

[Honduran Man, Jose Luis Mayorga-Lemus, Pleads Guilty To Illegally Reentry](#)

[New Orleans Woman, Qiana Anderson, Sentenced For Conspiracy To Commit Wire Fraud](#)

[New Orleans Man, Corey D. Wilson, Sentenced To 10 Years In Heroin Distribution Conspiracy](#)

[Hammond Man, Meredith Corbin, Sentenced For Drug Violations](#)

[Two Charged In Superseding Bill Of Information For Violations Of The Lacey Act](#)

[Honduran Man, Uris Ordonez-Mendoza, Pleads Guilty To Illegal Re-entry](#)

[New Orleans Police Officer, Tracie Medus, Suspended After Being Charged With Theft Of Government Funds](#)

[California Man, Aung Gaw, Sentenced To 13 Years In Prison For Crimes Involving The Sexual Victimization Of Children](#)

[Undocumented Alien, Elizar Gustavo Garcia-Garcia, Pleads Guilty To Illegal Reentry](#)

[Amite Man, Torrie Brumfield, Sentenced To 16 Years In Prison On Federal Drug Charges](#)

[Nicaraguan Man, Norwin Castellon-Lopez, Pleads Guilty To Illegally Reentry](#)

[Andres Villalva-Guadarrama Pleads Guilty In Federal Court For Illegally Use Of A Social Security Number](#)

[New Jersey Man, Stanley Zdon, Iii, Sentenced To 18 Years For Conspiracy To Produce Child Pornography](#)

[Tennessee Man, John Nutter, Sentenced For Drug Violations](#)

[Three Defendants Sentenced In Cocaine Trafficking Case](#)

[Illegal Alien From Honduras, Dayron Otoniel Madrid-Guillen, Pleads Guilty To Illegally Possessing A Handgun](#)

[Alabama Woman, Brittany Bauer, Pleads Guilty To Possession And Transportation Of Stolen Firearms](#)

[Louisiana Army National Guard Soldiers Charged With Conspiracy To Commit Theft Of Government Funds And Identity Theft](#)

[Two New Orleans Men Plead Guilty To Drug Violations](#)

[Bogalusa Man, Donelle Piggott, Sentenced For Drug Violations](#)

[Rollin 60s Cripts Gang Member, Quenshey Mitchell, Sentenced To Life In Prison For Heroin Conspiracy And Obstruction Of Justice Involving Murder Of A Federal Witness](#)

[Bogalusa Man And Woman Sentenced For Drug Violations](#)

[Raceland Man, Johnny Smith, Sentenced To 24 Years For Sexual Exploitation Of Children And Possessing Child Pornography](#)

[U.S. Attorney's Office, FBI, And NOPD, Hold Joint Training Session On Investigating Police Corruption](#)

[Chinese National, Yiping Qu, Sentenced For Conspiracy To Smuggle Goods From The United States](#)

[New Orleans C.P.A. Charged with Embezzling Over \\$1.7 Million](#)

[Chamico Employee Sentenced for Conspiracy to Commit Mail Fraud](#)

[Hammond Man Indicted for Violations of the Federal Controlled Substances Act and the Federal Gun Control Act](#)

[New Orleans Woman Charged With Theft Of Bank Funds](#)

[Napoleonville Woman Charged with Making False Statements](#)

[Serial Bank Robber Sentenced to 15 Years in Prison](#)

[Two Men Plead Guilty In Separate Cases For Crimes Involving The Sexual Victimization Of Children](#)

[Illegal Aliens Indicted For Violations Of The Federal Gun Control Act](#)

[Undocumented Aliens From Honduras Charged With Illegal Use Of Social Security Numbers](#)

[Indictment Unsealed In Interstate Methamphetamine Conspiracy](#)

[New Jersey Man, Stanley Zdon, Iii, Charged With Conspiracy To Produce Child Pornography](#)

[Over 450 Schools Expected To Participate In Student Pledge Against Gun Violence Day](#)

[New Orleans Men Sentenced For Bank Robberies](#)

[New Orleans Man, Robert Taylor, Sentenced For Armed Bank Robbery](#)

[Mexican National Sentenced for Illegal Reentry](#)

[Former Non-Profit Director Sentenced for Defrauding Government Agencies](#)

[St. Tammany Restaurants and Owner Sentenced for Employing Illegal Aliens](#)

[Reserve Man Sentenced for Distribution of Child Pornography](#)

[New Orleans Woman Sentenced for Defrauding Gulf Coast Claims Facility](#)

[Avondale Drug Runner Sentenced to 78 Months in Prison](#)

[Grand Isle Man Pleads Guilty To Mail Fraud In Connection With GCCF Claim](#)

[Lacombe Man Sentenced for Assaulting a Federal Officer with a Pickup Truck](#)

[Former New Orleans Tax Return Preparer, Indicted for Theft of Public Money, Wire Fraud, Aggravated Identity Theft](#)

[Marrero Man Sentenced to Life Imprisonment after Conviction for Arson Resulting in Death](#)

[Man Pleads Guilty to Violation of Outer Continental Shelf Lands Act](#)

[Hammond Man Sentenced for Stolen Identity Refund Fraud](#)

[Hammond Man Sentenced for Stolen Identity Refund Fraud](#)

[LaRose Man Pleads Guilty to Misuse of a Coast Guard License](#)

[Honduran Man Sentenced for Violating The Federal Gun Control Act](#)

[Three Men Sentenced for Federal Drug Violations](#)

[Houston Man, Jesse R. Gonzales, Pleads Guilty To Transporting Methamphetamine And Heroin To New Orleans By "mega Bus"](#)

[Moving Company Owner, Dunwoodie McDuffie, Pleads Guilty To Operating An Interstate Moving Business In Violation Of Federal Regulations](#)

[Multiple Convicted Felon, Melvin James, Jr., Sentenced To 16 ½ Years In Prison For Possession Of Heroin And Firearms](#)

[Metairie Man, Dorvin Echeverria-Zeledon, Charged With Crimes Involving The Sexual Exploitation Of Children](#)

[California Man, Aung Gaw, Indicted For Crimes Involving The Sexual Victimization Of Children](#)

[New Orleans Man, Richard Garrett, Sentenced To Ten Years For Drug Violations](#)

[Ship Operator Sentenced For Violations Of The Act To Prevent Pollution From Ships And Obstruction Of Justice](#)

[New Orleans Man, Jeremy Shawn Reason, Pleads Guilty To Child Pornography Charges](#)

[Houma Man, Channing Christopher Miller, Sentenced To 10 Years On Federal Drug Violation](#)

[Arizona Man, Vittorio Francesco Gonzalez-Castillo, Pleads Guilty For Conspiracy To Produce Child Pornography](#)

[Houma Interpreter, Trina Marie Bourg, Indicted For Wire Fraud](#)

[Indictment Unsealed Charging International Methamphetamine Distribution Conspiracy](#)

[3 Men Pled Guilty To Operating Heroin Conspiracy In New Orleans East](#)

[St. Tammany Woman, Ramona Hudson, Pleads Guilty To Charges Related To Filing Fraudulent Claims For Oil Spill Compensation](#)

[Bookkeeper, Patricia Blanchard, Charged With Mail Fraud For Embezzling Over \\$700,000 From A Charitable Organization](#)

[New Orleans Man, Curtis Anderson, Sentenced For Conspiracy To Commit Wire Fraud And Possession Of Stolen Credit And Debit Card Numbers](#)

[Gulfport Man, Darryl Williams, Pleads Guilty To Drug Conspiracy And Gun Charges](#)

[Department Of Justice Awards \\$1,875,00 To Nopd To Hire 15 Police Officers](#)

[Amite Woman, Angela Lemoine, Charged With Theft Of Bank Funds](#)

[Mississippi Woman, Kim Parish, Pleads Guilty To Defrauding Local Business](#)

[Larose Man, Justin Doucet, Sentenced To 5 Years For Receipt Of Child Pornography](#)

[St. Tammany Man, Darrell Morris, Pleads Guilty To Charges Related To Filing Fraudulent Claims For Oil Spill Compensation](#)

[New Orleans Woman, Kwanza Wells, Pleads Guilty To Conspiracy To Commit Wire Fraud](#)

[Denham Springs Woman, Katrular Buchana Bell, Sentenced For Preparing And Filing False Income Tax Returns](#)

[Arizona Man, Vittorio Francesco Gonzalez-Castillo, Arrested After Being Indicted For Conspiracy To Produce Child Pornography](#)

[Grand Isle Man, Josh Jambon, Pleads Guilty To Racially-motivated Assault On Hurricane Relief Workers](#)

[Federal Jury Convicts Allen Gang](#)

[Indictment Unsealed Charging Conspiracy to Violate Federal Controlled Substances Act and Federal Gun Control Act](#)

[U.s. Attorney Designates District Officer To Handle Voting Rights Complaints For November 4th Elections](#)

[Local Man, Frank Mike, Jr., Charged With Interstate Transportation Of Vehicle Stolen From Murdered New Orleans Area Couple](#)

[Laplace Man Pleads Guilty to Fraudulent Claims for Oil Spill Compensation](#)

[Texas Woman, Ebony Williams White, Indicted On Wire Fraud And Obstruction Charges](#)

[Slidell Man, John Labee, Sentenced For Crimes Involving The Preparation Of False Tax Documents And Lying To A Grand Jury](#)

[Three Men From Tennessee Charged With Sex Trafficking In The New Orleans Area](#)

[Former New Orleans Police Officers Sentenced In Conspiracy To Commit Theft And Wire Fraud](#)

[Jorge Gutierrez-Sanchez Sentenced For Illegal Use Of Social Security Numbers](#)

[Former School Teacher, Don Francis, Jr., Indicted On Child Pornography Charge](#)

[Los Zetas, Efrain Grimaldo, Cartel Member Sentenced To Over 33 Years In Prison On Federal Drug Charges](#)

[Destrehan Businesswoman, Sandy Isaac-Holden, Sentenced For Tax Evasion](#)

[Florida Man, Jaime Jauregui, Convicted Of Gun Control And National Firearms Act Violations](#)

[Gang Member From Hollygrove Area, Norman Ratcliff, Sentenced To 33 Years In Prison On Federal Rico, Drug, And Murder Charges](#)

[Former St. Tammany Coroner, Peter Galvan, Sentenced For Conspiracy To Steal Funds From Coroner's Office](#)

[River Ridge Man And His Company Charged In Superseding Indictment With Conspiring To Manufacture And Sell Counterfeit Mercedes-Benz Diagnostic Equipment Worth Over \\$15,000,000](#)

[Doctor, Clinic Owner, And Law Enforcement Officer Indicted In Drug Trafficking And Bribery Conspiracy](#)

[Former Financial Advisor, Jabari Ragas, Sentenced To 42 Months For Money Laundering And Tax Fraud](#)

[East Hollygrove Neighborhood Gang Member, Avian Brule, Sentenced On Federal Drug And Firearms Violations](#)

[Hollygrove Area Gang Member, Carey Jones, Sentenced To Life In Prison On Federal Rico, Drug, And Murder Charges](#)

[Gang Member From Hollygrove, Walter Conley, Sentenced To 40 Years In Prison On Federal Rico, Murder, Firearms, And Carjacking Charges](#)

[Florida Man, George Potter, Sentenced For Distribution Of Child Pornography](#)

[New Orleans Man, Giray Biyiklioglu, Sentenced To 16 Years In Prison For Wire Fraud, Aggravated Identity Theft, Tax, And Money Laundering Charges](#)

[Twelve Indicted In Heroin Trafficking Conspiracy; Two Charged With Distribution Resulting In Death](#)

[Xplor Energy Pleads Guilty to Felony Clean Water Act Violation](#)

[California Man Sentenced for Role in Health Care Fraud Conspiracy and Bank Fraud](#)

[Grand Isle Man Sentenced for Assaulting Two African-American Women Because of Their Race and Employment Status](#)

[Federal Authorities Arrest Court Interpreter, Trina Marie Bourg, For Wire Fraud](#)

[New Orleans Man, Gregory Stewart, Responsible For Killing Magnolia Shorty Pleads Guilty To Participating In Several Gang-related Murders](#)

[Former Orleans Parish Sheriff's Office Vendor And Mississippi Businessman, Kendall O. Marquar, Convicted Of Failing To File Taxes](#)

[Abita Springs Man, Frank Frabbiele, Pleads Guilty To Running Illegal Wagering Operation And Money Laundering](#)

[Mississippi Man, Dwayne E. Hupp, Admits To Committing Four Bank Robberies](#)

[St. Charles Parish Man, Chad Michael Hotard, Sentenced To 15 Years In Prison For Producing And Distributing Child Pornography](#)

[Slidell, Louisiana Man, Richard Zanco, Pleads Guilty To Illegally Laundering Over \\$343,000](#)

[Georgia Man, Christopher Jamieson, Pleads Guilty To Receipt Of Child Pornography](#)

[Indiana Man, Andrew J. Korpai, Sentenced In Child Pornography Case](#)

[New Orleans Man, Evans Lewis, Pleads Guilty To Drug-related Murder](#)

[Georgia Man, Daniel Nolan Devor, Pleads Guilty To Conspiracy To Produce Child Pornography](#)

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[New Orleans Man Pleads Guilty to Heroin Distribution](#)

[Honduran National Pleads Guilty to Fraud and Misuse of Entry and Employment Documents](#)

[Shriever Man Sentenced for Wire Fraud](#)

[Georgia Woman Pleads Guilty to Methamphetamine Charges](#)

[Mexican National Pleads Guilty to Illegal Re-Entry](#)

[Panamanian National Pleads Guilty to False Statement in a Passport Application and Reentry of Removed Alien](#)

[Metairie Woman Pleads Guilty to Defrauding Local Business](#)

[New Orleans Man Pleads Guilty in Conspiracy to Traffick Heroin](#)

[Honduran Man Sentenced for Immigration Offense](#)

[Luling Woman Sentenced to Three Years of Probation for Filing False Tax Return](#)

[Houma Postal Worker Sentenced for Theft of Mail](#)

[Honduran National Sentenced for Illegally Reentry](#)

[Ponchatoula Woman Pleads Guilty to Theft of Mail](#)

[Houma Man Sentenced to 10 Years Imprisonment for Gun and Drug Charges](#)

[Houma Man Sentenced to 10 Years Imprisonment for Gun and Drug Charges](#)

[Honduran National Pleads Guilty to Immigration Offense](#)

[Three Individuals Plead Guilty in Oxycodone Case](#)

[New Orleans Nurse Pleads Guilty to Conspiracy to Receive Illegal Kickbacks](#)

[Guatemalan National Pleads Guilty to Illegal Re-Entry](#)

[New Orleans Man Pleads Guilty to Fraud in Connection with Stolen Credit Cards](#)

[Houston Woman Pleads Guilty in Conspiracy to Traffick Heroin Using Megabus](#)

[Honduran National Pleads Guilty to Illegally Reentry](#)

[New Orleans Man Pleads Guilty to Cocaine Distribution](#)

[New Orleans Woman Pleads Guilty to one Count of Health Care Fraud](#)

[Chalmette Man Sentenced for Violations of Federal Controlled Substances Act](#)

[Woman Pleads Guilty and is Sentenced for Assault Aboard an Aircraft](#)

[New Orleans Man Sentenced in Heroin Conspiracy](#)

[New Orleans Man Pleads Guilty in Conspiracy to Traffick Heroin Using Megabus](#)

[Gretna Man Found Guilty of Mail Fraud](#)

[Denham Springs Woman Sentenced to 30 Months in Prison for Embezzlement of Over \\$600,000](#)

[Houston Man and Woman Plead Guilty in Cocaine Smuggling Case](#)

[Honduran National Pleads Guilty To Immigration Offense](#)

[Honduran National Sentenced for Illegal Reentry](#)

[Salvadoran National Pleads Guilty to Immigration Offense](#)

[Salvadoran National Pleads Guilty to Immigration Offense](#)

[New Orleans Man Pleads Guilty in Conspiracy to Traffic Heroin Using Megabus](#)

[Houma Postal Worker Pleads Guilty to Theft of Mail](#)

[New Orleans Businessman Pleads Guilty to Defrauding Investors](#)

[Honduran National Pleads Guilty to Illegally Reentry](#)

[Honduran National Pleads Guilty to Immigration Offense](#)

[New Orleans Area Merchant Sentenced for Food Stamp Fraud](#)

[Houston Man Sentenced in Conspiracy to Traffic Over 13 Kilograms of Cocaine](#)

[New Orleans Man Pleads Guilty to Robbing Metro Drug Dealers, Weapons Offenses](#)

[Georgia Man Sentenced for Conspiracy to Possess Fraudulent Identification Documents](#)

[New Orleans Woman Sentenced for Misprision of a Felony](#)

[Mississippi Man Pleads Guilty to Murder-for-Hire Scheme](#)

[Two New Orleans Residents Sentenced to Lengthy Prison Terms in Heroin Conspiracy](#)

[Marrero Woman Pleads Guilty to Cocaine Conspiracy](#)

[Covington Man Sentenced for Conspiracy to Commit Bank Fraud](#)

[New Orleans Woman Pleads Guilty to Social Security Fraud](#)

[Honduran Man Sentenced for Illegal Use of a Social Security Number](#)

[Honduran National Pleads Guilty to Illegal Rentry and Conspiracy to Sell Identification Documents](#)

[New Orleans Man Sentenced for Violation of the Federal Gun Control Act](#)

[New Orleans Man Sentenced to 22 Years in Prison for Selling Heroin, Including While Being Incarcerated in OPP](#)

[Mexican National Sentenced for Immigration Offense](#)

[Mexican National Pleads Guilty to Immigration Offense](#)

[Texas Man Pleads Guilty to Drug Conspiracy and Murder](#)

[Harvey Woman Pleads Guilty to Conspiracy to Receive Illegal Kickbacks](#)

[Mandeville Postal Worker Sentenced for Theft](#)

[Man Pleads Guilty to Attempting to Rob U.S. Postal Office](#)

[Chalmette Man Pleads Guilty to Violating the Federal Controlled Substances Act](#)

[Hammond Woman Sentenced for Making False Income Tax Returns](#)

[New Orleans Man Pleads Guilty to Heroin Conspiracy](#)

[Mandeville Man Indicted for Theft of Veteran's Benefits and Aggravated Identity Theft](#)

[Honduran Pleads Guilty to Immigration Offense](#)

[New Orleans Musician "Big Freedia" Charged with Theft of Government Funds](#)

[New Orleans Man Sentenced in Ethylone Drug Case](#)

[Colombian National Pleads Guilty to Immigration Offense](#)

[Ohio Man Sentenced to Over 10 Years in Interstate Heroin Conspiracy](#)

[Chalmette Man Pleads Guilty to Violating the Federal Controlled Substances Act](#)

[Mexican National Sentenced for Illegal Reentry](#)

[New Orleans Man Pleads Guilty to One Count of Conspiracy to Receive Illegal Kickbacks](#)

[New Orleans Man Sentenced to 20 Years in Interstate Heroin Conspiracy](#)

[New Orleans Woman Sentenced for Heroin Conspiracy](#)

[Denham Springs Woman Pleads Guilty to Embezzlement of Over \\$600,000](#)

[Two Men Arrested for Conspiring to Illegally Export Turtles](#)

[Marrero Homeowner Pleads Guilty to Theft of \\$50K in Home Elevation Grant Funds](#)

[Honduran National Pleads Guilty to Illegal Use of Social Security Number](#)

[New Orleans Man Sentenced to 13 Years in Prison for Bank Robbery](#)

[Department of Justice to Hold Local Events in Honor of Heroin and Opioid Awareness Week](#)

[Honduran National Indicted for Illegal Re-Entry and Gun Possession](#)

[New Orleans Man Charged with Illegal Possession of Firearm and Making False Statements to Federal Agents](#)

[Maritime Instructor Indicted for Conspiracy to Commit Wire Fraud and Wire Fraud](#)

[Jefferson Parish Man Charged with Conspiracy to Commit Financial Aid Fraud](#)

[New Orleans Men Indicted in Heroin and Firearms Conspiracy](#)

[Child Pornography Charges Filed Against Montegut Man](#)

[Talisheek Man Charged with Methamphetamine Trafficking and Illegal Possession of Firearms](#)

[Gretna Man Charged with Distribution of Child Pornography](#)

[Darren Sharper Sentenced on Drug Distribution Charges](#)

[Child Pornography Charges Filed Against Houma Man](#)

[Retired Orleans Parish Sheriff's Office Chief Deputy Gerald Ursin, Jr. Charged with Conspiracy to Commit Wire Fraud](#)

[Hammond Men Indicted for Participation in Drug Related Homicides and in Drug Overdose Death](#)

[New Orleans Man Charged with Sex Trafficking by Using Threats, Force and Coercion](#)

[New Orleans Businessman Charged with Defrauding Investors](#)

[Indictment Unsealed Charging Drug and Gun Conspiracies Involving Eastside Hollygrove Residents](#)

[Indictment Unsealed in Methamphetamine-Trafficking Conspiracy](#)

[Walter Porter Found Guilty of Murder-For-Hire, Faces Mandatory Life Sentence](#)

[Three Men Charged in Drug Related Homicide of Two Men in Tangipahoa Parish](#)

[Harvey Man Indicted and Arrested on Child Pornography Charges](#)

[Former U.S. Department of Veterans Affairs Employee Pleads Guilty to Demanding an Illegal Gratuity](#)

[Metairie Doctor Indicted for Illegally Dispensing Oxycodone and Threatening to Kill Law Enforcement](#)

[Six Men, Including Three Local Law Enforcement Officers, Charged with Trafficking in Contraband Cigarettes](#)

[New Orleans Man Charged with Conspiracy to Commit Federal Bribery and Honest Services Wire Fraud](#)

[Jamaican National Indicted for Conspiracy to Commit Mail Fraud](#)

[Retired Colonel in Orleans Parish Sheriff's Office Charged with Conspiracy to Commit Wire Fraud](#)

[Peter Hoffman and Susan Hoffman Sentenced for Roles in Film Infrastructure Tax Credit Scheme](#)

[Grand Jury Indicts Jarvis Hardy in Shooting of DEA Task Force Officer](#)

[New Orleans Man Indicted for Fraud in Aftermath of BP Oil Spill](#)

[Former New Orleans Police Officer Pleads Guilty to Being an Accessory After the Fact to Civil Rights Violations](#)

[Westbank Drug Dealer Sentenced to Ten Years in Prison](#)

[Westbank Gang Members Sentenced for Conspiring to Sell Crack Cocaine and Firearms Possession](#)

[Harvey Man Pleads Guilty to Child Pornography Charges](#)

[Kenner Man Pleads Guilty to Conspiracy to Commit Access Device Fraud](#)

[Illegal Alien Sentenced for Possession of a Firearm](#)

[New Orleans Man Sentenced for BP Fraud](#)

[Retired OPSO Colonel Sentenced for Fraudulent Employment Scheme](#)

[Texas Man Pleads Guilty to Transportation of Child Pornography](#)

[Algiers Man Pleads Guilty to Multiple Narcotics and Firearms Charges](#)

[High-Level International Drug Trafficker Sentenced to 16 Years in Prison](#)

[Walter Porter Sentenced to Life for Murder-for-Hire](#)

[Houma Postal Worker Pleads Guilty to Bribery and Houma Man Pleads Guilty to Drug Distribution](#)

[New Orleans Man Pleads Guilty to Use of an Interstate Facility to Promote Prostitution](#)

[New Orleans Man Pleads Guilty to Receipt of Child Pornography](#)

[Woman Sentenced for Unlawful Transfer of Identification Documents](#)

[Darren Sharper's Co-Defendants Sentenced](#)

[One Pleads Guilty, Two Sentenced in Conspiracy to Traffic Heroin Using Megabus](#)

[Company Pays \\$1 Million for Concealing Violation of the Clean Water Act](#)

[Four Californians Plead Guilty to Conspiracy to Commit Health Care Fraud](#)

[Former School Teacher Sentenced to 15 Years Imprisonment for Transportation of Pornography](#)

[Nurses Plead Guilty to Separate Charges of Misprision of a Felony and Health Care Fraud](#)

[Woman Pleads Guilty to Unlawful Transfer of Identification Documents](#)

[Kentwood Man Pleads Guilty to Meth Possession](#)

[Romanian National Sentenced for ATM Skimming Fraud](#)

[Former Terrebonne Sheriff's Officer Sentenced for Theft of Federal Funds](#)

[Illegal Alien Pleads Guilty to Possession of a Firearm](#)

[New Orleans Woman Sentenced for Conspiracy, Theft of Federal Funds, Aggravated Identity Theft](#)

[Houston Man Pleads Guilty to Heroin Trafficking](#)

[Two Colombian Nationals Sentenced for Making False Statements on Visa Application](#)

[Kenner Tax Preparer Sentenced for Lying on Tax Returns and Failing to Declare More Than \\$300,000 in Income](#)

[River Ridge Man Pleads Guilty to Child Pornography Charges](#)

[Georgia Man Sentenced to 15 Years Imprisonment for Conspiracy to Produce Child Pornography](#)

[New Orleans Man Pleads Guilty to Drug and Firearms Violations](#)

[Abita Springs Man Sentenced for Marijuana Offense](#)

[Three Cuban Nationals Plead Guilty to Conspiracy to Commit Access Device Fraud, Aggravated Identity Theft](#)

[Honduran National Pleads Guilty to Illegally Possessing a Firearm](#)

[New Orleans Man Pleads Guilty to Drug and Gun Violations](#)

[Two Nurses Plead Guilty to Health Care Fraud](#)

[Two Colombian Nationals Plead Guilty to Making False Statements on Visa Application](#)

[New Orleans Man Sentenced to 3 Years in Prison for Failing to Register as Sex Offender](#)

[Plaquemines Parish Resident Pleads Guilty to Defrauding the Gulf Coast Claims Facility](#)

[Louisiana Man Sentenced to 6 Years in Prison After Pleading Guilty to Possession of Child Pornography](#)

[Franklinton Man Sentenced for Structuring Over \\$100,000 in Financial Transactions](#)

[Slidell Man Sentenced to Over 9 Years in Prison for Drugs and Firearms Offenses](#)

[Romanian National Pleads Guilty to ATM Skimming Fraud](#)

[Former Terrebonne Sheriff's Officer Pleads Guilty to Theft of Federal Funds](#)

[Bogalusa Man Pleads Guilty to Cocaine Conspiracy and Gun Charges](#)

[Napoleonville Woman Pleads Guilty to Lying to Federal Agent](#)

[New Orleans Man and his Restaurant Sentenced for Employing Unauthorized Aliens and Making False Statements](#)

[Hammond Woman Sentenced for Role in Tax Fraud Scheme](#)

[New Orleans Couple Plead Guilty to Drugs, Firearms and Obstruction Charges](#)

[Mexican Cartel Leader Edgar Valdez-Villareal Pleads Guilty to Cocaine Trafficking](#)

[Des Allemands Woman Pleads Guilty to Mail Fraud in Aftermath of BP Oil Spill](#)

[Retired Colonel in Orleans Parish Sheriff's Office Pleads Guilty to Conspiracy to Commit Wire Fraud](#)

[Houma Man Pleads Guilty to Heroin Distribution Conspiracy](#)

[Robert Durst Sentenced to Over Seven Years in Prison](#)

[Former School Teacher Pleads Guilty to Transportation of Pornography](#)

[California Man Sentenced for Role in Manufacturing and Selling Fake Mercedes-Benz Diagnostic Software](#)

[Marrero Homeowner Sentenced for Theft of Home Elevation Grant Funds](#)

[Marrero Man Pleads Guilty to Theft of Government Funds Related to Hurricane Katrina](#)

[Metairie Man Sentenced to Six Years in Prison for Receipt of Child Pornography](#)

[Kenner Woman and Construction Company Plead Guilty to Labor Violations and False Statements](#)

[Oil and Gas Company Fined \\$400,000 for Failing to Provide Notification of a Hazardous Discharge](#)

[New Orleans Man Pleads Guilty to Drug and Firearms Charges](#)

[California Women Plead Guilty to Smuggling Threatened North American Wood Turtles out of the United States](#)

[New Orleans Man Sentenced to 10 Years in Prison for Possession of Child Pornography](#)

[River Ridge Man Sentenced for Fraud in Security System Contracts](#)

[Former Ochsner Clinic Credit Union Manager Pleads Guilty to Stealing Over One Million Dollars](#)

[Slidell Woman Sentenced for Lying to Federal Agents](#)

[Laplace Man Sentenced for Conspiracy to Commit Wire Fraud in Aftermath of BP Oil Spill](#)

[New Orleans Businessman Sentenced on Wire Fraud and Tax Charges](#)

[Robert Durst Pleads Guilty to Being a Felon in Possession of a Firearm](#)

[Hammond Woman Pleads Guilty to Mail Fraud and Aggravated Identity Theft for Role in Tax Fraud Scheme](#)

[Federal Jury Convicts Texas Men in Drug Conspiracy](#)

[San Francisco Man Pleads Guilty to International Methamphetamine Conspiracy](#)

[Hammond Resident Pleads Guilty to Conspiracy to Traffic Cocaine](#)

[Mississippi Woman Sentenced for Making False Statements to New Orleans Immigration Court](#)

[New Orleans Woman Sentenced for Aiding and Abetting Health Care Fraud](#)

[Former Houston Police Officer Sentenced to over 30 Years in Prison on Federal Drug and Firearm Charges](#)

[Louisiana Check Cashers Sentenced For Conspiracy and Filing False Income Tax Return](#)

[Slidell Man Sentenced for Sexual Exploitation of Children](#)

[Thibodaux Man Pleads Guilty to Extensive Computer Hacking Scheme Involving Nearly 50 Victims](#)

[Former Ochsner Clinic Credit Union Manager Sentenced](#)

[Former St. Charles District Attorney Harry Morel Sentenced to 3 Years Imprisonment for Obstruction of Justice](#)

[New Orleans Man Pleads Guilty in Interstate Heroin Case](#)

[Former St. Bernard Parish Deputy Pleads Guilty in Darren Sharper Matter](#)

[Metairie Man Sentenced for Receiving Images and Videos Depicting the Sexual Victimization of Children](#)

[Firearms Dealer Sentenced for Illegal Possession of Firearm and Lying to Federal Agents](#)

[Local Men Sentenced on Firearms Violations](#)

[Slidell Man Pleads Guilty to Receiving Images and Videos Depicting the Sexual Exploitation of Children](#)

[Louisiana Woman Indicted for Preparing False Tax Returns, Contempt of Court, Forging a Federal Judge's Signature and Bank Fraud Related to the BP Deepwater Horizon Oil Spill](#)

[Louisiana Check Cashers Plead Guilty to Conspiracy, Tax Charges and Agree to Forfeit \\$4.12 Million](#)

[Pennsylvania Man Sentenced to Prison for Conspiracy to Smuggle Turtles out of the United States](#)

[Houma Interpreter Sentenced](#)

[Three Sentenced in Food Stamp Fraud Scheme that Defrauded the U.S. of Over \\$1 Million](#)

[Guatemalan National Sentenced for his Role in \\$10 Million Tax Fraud Conspiracy](#)

[New Orleans Man Sentenced to over 15 Years for Heroin Crime Committed in Orleans Parish Prison](#)

[North Carolina Man and His Company Sentenced for Manufacturing and Selling Fake Mercedes-Benz Diagnostic Software](#)

[A Leader of Harvey Hustlers Gang Sentenced to Life in Federal Prison](#)

[New Orleans Man and His Restaurant Plead Guilty to Employing Unauthorized Aliens and Making False Statements](#)

[New Orleans Woman Pleads Guilty to Defrauding Gulf Coast Claims Facility](#)

[Two Louisiana Residents Indicted For Involvement In Stolen Identity Tax Fraud Scheme](#)

[New Orleans Man Pleads Guilty for Failure to Register as a Convicted Sex Offender](#)

[Raceland Man Sentenced to Over 10 Years in Prison for Possession of Child Pornography](#)

[New Orleans Man Sentenced to 41 Months for Manufacturing and Selling More than \\$1 Million in Counterfeit Coupons on Silk Road](#)

[New Orleans Man Sentenced to 41 Months for Manufacturing and Selling More Than \\$1 Million in Counterfeit Coupons on Silk Road](#)

[Two Women Sentenced in BP Conspiracy Related to Fraudulent Applications to the Gulf Coast Claims Facility and another Woman Sentenced in Abide Conspiracy to Receive Illegal Kickbacks](#)

[Former Terrebonne Sheriff's Detective Pleads Guilty to Theft of Federal Funds](#)

[Local Doctor Arrested for Illegally Dispensing Controlled Substances and Threatening to Kill Law Enforcement](#)

[Former St. Charles District Attorney Harry Morel Pleads Guilty to Obstruction of Justice](#)

[Five Former New Orleans Police Officers Plead Guilty and are Sentenced in the Danziger Bridge Shooting Case](#)

[Ride or Die Gang Member Sentenced on Firearm and Drug Violations](#)

[Former Saints Player Enters New Guilty Plea to Drug Distribution Charges](#)

[Jury Convicts Memphis Man for Sex Trafficking of Minors](#)

[Federal Jury Convicts Former Houston Police Officer of Conspiracy](#)

[Mandeville Man Sentenced for Theft of Veterans' Benefits](#)

[New Orleans Business Owner and Doctor Sentenced to Prison for Roles in \\$34 Million Medicare Fraud Scheme](#)

[New Orleans Business Owner and Doctor Sentenced to Prison for Roles in \\$34 Million Medicare Fraud Scheme](#)

[Terrebonne Parish Man Sentenced to 12½ Years Incarceration for Receipt and Distribution of Child Pornography](#)

[New Orleans Business Owner Sentenced to 80 Months in Prison for Role in \\$3.3 Million Fraud Scheme](#)

[New Orleans Business Owner Sentenced to 80 Months in Prison for Role in \\$3.3 Million Fraud Scheme](#)

[Metairie Man Sentenced for Trafficking in Over \\$150,000 in Counterfeit Goods](#)

[Kenner Tax Preparer Pleads Guilty to Lying on Tax Returns and Failing to Declare More than \\$300,000 in Income](#)

[Westbank Drug Dealer Sentenced](#)

[Slidell Man Sentenced for Operating a National Ponzi Scheme](#)

[Telly Hankton and Three Gang Associates Receive Life Sentences](#)

[New Orleans Man Sentenced for Mail Fraud in Aftermath of BP Oil Spill](#)

[Nine Members and Associates of the Hankton Gang Sentenced](#)

[Miami Doctor Pleads Guilty to Pharmaceutical Fraud and Money Laundering](#)

[New Orleans Man Pleads Guilty to Mail Fraud in Aftermath of BP Oil Spill](#)

[California Woman and Her Company Sentenced for Clean Air Act Violation](#)

[Slidell Man Pleads Guilty to Operating National Ponzi Scheme](#)

[Family Running Non-Profit Indicted for Conspiracy and Theft of Federal Funds Intended for Needy Individuals](#)

[New Orleans Woman Pleads Guilty to Conspiracy, Theft of Federal Funds and Aggravated Identity Theft](#)

[Ride or Die Gang Member Sentenced to Life in Prison Following Convictions on RICO, Drugs and Murder Charges](#)

[Ride or Die Gang Members Sentenced to Life in Prison Following Convictions on RICO, Drugs and Murder Charges](#)

[Three Louisiana Residents Plead Guilty to Illegal Possession of Firearms](#)

[New Orleans Joins Justice Department's Violence Reduction Network](#)

[Ponchatoula Man Sentenced to 27 Years in Prison After Pleading Guilty to Sexually Exploiting Children](#)

[Over 10,000 Students to Take Pledge Against Gun Violence](#)

[Six Individuals Face 47-Count Second Superseding Indictment for Health Care Services Fraud](#)

[Five Reserve Men Charged with Gun and Drug Charges, and Retaliation against a Witness](#)

[New Orleans Musician “Big Freedia” Pleads Guilty to Theft of Government Funds](#)

[Accountant Sentenced to 48 Months in Prison for Role in \\$50 Million Fraud Scheme](#)

[Accountant Sentenced to 48 Months in Prison for Role in \\$50 Million Fraud Scheme](#)

[Violent Harvey Hustlers Gang Members Sentenced to Lengthy Prison Sentences](#)

[Metairie Man Sentenced to over 10 Years in Prison for Trafficking a Minor into New Orleans to Work as a Prostitute](#)

[River Ridge Man and His Harahan-Based Company Sentenced for Manufacturing and Selling Pirated Mercedes-Benz Software](#)

[Big Freedia Sentenced for Section 8 Fraud](#)

[Remaining Defendants Sentenced for Roles in Sex Trafficking Scheme](#)

[Remaining Defendants Sentenced for Roles in Sex Trafficking Scheme](#)

[Indictment Unsealed Charging Heroin and Cocaine Conspiracy in St. Charles And St. John The Baptist Parishes](#)

[FnD Gang Members Sentenced for Racketeering, Narcotics, and Violent Crimes, including the Mother’s Day Shooting](#)

[Two Psychologists Plead Guilty in \\$25 Million Nursing Home-Testing Scheme](#)

[Two Psychologists Plead Guilty in \\$25 Million Nursing Home-Testing Scheme](#)

[New Orleans Jury Convicts Company Owner for Directing \\$3 Million Fraud and Kickback Scheme](#)

[Federal Jury Convicts Former District Attorney Walter P. Reed on 18 Counts](#)

[Justice Department Files for Contempt and Requests Receiver to Operate Orleans Parish Jail](#)

[New Orleans Jury Convicts Company Owner and Doctor for Roles in \\$34 Million Fraud Scheme](#)

[New Orleans Jury Convicts Company Owner and Doctor for Roles in \\$34 Million Fraud Scheme](#)

[Memphis Man Sentenced to Life for Sex Trafficking of Minors](#)

[Superseding Indictment Charges Fourteen Individuals with Conspiracy to Commit \\$30 Million in Healthcare Fraud](#)

[Justice Department Reaches Settlement to Ensure Independent Oversight and Operations of Orleans Parish Jail](#)

[Justice Department Reaches Settlement to Ensure Independent Oversight and Operations of Orleans Parish Jail](#)

[Additional Defendants Sentenced for Roles in Sex Trafficking Scheme](#)

[Additional Defendants Sentenced for Roles in Sex Trafficking Scheme](#)

[Three Real Estate Developers Charged In White Plains Federal Court With Conspiracy To Corrupt The Electoral Process In Bloomingburg, New York](#)

[Twenty-Six Count Superseding Indictment Unsealed Charging Eight Defendants from Eastside Hollygrove Neighborhood with Drug and Firearm Violations](#)

[Tennessee Man Sentenced to Over 24 Years in Prison for Operating Sex Trafficking Enterprise](#)

[Tennessee Man Sentenced to Over 24 Years in Prison for Operating Sex Trafficking Enterprise](#)

[Tennessee Man Pleads Guilty for Role in New Orleans-Based Sex Trafficking Scheme](#)

[Tennessee Man Pleads Guilty for Role in New Orleans-Based Sex Trafficking Scheme](#)

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[Louisiana Return Preparer Pleads Guilty to Filing Fraudulent Tax Returns](#)

[Clinical Psychologist and Owner of Psychological Services Centers Convicted in \\$25 Million Psychological Testing Scheme Carried Out Through Eight Companies in Four Gulf Coast States](#)

[Company to Pay \\$9.5 Million for False Reporting of Safety Inspections and Clean Water Act Violations That Led to Explosion in Gulf of Mexico](#)

[U.S. Attorney Polite to Step Down on March 24th](#)

[Louisiana Return Preparer Pleads Guilty to Filing Fraudulent Tax Returns](#)

[Louisiana Return Preparer Pleads Guilty to Filing Fraudulent Tax Returns](#)

[Honduran Man Pleads Guilty to Illegal Re-Entry](#)

[Two Men Plead Guilty in Conspiracy to Traffick Methamphetamine](#)

[Former Terrebonne Sheriff's Detective Sentenced for Theft of Federal Funds](#)

[Three Men Charged in Nine Count Superseding Indictment for Violations of Federal Gun Control Act](#)

[New Orleans Men Charged with Carjackings, Bank Robberies, and Obstruction of Justice](#)

[Gretna Woman Pleads Guilty to Theft of Federal Funds](#)

[Nicaraguan National Charged for Illegal Re-Entry of a Removed Alien Previously Convicted of a Felony](#)

[Former North Shore Resident Charged with Wire Fraud, Conspiracy](#)

[Louisiana Business Owners Sentenced for Filing Fraudulent Individual Income Tax Returns](#)

[New Orleanian Pleads Guilty to Bank Robbery](#)

[Honduran National Pleads Guilty to Immigration Offense](#)

[Mexican National Indicted for Illegal Re-Entry](#)

[Pain Clinic Owner Pleads Guilty to Conspiracy to Illegally Dispense Opioid Medicine](#)

[Mexican National Pleads Guilty to Immigration Offense](#)

[Hammond Man Indicted on Drug and Gun Charges](#)

[Honduran National Charged with Illegal Use of Social Security Number](#)

[Honduran Charged with Illegal Reentry](#)

[Honduran Pleads Guilty to Immigration Offense](#)

[Metairie Man Charged with Being a Felon in Possession of a Firearm](#)

[Mexican National Pleads Guilty to Immigration Offense](#)

[Mexican National Pleads Guilty to Immigration Offense](#)

[Marrero Woman Charged with \\$536,724 in Health Care Fraud](#)

[Honduran National Sentenced to 3 Years Imprisonment for Illegal Re-Entry](#)

[New Orleans Woman Indicted for Conspiracy to Receive and Pay Illegal Health Care Kickbacks](#)

[Medical Doctor Pleads Guilty to Illegally Dispensing Schedule II and Schedule III Controlled Substances](#)

[Baton Rouge Man Pleads Guilty to Conspiracy to Distribute Heroin](#)

[Lockport Man Pleads Guilty in Methamphetamine Trafficking Conspiracy](#)

[Thibodaux Resident Pleads Guilty to Theft of Social Security Disability Benefits](#)

[New Orleans Man Charged with Possession of Stolen Firearm](#)

[New Orleans Man Sentenced for Heroin Distribution](#)

[Cuban National Sentenced for Conspiring to Steal Credit Card Numbers, Aggravated Identity Theft](#)

[Two Sentenced In Conspiracy to Traffic Heroin Using Megabus](#)

[Harvey Man Pleads Guilty to Conspiracy to Commit Financial Aid Fraud](#)

[New Orleans East Resident Sentenced to 17 Years for Drug and Gun Violations](#)

[Honduran National Sentenced for Being an Illegal Alien in Possession of a Firearm](#)

[Honduran National Pleads Guilty to Illegal Reentry](#)

[Retired Orleans Parish Sheriff's Office Chief Deputy Sentenced for Conspiracy to Commit Wire Fraud](#)

[Honduran National Sentenced for Illegal Re-Entry](#)

[Ninth Ward Heroin Dealer Pleads Guilty to Conspiracy Charge](#)

[Kenner Woman and Construction Company Sentenced for Labor Violations and False Statements](#)

[River Ridge Man Sentenced after Pleading Guilty to Child Pornography Charges](#)

[Honduran National Indicted for Illegal Re-Entry](#)

[New Orleans Man Indicted for Possession of Child Pornography](#)

[Honduran National Indicted for Illegal Re-Entry](#)

[New Orleans Man Indicted on Murder, Carjacking, Robbery, Drug and Firearms Charges](#)

[Marrero Men Indicted on Firearms and Drug Charges](#)

[U.S. Attorney Wifredo Ferrer to Participate in Human Trafficking Panel Discussion with Department of Justice Employees On Monday in Washington, DC To Commemorate National Slavery and Human Trafficking Prevention Month](#)

[Former Ponchatoula Housing Authority Executive Director Pleads Guilty To Theft of Government Funds](#)

[Cuban National Sentenced for Conspiracy to Commit Access Device Fraud, Aggravated Identity Theft](#)

[Company to Pay \\$9.5 Million for False Reporting of Safety Inspections and Clean Water Act Violations That Led to Explosion in Gulf of Mexico](#)

[Company to Pay \\$9.5 Million for False Reporting of Safety Inspections and Clean Water Act Violations that Led to Explosion in Gulf of Mexico](#)

[Honduran National Pleads Guilty to Illegal Reentry](#)

[New Orleans Man Pleads Guilty to Conspiracy to Commit Access Device Fraud](#)

[Four Defendants Plead Guilty in Seventh Ward-Based Heroin and Firearms Conspiracy](#)

[Honduran National Sentenced for Illegal Re-Entry](#)

[Gretna Man Pleads Guilty to Distribution of Child Pornography](#)

[Honduran National Pleads Guilty to Illegally Reentry](#)

[New Orleans Man Sentenced for Conspiracy to Commit Federal Bribery and Honest Services Wire Fraud](#)

[Cuban National who had Attempted to Flee the Country Sentenced for Conspiring to Steal Credit Card Numbers, Aggravated Identity Theft](#)

[Mexican National Sentenced for Illegal Re-Entry](#)

[Houma Man Pleads Guilty to Possession of Child Pornography](#)

[Thibodaux Man Sentenced for an Extensive Computer Hacking Scheme Involving Nearly 50 Victims](#)

[New Orleans Man Pleads Guilty to Possession of Child Pornography and Failure to Register as a Sex Offender](#)

[Guatemalan National Charged with Illegal Reentry](#)

[Federal Jury Returns Guilty Verdicts in 39's Racketeering Trial](#)

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.

Louisiana Felony Class System Task Force
November 2017 - January 2018
Appointed by Chief Justice Bernette J. Johnson, Louisiana Supreme Court

New Orleans Public Belt Railroad Commission
July 2012 – September 2013
Appointed by Mayor Mitch Landrieu

Louisiana Civil Service Commission
February 2011 – September 2013
Appointed by Governor Bobby Jindal

- 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;

Yes, I did serve as a law clerk to the Honorable Thomas L. Ambro, U.S. Court of Appeals for the Third Circuit. I served in that position from September 2001 through August 2002.

- 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.

Morgan, Lewis & Bockius LLP
1701 Market Street
Philadelphia, Pennsylvania 19103
Position: Partner
Term: August 2018 – Present

Entergy Corporation
639 Loyola Avenue
New Orleans, Louisiana 70113
Position: Vice President and Chief Compliance Officer
Term: April 2017 – August 2018

U.S. Attorney's Office, Eastern District of Louisiana
650 Poydras Street, Suite 1600
New Orleans, Louisiana 70130
Position: United States Attorney
Term: September 2013 – March 2017

Liskow & Lewis
One Shell Square
701 Poydras, Suite 5000
New Orleans, Louisiana 70139
Position: Shareholder
Term: March 2010 - Present

U.S. Attorney's Office, Southern District of New York
One St. Andrew's Plaza
New York, New York 10007
Position: Assistant U.S. Attorney, Criminal Division
Term: January 2007 – March 2010

Skadden, Arps, Slate, Meagher & Flom LLP
Four Times Square
New York, New York 10036
Position: Associate, White Collar Criminal Defense Group
Term: September 2002 – December 2006

U.S. Court of Appeals for the Third Circuit
Honorable Thomas L. Ambro, Circuit Judge
5122 Federal Building, Lockbox 32
844 N. King Street
Wilmington, Delaware 19801
Position: Law Clerk
Term: September 2001 – August 2002

Skadden, Arps, Slate, Meagher & Flom LLP
One Rodney Square, P.O. Box 636
Wilmington, Delaware 19899
Position: Associate, Corporate Litigation Group
Term: August 2000 – August 2001

- 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.

b. Describe:

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

While with Morgan Lewis (August 2018 – present), Liskow (March 2010 – September 2013), and Skadden’s New York office (September 2002 – December 2006), my primary practice has been in the area of white collar criminal defense and internal investigations. My matters have involved representing individuals and corporate entities in criminal (or related civil) proceedings before various federal and state agencies and conducting internal investigations. A small percentage of my Morgan Lewis work involves corporate compliance counseling. A small percentage of my Liskow practice and my practice with Skadden’s Delaware office (August 2000 – August 2001) consisted of business litigation defense.

As Entergy’s Chief Compliance Officer (April 2017 – August 2018), my primary function was not in a legal capacity. Instead, I oversaw the Company’s ethics and compliance program.

As the U.S. Attorney for the Eastern District of Louisiana (September 2013 – March 2017), I oversaw all legal matters, including all criminal and civil litigation, handled by the U.S. Attorney’s Office.

As an Assistant U.S. Attorney for the Southern District of New York (January 2007 – March 2010), my practice was exclusively within the Criminal Division, with specific emphasis on organized crime and public corruption.

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

While with Morgan Lewis (August 2018 – present), Liskow (March 2010 – September 2013) and Skadden’s New York office (September 2002 – December 2006), my primary practice has been in the area of white collar criminal defense and internal investigations. My matters have involved representing individuals and corporate entities in criminal (or related civil) proceedings before various federal and state agencies and conducting internal investigations.

As the U.S. Attorney for the Eastern District of Louisiana (September 2013 – March 2017), and as an Assistant U.S. Attorney for the Southern District of New York (January 2007 – March 2010), my client was the United States.

- 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.

Across my entire legal career, approximately 50% of my practice has consisted of litigation matters.

With Morgan Lewis, Entergy, and the U.S. Attorney’s Office for the Eastern District of Louisiana, I did not appear in court on a regular basis.

While with Liskow, my court appearances were occasional, with an average of two to three per month.

As an Assistant U.S. Attorney for the Southern District of New York, my court appearances were frequent, with an average of two to three per day.

- i. Indicate the percentage of your practice in:
 - 1. federal courts;
 - 2. state courts of record;
 - 3. other courts;
 - 4. administrative agencies

Across my entire legal career, approximately 85% of my litigation practice has been in federal courts, with the remaining 15% before administrative agencies.

- ii. Indicate the percentage of your practice in:
 - 1. civil proceedings;
 - 2. criminal proceedings.

Across my entire legal career, approximately 95% of my litigation practice has involved criminal proceedings, with the remaining 5% involving 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.

- i. What percentage of these trials were:
 - 1. jury;
 - 2. non-jury.

While an Assistant U.S. Attorney in the Southern District of New York, 100% of my trials were before a jury. During my term of service, I tried six jury cases (five convictions, one hung jury with conviction on retrial). I have not tried any cases to verdict while in private practice.

- 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.

On behalf of the National Association Of Criminal Defense Attorneys, I filed an amicus brief to the Supreme Court in the matter of *Sell v. United States*, 539 U.S. 166 (2003) (copy provided).

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.

1) United States v. Real Property Located at 1297 Marion Airport Road, Marion, Iowa, 12-Cv-261 (E.D. La.)

Presiding Judges: Honorable Kurt D. Engelhardt (District Judge)
Honorable Joseph C. Wilkinson, Jr. (Magistrate Judge)

Court: U.S. District Court for the Eastern District of Louisiana

Term of Representation: January 2012 – January 2013

Co-Counsel:
John Wilson
Liskow & Lewis
701 Poydras, Suite 5000
New Orleans, Louisiana 70139
504-556-7979

Opposing Counsel:
Andre Lagarde
Assistant U.S. Attorney
Eastern District of Louisiana
650 Poydras Street, Suite 1600
New Orleans, Louisiana 70130
504-680-3000

Description: Served as lead counsel to defendants challenging civil forfeiture of real property in connection with criminal matter. The parties resolved the matter through settlement.

2) United States v. Hank Ton

Docket Number: 12-Cr-272 (E.D. La.)

Presiding Judge: Honorable Jane Triche Milazzo

Court: U.S. District Court for the Eastern District of Louisiana

Term of Representation: Approximately May 2012 – May 2013

Co-Counsel: Francis J. Lobrano
147 Keating Drive
Belle Chasse, Louisiana 70037
504-433-3100

Opposing Counsel: Peter M. Koski
U.S. Department of Justice
10th & Constitution Avenue, N.W.
Washington, D.C. 20530
202-307-3589

Brian A. Lichter
U.S. Department of Justice
10th & Constitution Avenue, N.W.
Washington, D.C. 20530
202-514-1412

Description: Served as lead counsel in defense of boat company owner in connection with criminal income tax fraud allegations. The case concluded following the defendant's plea and sentencing.

United States v. Dan Joachim

Docket Number: 10-Cr-223 (E.D. La.)

Presiding Judge: Honorable Martin L.C. Feldman

Court: U.S. District Court for the Eastern District of Louisiana

Term of Representation: Approximately August 2010 – April 2012

Co-Counsel: John Wilson Reed
Glass & Reed
530 Natchez Street
New Orleans, Louisiana 70130
504-581-9083

Opposing Counsel: Patrice Sullivan, Jordan Ginsburg, and Andre Lagarde
Assistant U.S. Attorneys
Eastern District of Louisiana
650 Poydras Street, Suite 1600
New Orleans, Louisiana 70130
504-680-3000

Description: Served as counsel to physician in connection with health care fraud and child pornography allegations. The case concluded following the defendant's plea and sentencing.

United States v. Hector Paulino, et al.

Docket Number: 08-Cr-553 (S.D.N.Y.)

Presiding Judge: Honorable Sidney H. Stein

Court: U.S. District Court for the Southern District of New York

Term of Representation: Approximately June 2008 – March 2010

Co-Counsel: Michael D. Maimin
U.S. Attorney's Office, Southern District of New York
One St. Andrew's Plaza
New York, New York 10007
212-637-2238

Opposing Counsel: Telesforo Del Valle, Jr. (Lead Counsel)
Del Valle & Associates
445 Park Avenue, 14th Floor
New York, New York 10022
212-481-1900

Description: Served as lead prosecutor of Bronx-based heroin and cocaine operation. The case concluded with guilty pleas of all 12 defendants.

United States v. Joseph Vasilevsky and Alexandr Spitsyn

Docket Number: 08-Cr-903 (S.D.N.Y.)

Presiding Judge: Honorable Shira A. Scheindlin

Court: U.S. District Court for the Southern District of New York

Term of Representation: Approximately July 2008 – March 2010

Co-Counsel: Antonia M. Apps
U.S. Attorney's Office, Southern District of New York
One St. Andrew's Plaza
New York, New York 10007
212-637-2198

Opposing Counsel: Gary A. Farrell
305 Broadway, Suite 1400
New York, New York 10007
212-822-1434

Martin J. Siegel
150 Broadway
New York, New York 10038
212-349-9190

Description: Served as lead prosecutor of Russian mafia targets involved in identity theft and health care fraud. The first trial resulted in a hung jury, while the second resulted in guilty verdicts as to both defendants.

United States v. Marc Munson and Paul Karkenny

Docket Number: 06-Cr-143 (S.D.N.Y.)

Presiding Judge: Honorable John G. Koeltl

Court: U.S. District Court for the Southern District of New York

Term of Representation: Approximately March 2008 – December 2008

Co-Counsel: Jason P.W. Halperin
U.S. Attorney's Office, Southern District of New York
300 Quarropas Street, 3rd Floor
White Plains, New York 10601
914-993-1933

Opposing Counsel: Bernard V. Kleinman
2 Gannett Drive, Suite 102
White Plains, New York 10604-3536
914-644-6600

Mathew J. Mari
225 Broadway
New York, New York 10007
212-227-5335

Description: Served as trial counsel in prosecution of the leaders of an international marijuana smuggling operation. A jury convicted both defendants as charged.

United States v. Milton Smith

Docket Number: 08-Cr-390 (S.D.N.Y.)

Presiding Judge: Honorable Barbara S. Jones

Court: U.S. District Court for the Southern District of New York

Term of Representation: Approximately February 2009 – March 2010

Co-Counsel: Elie Honig (Formerly With USAO, SDNY)
Director, New Jersey Office of the Attorney General
Division of Criminal Justice
Richard J. Hughes Justice Complex
25 Market Street, P.O. Box 080
Trenton, New Jersey 08625-0080
609-984-6500

Opposing Counsel: Michael S. Kim and Matthew I. Menchel
Kobre & Kim LLP
800 Third Avenue, 6th Floor
New York, New York 10022
212-586-9151

Description: Served as trial counsel in prosecution of public corruption/organized crime operation within Manhattan bus inspectors. Smith was convicted following a jury trial, while the other five defendants pled guilty.

United States v. Marvin Anderson

Docket Number: 07-Cr-265 (S.D.N.Y.)

Presiding Judge: Honorable George B. Daniels

Court: U.S. District Court for the Southern District of New York

Term of Representation: Approximately March 2007 – May 2008

Opposing Counsel: Philip L. Weinstein
Federal Defenders of New York, Inc.
52 Duane Street, 10th Floor
New York, New York 10007
212-571-0392

Carlos A. Martir, Jr.
Martir & Associates
305 Broadway, Suite 200
New York, New York 10007
212-227-0267

Description: Served as lead prosecutor of felon-in-possession defendant. A jury convicted the defendant as charged. Following briefing and argument, the U.S. Court of Appeals for the Second Circuit affirmed the conviction and sentence.

United States v. Russell Harrington

Docket Number: 06-Cr-396 (S.D.N.Y.)

Presiding Judge: Honorable Lewis A. Kaplan (sentencing)
Honorable John E. Sprizzo (trial)

Court: U.S. District Court for the Southern District of New York

Term of Representation: Approximately May 2007 – March 2010

Co-Counsel: Laurie A. Korenbaum
U.S. Attorney's Office, Southern District of New York
One St. Andrew's Plaza
New York, New York 10007
212-637-2266

Opposing Counsel: Sam A. Schmidt
111 Broadway, Suite 1305
New York, New York 10006
212-346-4666

Description: Served as lead prosecutor of three-time felon-in-possession defendant. A jury convicted the defendant as charged. Following briefing and argument, the U.S. Court of Appeals for the Second Circuit affirmed the conviction and sentence.

United States v. Stephen Richards

Docket Number: 04-Cr-846 (E.D.N.Y.)

Presiding Judge: Honorable I. Leo Glasser

Court: U.S. District Court for the Eastern District of New York

Term of Representation: Approximately June 2004 – December 200

Co-Counsel: David Zornow and Chris Gunther
Skadden, Arps, Slate, Meagher & Flom LLP
Four Times Square
New York, New York 10036
212-735-2890

Robert B. Fiske, Jr.
Davis Polk & Wardwell LLP
450 Lexington Avenue
New York, New York 10017
212-450-4090

Opposing Counsel: Eric R. Komitee and Jason A. Jones
U.S. Attorney's Office, Eastern District of New York
147 Pierrepont Street
Brooklyn, New York 11201
718-254-7553

Description: Served as lead associate in defense of Computer Associates sales executive in connection with accounting fraud allegations. The case concluded following the client's guilty plea and sentencing.

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 represented The City of New Orleans in connection with an internal review of its Safety and Permits Department.

I have conducted numerous confidential internal investigations on behalf of corporate or non-profit organizations, their boards, or committees thereof. These have included clients in the banking, energy, technology, and education sectors.

I have represented numerous corporate and individual clients in matters under investigation by the Department of Justice or other state and federal agencies in which no action was taken, or which are pending.

I have represented several companies in providing confidential, proactive compliance counseling, including policy drafting/review/revision, risk assessment, and employee training.

During my tenure as U.S. Attorney for the Eastern District of Louisiana, the Office's enforcement efforts resulted in, among other matters, convictions of:

several multi-defendant gang organizations responsible for terrorizing the region through drug trafficking, gun violence, and homicides;

several high-profile political corruption defendants, including the former Mayor of New Orleans and the former District Attorneys of St. Tammany and St. Charles Parishes;

various former law enforcement officers responsible for criminal violations of civil rights;

numerous child pornographers throughout the country, particularly as part of Operation Roundtable;

clinics, physicians, and medical staff, as part of multi-million-dollar health care fraud schemes;

individual and corporate polluters of the region's waterways; and

more human traffickers than in any prior U.S. Attorney's tenure in the Office's history, including the country's first conviction of a motel operator for benefitting from sex trafficking.

I have briefed and argued seven matters before the Second Circuit Court of Appeals on behalf of the United States. Some of the noteworthy legal questions included the validity of a defendant's verbal waiver of his right to a jury trial and whether a state court misdemeanor conviction for sale of marijuana qualified as an "aggravated felony" for sentencing in violation of the illegal reentry statute.

I have not engaged in lobbying activities on behalf of any client.

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 appeared as a guest lecturer for the following courses:

"Careers in Compliance," SMU Dedman School of Law, Professor Eric Hinton (April 15, 2021);

"White Collar Crime," Loyola University Law School, Adjunct Professor Randy Smith (March 23, 2021; February 17, 2017; February 16, 2016; and February 3, 2015);

“Strategic Communication,” Loyola University Business School, Professor Michelle Johnston (November 9, 2020); and

“Internal Investigations/White Collar Crime,” Yale Law School, Adjunct Professor David Zornow (October 20, 2020 and March 28, 2014).

I did not retain notes of these lectures.

During my second year at Georgetown University Law Center (*i.e.*, the 1998 – 99 school year), I served as a Law Fellow for the Legal Research and Writing Department. In that role, my responsibilities included leading weekly classroom instruction for 25 students, grading tests and writing samples, and conducting one-on-one meetings with students regarding their writing instruction and development. (I did not retain a syllabus.)

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 confirmed, I will withdraw from the partnership of Morgan, Lewis & Bockius. At that time, I will receive a lump-sum payment, representing my pro rata partnership income for fiscal year 2021. The total amount of the payment will be calculated as of the date of my withdrawal. In addition, I will not participate personally and substantially in any particular matter involving specific parties in which a former client of mine is a party or represents a party for a period of one year after I last provided service to that client, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

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

See attached SF-278.

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.

During the nomination process, I consulted with the Department of Justice's ethics office and Designated Ethics Officer to identify any potential conflicts, including with my spouse's employer, The University of Pennsylvania Health System, my law firm, Morgan, Lewis & Bockius LLP, and any of the organizations which I have served as officer, director, trustee, general partner or employee. If I am confirmed, I will continue to consult with that office and will 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 have 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 will 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.

I currently serve as a member of the ABA's Standing Committee on the Federal Judiciary. Further, I am actively involved in several pro bono initiatives sponsored by Morgan Lewis, including expungement clinics and naturalization workshops.

In addition to my pro bono activities, I have been active in a variety of community service/volunteer efforts, as listed in response to Q.6 above.

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

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

United States District Judge for the District of New Mexico
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.

McGraw & Strickland, LLC
165 West Lucero Avenue
Las Cruces, New Mexico 88005
4. **Birthplace:** State year and place of birth.

1980; Denton, Texas
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.

2003 – 2005, New York University School of Law; J.D., 2006

2005 – 2006, WMU Cooley Law, Visiting Student from NYU; no degree

2000 – 2003, University of Texas – El Paso; B.A. Economics, 2003

1999 – 2000, New Mexico State University; no degree

1999, Cemanahuac (Spanish School in Mexico); no degree

1998, Louisiana State University; no degree
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.

2011 – present
McGraw & Strickland, LLC
165 West Lucero Avenue
Las Cruces, New Mexico 88005
Partner

2011
Law Office of Michael Stout
910 Lake Tahoe Court
Las Cruces, New Mexico 88007
Associate

2006 – 2011
Law Office of the Public Defender, New Mexico
505 South Main Street #700
Las Cruces, New Mexico 88001
Trial Lawyer

Summer 2005
Federal Public Defenders Office
653 Saginaw Street Suite 105
Flint, Michigan 48502
Intern

Summer 2004
Modrall Sperling
500 Fourth Street Northwest, Suite 1000
Albuquerque, New Mexico 87102
Intern

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 was not required to register 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.

Super Lawyers (2014 – 2016 (Rising Star); 2019 – 2021)

Best Lawyers (2021)

While in college I was on the Dean's List several times.

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.

Criminal Justice Act Panel Representative for the Federal District of New Mexico (2018 – present)

New Mexico Criminal Defense Lawyers Association

Member (2006 – present)

Board member (2008 – 2019)

President (2017 – 2019)

Chair of Legislative Committee (2018 – present)

New Mexico Trial Lawyers Association

Member (2017 – present)

Civil Rights Committee Member (2021)

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.

Washington, 2006

New Mexico, 2007

In 2007, my Washington bar membership was administratively suspended when I took a job in New Mexico and stopped paying my bar dues. There have been no other lapses in membership. On April 8, 2021, I noticed my resignation from that bar.

- 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, 2020

United States Court of Appeals for the Tenth Circuit, 2015

United States District Court for the District of New Mexico, 2012

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.

Action Program for Animals
Volunteer (2008 – present)

New Mexico Boston Terrier Rescue
Volunteer (2007 – present)

New Mexico Governor Lujan-Grisham's Crime Advisory Group
Member (2019 – 2020)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any 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 membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

I am not, nor have I ever been, a member of an organization that discriminates. None of the organizations listed in response to 11a above currently discriminate or have formerly discriminated 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.

In an effort to locate this information, I have searched my files and the Internet. I have identified the instances for which I was able to locate responsive documents. However, there may be other writings that I do not recall or was unable to find through an Internet search.

State Must Reduce the Number of People Behind Bars, Santa Fe New Mexican (Oct. 25, 2020). Copy supplied.

Civil Rights Commission - Public Comments, State of New Mexico (Oct. 20, 2020). Copy supplied.

Prosecutors' Work Should not be Easy, Albuquerque J. (Aug. 26, 2019). Copy supplied.

The DA, not Court or Bail System, Failed the Victim, Albuquerque J. (May 27, 2019). Copy supplied.

President's Message, New Mexico Criminal Defense Lawyers Newsletter (Feb. 2019). Draft copy supplied.

President's Message, New Mexico Criminal Defense Lawyers Newsletter (Oct. 2018). Draft copy supplied.

Making False Confessions a Real Problem, Albuquerque J. (July 11, 2018). Copy supplied.

President's Message, New Mexico Criminal Defense Lawyers Newsletter (Apr. 2018). Draft copy supplied.

President's Message, New Mexico Criminal Defense Lawyers Newsletter (Nov. 2017). Draft copy supplied.

New Bond Rules Fix a Broken System, Alamogordo Daily News (July 8, 2017). Copy supplied.

President's Message, New Mexico Criminal Defense Lawyers Newsletter (July 2017). Draft copy supplied.

Reader View: Funding Shortage Leads to Lack of Justice, Santa Fe New Mexico (Dec. 10, 2016). Copy supplied.

With Katherine Stimpson, *Too Many Political Attacks Made on Defense Lawyers*, Albuquerque J. (Sept. 29, 2016). Copy supplied.

Reviving Death Penalty Would be a Waste of Money, Albuquerque J. (Aug. 22, 2016). Copy supplied.

More Prisons and Longer Sentences are Not the Answer, Albuquerque J. (Feb. 14, 2016). Copy supplied.

Letters to the Editor – Tell the Government What's Yours is Not Theirs, Las Cruces Sun News (Nov. 21, 2014). Copy supplied.

Drug Courts, For the Defense Newsletter by the New Mexico Criminal Defense Lawyers Association (2009). Copy not available.

Letters to the Editor – Presumed Innocent, Las Cruces Sun News, (Apr. 12, 2009). Copy supplied.

Additionally, although they are nonresponsive to this question, I note that I have occasionally provided responses to legal questions on avvo.com.

- 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.

In an effort to locate this information, I have searched my files and the Internet. I have identified the instances for which I was able to locate responsive documents. However, there may be other occasions that I do not recall or was unable to find through an Internet search.

Letter to Las Cruces Mayor and City Council regarding police accountability (June 14, 2020). Copy supplied.

Letter to Detention Centers in New Mexico regarding COVID-19 (Mar. 27, 2020). Copy supplied.

Letter to Gov. Michelle Lujan Grisham regarding COVID-19, New Mexico Criminal Defense Lawyers Association (Mar. 23, 2020). Copy supplied.

Letter to Judge Goldbaum regarding COVID-19 (Mar. 23, 2020). Copy supplied.

Letter to Governor Lujan-Grisham regarding NMCDLA's position on a constitutional amendment, New Mexico Criminal Defense Lawyers Association (May 23, 2019). Copy supplied.

Letter to Joey D. Moya, Clerk of the New Mexico Supreme Court, regarding NMCDLA's input on proposed rule changes, New Mexico Criminal Defense Lawyers Association (Apr. 3, 2019). Copy supplied.

Letter to Joey D. Moya, Clerk of the New Mexico Supreme Court regarding NMCDLA's input on the Case Management Order, New Mexico Criminal Defense Lawyers Association (Jan. 2, 2019). Copy supplied.

Letter to Joey D. Moya, Clerk of the New Mexico Supreme Court, regarding NMCDLA's input on proposed rule changes, New Mexico Criminal Defense Lawyers Association (Oct. 24, 2018). Copy supplied.

Letter to Brian VanDenzen, Chief Hearing Officer of the Administrative Hearings Office, regarding NMCDLA's input on proposed rule changes, New Mexico Criminal Defense Lawyers Association (Nov. 21, 2017). Copy supplied.

Letter to Judge Nakamura regarding NMCDLA's input on the new bail rules, New Mexico Criminal Defense Lawyers Association (Oct. 18, 2017). Copy supplied.

Response by NMCDLA to District Attorney's Report on CMO, Bernalillo County/New Mexico Criminal Defense Lawyers Association (Sept. 29, 2017). Copy supplied.

I provided input to the New Mexico Legislature's Courts, Corrections and Justice Committee during its November 16 to 18, 2016, meeting and its July 16 to 17, 2015, meeting. Copies of meeting minutes supplied.

On one occasion sometime between 2011 and 2016 I spoke at a Dona Ana County Commission meeting in support of a neighbor who rescues horses. She needed an easement on her land for the corner of her barn. I cannot recall the date and have no materials.

- 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.

February 26, 2021: Presenter, "Insurance Bad Faith Trial Themes and Defense Tactics," New Mexico Trial Lawyers Association. Copy of PowerPoint supplied.

May 29, 2020: Presenter, "Inadequate Medical Care, Rape and Solitary Confinement: How to Obtain Accountability for Civil Rights Violations During a Pandemic," New Mexico Criminal Defense Lawyers Association (NMCDLA).

Copy of video and notes supplied.

August 23, 2019: Presenter, "Are You Really Going to Go to Trial? The Arts of Avoidance and Brinksmanship: Enforcing Plea Agreements," New Mexico Criminal Defense Lawyers Association (NMCDLA). Copy of PowerPoint supplied.

Aug. 9, 2019: Presenter, "How to Bring Systemic Change Through Large Scale Verdicts in Civil Rights Cases: Jury Selection," New Mexico Criminal Defense Lawyers Association (NMCDLA). Copy of PowerPoint supplied.

2017 – 2020: I have been a guest lecturer several times for college professors at New Mexico State University and Dona Ana Community College. In those classes, I discussed constitutional rights in both the civil and criminal context. I do not have the dates related to these lectures. I did not speak from prepared notes and there were no materials. The class professors were Amanda Skinner, Jeff Ferguson, and Matt Holt. The address for New Mexico State University is 1780 East University Avenue Las Cruces, New Mexico 88003. The address for Dona Ana Community College is 2800 Sonoma Ranch Boulevard, Las Cruces, New Mexico 88011.

December 8, 2017: Presenter at "Suppress It" Seminar, "Defender Wellness," New Mexico Criminal Defense Lawyers Association (NMCDLA). Copy of handout materials and video supplied.

July 28, 2017: Presenter, "A Procedural Road Map for Solitary and Jail Cases," New Mexico Criminal Defense Lawyers Association (NMCDLA). I spoke about the basic procedure for bringing a civil rights case. I have no notes, transcript, or recording. The address for NMCDLA is P.O. Box 8324, Santa Fe, New Mexico 87504.

June 7, 2017: Presenter, "Verdict Just In: Beck v. Baker et. al Teleseminar," New Mexico Trial Lawyers Association. Copy of handout materials supplied.

2016: Presenter at "Evidence & Jury Trials in the 21st Century" Seminar, "Rape Shield Laws State and Federal," New Mexico Criminal Defense Lawyers Association (NMCDLA). I spoke about the difference between state and federal rape shield laws. I have no notes, transcript, or recording. The address for NMCDLA is P.O. Box 8324, Santa Fe, New Mexico 87504.

January 27, 2016: Presenter at "The New Bail Amendment" Seminar, "Bail Reform Webinar," New Mexico Criminal Defense Lawyers Association (NMCDLA). Copy of video supplied.

May 15, 2015: Presenter, "Career Day at Desert Trail Elementary." I spoke to students about being a lawyer. I have no notes, transcript, or recording. The

address for Desert Trail Elementary School is 310 East Lisa Drive, Chaparral, New Mexico 88081.

January 28, 2015: Presenter, "Lobbying for Criminal Law," New Mexico Criminal Defense Lawyers Association (NMCDLA). Copy of PowerPoint supplied.

December 4, 2015: Presenter, "Cross Exam of Expert Witnesses," New Mexico Criminal Defense Lawyers Association (NMCDLA). I believe I spoke about cross-examining police officers. I have no notes, transcript, or recording. The address for NMCDLA is P.O. Box 8324, Santa Fe, New Mexico 87504.

June 5, 2015: Presenter, "Suppression – Case Law Update," New Mexico Criminal Defense Lawyers Association (NMCDLA). I believe I spoke about suppression issues in state law. I have no notes, transcript, or recording. The address for NMCDLA is P.O. Box 8324, Santa Fe, New Mexico 87504.

July 30, 2014: Dialogist, "Las Cruces Criminal Defense Attorney Margaret Strickland 1: 'Her Criminal Law Practice,'" Matejka Marketing, Inc. on behalf of McGraw & Strickland, LLC. Video available at <https://www.youtube.com/watch?v=-DB45IWg3-s>.

July 30, 2014: Dialogist, "Las Cruces Criminal Defense Attorney Margaret Strickland 2: 'Getting Started Early on the Case,'" Matejka Marketing, Inc. on behalf of McGraw & Strickland, LLC. Video available at <https://www.youtube.com/watch?v=scZdcjrSRfU>.

July 30, 2014: Dialogist, "Las Cruces Criminal Defense Attorney Margaret Strickland 3: 'Preparing for Trial,'" Matejka Marketing, Inc. on behalf of McGraw & Strickland, LLC. Video available at <https://www.youtube.com/watch?v=m1VG9eSe95M>.

July 30, 2014: Dialogist, "Las Cruces Criminal Defense Attorney Margaret Strickland 4: 'The Grand Jury,'" Matejka Marketing, Inc. on behalf of McGraw & Strickland, LLC. Video available at <https://www.youtube.com/watch?v=QAXVbVrskgI>.

October 25, 2013: Presenter, "Alternative Discovery Methods," New Mexico Criminal Defense Lawyers Association (NMCDLA) Annual DWI Seminar. I believe I spoke about public records laws. I have no notes, transcript, or recording. The address for NMCDLA is P.O. Box 8324, Santa Fe, New Mexico 87504.

September 6, 2013: Presenter, "Witness Interview Logistics," New Mexico Criminal Defense Lawyers Association (NMCDLA). I believe I spoke about taking witness statements. I have no notes, transcript, or recording. The address

for NMCDLA is P.O. Box 8324, Santa Fe, New Mexico 87504.

2010 (date unknown): Presenter, "Advanced Cross Examination," New Mexico Criminal Defense Lawyers Association (NMCDLA). I believe I did a sample cross examination. I have no notes, transcript, or recording. The address for NMCDLA is P.O. Box 8324, Santa Fe, New Mexico 87504.

2009 (date unknown): Presenter, "Drug Courts and Mental Health Courts," New Mexico Criminal Defense Lawyers Association (NMCDLA). I believe I spoke about the Dona Ana County Juvenile Drug Court. I have no notes, transcript, or recording. The address for NMCDLA is P.O. Box 8324, Santa Fe, New Mexico 87504.

2009 (date unknown): Presenter, "Cross-examination of the Pseudo-Expert," New Mexico Criminal Defense Lawyers Association (NMCDLA). I believe I spoke about cross examining officers. I have no notes, transcript, or recording. The address for NMCDLA is P.O. Box 8324, Santa Fe, New Mexico 87504.

2008 (date unknown): Presenter, "Search and Seizure in New Mexico," New Mexico Criminal Defense Lawyers Association (NMCDLA). I believe this may have been a case law update. I have no notes, transcript, or recording. The address for NMCDLA is P.O. Box 8324, Santa Fe, New Mexico 87504.

- 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.

In an effort to locate instances in which I spoke to a reporter, I have searched my files and the Internet. I have identified the instances for which I was able to locate articles. However, there may be other occasions that I do not recall or was unable to find through an Internet search.

Matthew Reisen, *Otero Prison Cases Out of Control*, Albuquerque J., June 25, 2020. Copy supplied.

Matthew Reisen, *Inmates Fear Surge in Virus Cases*, Albuquerque J., May 22, 2020. Copy supplied.

Elise Kaplan, *21 Held at Otero Prison Test Positive for Virus*, Albuquerque J., May 18, 2020. Copy supplied.

Algernon D'Amassa, *Lawsuit Alleges Officer's Gunshot at Picacho Middle School Harmed Student*, Las Cruces Sun News, Mar. 23, 2020. Copy supplied. (Reprinted in multiple outlets.)

Algernon D'Amassa, *Las Cruces High Graduate Sues Ex-Teacher, School District Over Sexual Harassment Claims*, Las Cruces Sun News, Mar. 5, 2020. Copy supplied.

Katy Barnitz, *DAs Call for Stiffer Penalties for Threats, Gun Violence*, Albuquerque J., Nov. 20, 2019. Copy supplied.

Andy Lyman, *Legislator Wants to Let Metro Court Convene Grand Juries*, The NM Political Report, Feb. 15, 2019. Copy supplied.

Colin Doyle, Chiraag Bains & Brook Hopkins, *Bail Reform, a Guide for State and Local Policy Makers*, Harvard Law School, Feb. 2019. Copy supplied.

Xchelzin Pena, *Luna County Employee Linked to Alleged Corruption Moved to District Court*, Deming Headlight, Oct. 22, 2018. Copy supplied.

Jeff Proctor & Justin Horwath, *Analysis: Pardons Have Plummeted in New Mexico Under Gov. Martinez*, The NM Political Report, May 24, 2018. Copy supplied. (Reprinted in multiple outlets.)

Carlos Andres Lopez, *Judge 'Convinced' Bev Courtney Petition Altered, Rules She Can Stay on Ballot*, Las Cruces Sun News, Apr. 2, 2018. Copy supplied.

Carlos Andres Lopez, *City Settles Police Brutality Case for \$1.4 Million*, Las Cruces Sun News, Feb. 25, 2018. Copy supplied.

Maggie Shepard, *The Constitution Guarantees Legal Defense, New Mexico Barely Delivers*, www.davemarsh.com, Feb. 12, 2018. Copy supplied.

Susan Montoya Bryan, *Police Shooting in Farmington Spurs Criticism of New Mexico's Bail Reform*, Las Cruces Sun News, Aug. 28, 2017. Copy supplied.

Carlos Andres Lopez, *Catch and Release: New Rules Affect How Courts Issue Bonds*, Las Cruces Sun News, July 1, 2017. Copy supplied.

Carlos Andres Lopez, *City Expected to Appeal \$1.6M Verdict Against LCPD Officers*, Las Cruces Sun News, Mar. 8, 2017. Copy supplied.

Editorial: Las Cruces Brutality Verdict Needs Explanation, Las Cruces Sun News, Feb. 19, 2017. Copy supplied.

Carlos Andres Lopez, *Jury Awards Couple \$1.6M in Suit Against LCPD Officers*, Las Cruces Sun News, Feb. 13, 2017. Copy supplied.

Joline Gutierrez Krueger, *Cautionary Tale of Romance and Fraud; Upfront*, Albuquerque J., Oct. 1, 2016. Copy supplied.

Jolie Gutierrez Krueger, *Willing Sugar Daddy or Elderly Victim of Fraud?*; *Upfront*, Albuquerque J., Jan. 13, 2016. Copy supplied.

Carlos Andres Lopez, *Case Against Las Cruces Animal Shelter Director Dismissed at Trial*, Las Cruces Sun News, July 21, 2015. Copy supplied.

Diane Alba Soular, *Judge Sets Trial Date for City-County Animal Shelter Director*, Las Cruces Sun News, June 10, 2015. Copy supplied.

Elise Kaplan, *'Just a Piece of Paper'; Woman, Says Police Say Protection Order Doesn't Deter Ex-Boyfriend*, Albuquerque J., Apr. 19, 2015. Copy supplied.

Carlos Andres Lopez, *Animal Shelter Director Pleads Not Guilty to Misdemeanors, Including County Ordinance Violation*, Las Cruces Sun News, Mar. 20, 2015. Copy supplied.

James Staley, *Doña Ana County Grand Jury Indicts 3 Men in New Year's Home Invasion*, Las Cruces Sun News, Jan. 17, 2014. Copy supplied.

James Staley, *Autopsy: Las Cruces Man Shot in the Back*, Las Cruces Sun News, Dec. 3, 2013. Copy supplied.

Anne Constable, *Public Defender Cuts May Hike Costs, Jeopardize Justice*, The Santa Fe New Mexican, July 14, 2013. Copy supplied.

Diana Alba Soular, *Las Cruces Man Gets 27-Year Sentence for Drugging, Raping Man in 2009*, Las Cruces Sun News, June 29, 2012. Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have not held judicial office.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____

- i. Of these cases, approximately what percent were:

jury trials: _____ %
bench trials: _____ % [total 100%]

- ii. Of these cases, approximately what percent were:

civil proceedings: _____ %
criminal proceedings: _____ % [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.
 - c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
 - d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
 - e. Provide a list of all cases in which certiorari was requested or granted.
 - f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
 - h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held judicial office.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you

recused yourself sua sponte;

- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. 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. I have not been an unsuccessful candidate for an elective office or unsuccessful nominee for any appointed offices.

- 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 done volunteer voter protection work for the Democratic Party of New Mexico during general and presidential elections. (2008 – 2020).

In 2020, I contacted members of the Democratic Party's State Central Committee and asked them to select Judge Casey Fitch as the party's candidate for District Court Judge. Judge Fitch was not selected as the candidate.

16. 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 clerked.

 - 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;

2006 – 2011
Law Office of the Public Defender, New Mexico
505 South Main Street #700
Las Cruces, New Mexico 88001
Trial Lawyer

2011
Law Office of Michael Stout
910 Lake Tahoe Court
Las Cruces, New Mexico 88007
Associate Lawyer

2011 – present
McGraw & Strickland, LLC
165 West Lucero Avenue
Las Cruces, New Mexico 88005
Partner

- 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 worked as a mediator or arbitrator.

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 is split equally at about fifty percent each between criminal defense and plaintiff civil rights. I started my career as a New Mexico public defender. When I went into private practice, I continued criminal defense work and started civil rights work. About half of my criminal defense practice is representing indigent defendants in federal court. Almost all of my civil cases are in federal court.

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

When I was a public defender my typical client was an indigent person. In

private practice, I represent individuals charged with state and federal crimes and those who have been the victim of a civil rights violation and/or a state or federal tort.

- 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.

All of my practice is litigation. I appear in court frequently. I normally have multiple court appearances each week. When I was a New Mexico public defender, I typically had multiple court appearances each day. That number decreased in 2011, when I started in private practice, to several court appearances each week.

- i. Indicate the percentage of your practice in:

1. federal courts:	75%
2. state courts of record:	20%
3. other courts:	4%
4. administrative agencies:	1%

- ii. Indicate the percentage of your practice in:

1. civil proceedings:	25%
2. criminal proceedings:	75%

- 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 estimate that as a public defender I tried 60 cases to a jury either as sole counsel or with co-counsel. While in private practice, I estimate I have tried 30 cases, including small administrative cases, almost all as sole counsel. I have never tried a case as an associate.

- i. What percentage of these trials were:

1. jury:	80%
2. non-jury:	20%

- 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 filed a petition for a writ of certiorari to the United States Supreme Court in the case of *Contreras v. Dona Ana*. The petition was denied. No. 20-811, 2021 WL 666438 (U.S. Feb. 22, 2021). (Copy supplied)

17. **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.

1. *Murphy v. New Mexico Children, Youth & Families Department*, D-101-CV-2019-00642, First Judicial District Court, Santa Fe County (Judge Maria Sanchez-Gagne)

From 2019 to present, I have represented Mr. Murphy (personal representative of the estate) in a wrongful death case against New Mexico's Children Youth and Family Department (CYFD). CYFD had taken a two-year-old child (A.G.J.) from his mother and placed him in foster care. A.G.J.'s mother had a severe drug addiction, and her parental rights had been terminated for all of her children. A.G.J.'s step-grandfather, who had fostered another child, was in the process of becoming certified to foster A.G.J. as well.

CYFD knowingly placed A.G.J. back in his mother's custody, despite the fact that she was still using drugs heavily and associating with other drug addicts. There was no evidence that A.G.J.'s mother had a safe home for the defenseless child. While at this mother's home, A.G.J. was murdered by his mother's friend.

A.G.J.'s estate has sued CFYD. The case is currently in discovery.

For CYFD:

Sean Olivas
Keleher & McLeod, PA
P.O. Box AA
Albuquerque, NM 87103
(505) 346-4646

Co-Counsel:

Michael F. Hart
Kelly Stout Sanchez
Julio Ramirez

Martinez, Hart, Thompson, & Sanchez, P.C.
1801 Rio Grande Boulevard Northwest, Suite A
Albuquerque, NM 87104
(505) 633-8770

2. *Contreras on Behalf of A.L. v. Dona Ana Cty. Bd. of Cty. Commissioners*, No. CV 18-156 GBW/GJF, 2018 WL 5832152 (D.N.M. Nov. 7, 2018), *aff'd*, 965 F.3d 1114 (10th Cir. 2020), *cert. denied sub nom. Contreras v. Dona Ana Cty. Bd.*, No. 20-811, 2021 WL 666438 (U.S. Feb. 22, 2021)

From 2016 to present, I have represented Ms. Contreras, who brought suit against the Dona Ana County jail for an attack that occurred on her 14-year-old son. The attack occurred after inmates at the jail were able to access the control panel, which was located inside the housing areas with the inmates and opened the child's door to attack him. The child was beaten unconscious and found bleeding from both ears. Evidence showed attacks like this had occurred in the past.

This case was dismissed on the basis of qualified immunity. The trial court found the law did not clearly establish that jailers are required to keep jail doors locked to protect child detainees. On appeal the Tenth Circuit affirmed. The United States Supreme Court denied a petition for writ of certiorari. Along with co-counsel I briefed all of the appeals.

Counsel for Defendant:

Damian Martinez
Mynatt Martinez Springer PC
P.O. Box 2699
Las Cruces, NM 88004-2699
(575) 524-8812

Co-Counsel (for appellate issues only)

Katherine Wray
Wray Law
102 Granite Avenue Northwest
Albuquerque, NM 87102
(505) 842-8492

3. *United States v. DeLeon*, Case No. 2:15-cr-04268-JB (D.N.M.) (Judge James O. Browning)

From 2015 to present, I have worked on this federal RICO death penalty case in which I represent one of many co-defendants charged with several homicides, and other crimes, in furtherance of organized crime. My client was specifically charged with the murder of a fellow prison inmate and gang member.

My client pleaded guilty and testified for the prosecution in several trials in which many gang members were convicted. These convictions crippled one of the most notorious prison gangs in New Mexico.

I briefed and litigated discovery motions and motions regarding appointment of learned counsel in the case. Along with co-counsel I worked on trial preparation, mitigation, and sentencing.

For the Government:

Maria Y. Armijo
Randy M. Castellano
United States Attorney's Office
200 North Church Street
Las Cruces, NM 88001
(575) 522-2304

Co-Counsel:

Larry Hammond (Deceased)
Osborn Maledon PA
2929 North Central Avenue, Suite 210
Phoenix, AZ 85012
(602) 640-9361

Co-Defendants' Counsel:

See Appendix 17c

4. *New Mexico v. Castro*, Case No. D-307-CR-2009-00562, Third Judicial District Court, Dona Ana County (Judge Conrad Perea); *rev'd*, 2016-NMCA-085, 381 P.3d 694, *rev'd*, 2017-NMSC-027, 402 P.3d 688.

From 2013 to present, I have represented Mr. Castro on direct and collateral appeal after he was convicted at trial of a sex offense. His trial attorney continued the case for several years without his client's consent. At trial, it became clear that Mr. Castro's attorney did not investigate or prepare for the case. At one point during expert testimony, Mr. Castro's lawyer left the courtroom. Mr. Castro's lawyer did little to defend his client: he failed to object to improper evidence; failed to impeach the prosecutor's witnesses; and did not make argument to the jury. Mr. Castro's lawyer told the trial judge he did not have enough time to try the case because he was busy the next day, and Mr. Castro's lawyer strongly insinuated to the jury that his client had in fact committed this crime.

I briefed and argued all of the direct and collateral appeals. This case was appealed first to the New Mexico Supreme Court on the defense lawyer's many continuances, which created speedy trial issues. The New Mexico Court of Appeals granted Mr. Castro's appeal on speedy trial issues. However, the New Mexico Supreme Court ruled against Mr. Castro. The trial court then granted Mr.

Castro's petition or a writ of habeas corpus to vacate his conviction based on his lawyer's misconduct at trial.

Counsel for the State of New Mexico:

Heather Cosentino Chavez
3rd Judicial District Attorney's Office
845 North Motel Boulevard #D
Las Cruces, NM 88007
(575) 647-8500

5. *McElmurry v. USAA*; Case No. D-307-CV-2017-03687, Third Judicial District Court, Dona Ana County (Judge James T. Martin)

From 2012 to 2020, my law partner and I represented Plaintiff McElmurry. Ms. McElmurry was severely injured in a car crash. She was rear-ended by an underinsured driver and left with injuries to her neck that required surgery and left her with permanent damage. Ms. McElmurry had purchased insurance from her own carrier to pay in case she was injured by an underinsured driver. Ms. McElmurry had faithfully paid her insurance premiums for this coverage for over twenty years. When she was injured, Plaintiff alleged her insurance declined to pay her full damages.

This case went to a jury trial. The jury awarded \$400,000 for damages and found the insurer had acted in bad faith. Based on the bad faith conduct, the court awarded an additional \$500,000 in attorney fees.

In the trial I briefed and argued motions in limine, conducted jury selection, directed and crossed approximately half of the witnesses, including defense experts, presented closing argument, worked on jury instructions, and briefed post-verdict motions.

Counsel for Defendant:

Jeremy Moseley
Hannah Seifert
Wheeler Trigg O'Donnell, LLP
370 Seventeenth Street, Suite 4500
Denver, CO 80202
(303) 244-1800

Kathryn Brack Morrow
Mann Morrow PLLC
665 East University Avenue, Suite C
Las Cruces, NM 88005
(575) 440-0300

Co-Counsel:

Mollie McGraw
McGraw & Strickland, LLC
165 West Lucero Avenue
Las Cruces, NM 88005
(575) 523-4321

6. *Landau and Landau v. Las Cruces Public Schools*, D-307-CV-2014-01923, Third Judicial District Court, Dona Ana County (Judge Douglas R. Driggers)

From 2013 to 2016, my law partner and I represented the Landaus, an elderly couple, in a lawsuit against Las Cruces Public Schools in a premises liability case where Mrs. Landau was severely injured in a middle school parking lot. The parking lot was not properly maintained and was the direct cause of Mrs. Landau's serious injuries. Mrs. Landau's injuries also led to a loss of consortium claim by her husband.

This case was vigorously litigated through a jury trial. The jury found that while the Defendants were negligent, there was no causation.

In the trial I argued motions in limine, conducted jury selection, directed and crossed approximately half of the witnesses, worked on jury instructions, defended the directed verdict motion, presented the rebuttal closing, and briefed post-verdict motions.

For Las Cruces Public Schools:

Blaine T. Mynatt
Mynatt Martinez Springer PC
P.O. Box 2699
Las Cruces, NM 88004-2699
(575) 524-8812

Ashlee M. Placencio
(Formerly of Mynatt Martinez Springer PC)
Law Offices of the Public Defender
505 South Main Street, Suite 121
Las Cruces, NM 88001
(575) 541-3193

Co-Counsel:

Mollie McGraw
McGraw & Strickland, LLC
165 West Lucero Avenue
Las Cruces, NM 88005
(575) 523-4321

7. *State of New Mexico v. Garcia*, Case No. D-619-CR-2012-00109, Sixth Judicial District Court, Luna County (Judge Daniel Viramontes and Judge Jarod K. Hofacket); Case No. A-1-CA-33249, Court of Appeals of New Mexico; Case No. S-1-SC-35451, New Mexico Supreme Court

From 2012 to 2018, I represented Ms. Garcia as her criminal defense attorney on appeal. New Mexico charged Ms. Garcia with second-degree felony fraud and computer access with intent to defraud or embezzle, also a second-degree felony. The case involved complex factual and legal issues, including statutory interpretation and double jeopardy. Ms. Garcia was convicted and sentenced to significant prison time. I began working on the matter post-conviction. I obtained an appellate bond on my client's behalf and appealed her conviction.

Following my briefing and oral argument, the New Mexico Court of Appeals reversed with instructions to vacate Ms. Garcia's convictions based on sufficiency. It was then heard by the New Mexico Supreme Court which reinstated one count of conviction and ordered a full restitution hearing. On remand the case settled for a suspended sentence.

I briefed and argued all appeals and the final sentencing in this case.

Counsel for the State of New Mexico:

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Appellate Division Attorney General
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8. *Beck v. Baker*, Case No. 2:14-cv-00067-KG/WPL (D.N.M.) (Judge Kenneth Gonzales)

From 2013 to 2017, I represented Ms. Beck and her husband in their civil rights lawsuit against police officers after they were beaten and arrested by local law enforcement.

At trial there were numerous factual disputes. Both sides called multiple witnesses including experts, eyewitnesses who were not parties and investigators. The jurors were given a special verdict form with interrogatories to resolve several key facts. The jury found for the Plaintiffs and awarded \$1.6 million in total to my clients.

In this trial I briefed and argued motions in limine, I directed and crossed about half of the witnesses, defended the directed verdict motion, did jury instructions, presented the closing argument and wrote post-verdict motion briefing.

For Defendants:

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Co-Counsel:

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9. *New Mexico v. Le Mier*, Case No. D-0911-CR-2012-00075, Ninth Judicial District Court, Curry County (Judge Donna Mowrer). Published Opinion: 2017-NMSC-017, 394 P.3d 959.

From 2013 to 2014, I represented Defendant Le Mier. She was charged with smuggling contraband (her anti-depression medication and other things) into a detention facility. As trial counsel for Defendant, I attempted repeatedly to obtain the names and addresses of the prosecution's witnesses so that I could investigate the case. After the Court ordered the prosecution to provide this information, and the prosecution repeatedly failed to do so, the trial judge excluded the prosecution's witnesses. The case was dismissed.

On appeal to the New Mexico Supreme Court affirmed the trial court's exclusion order and clarified the standards for evidence exclusion in New Mexico.

Counsel for the State of New Mexico:

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10. United States v. Antillion, Case No. 2:13-cr-3668-RB (D.N.M.) (Judge Robert Brack)

In 2013, Ms. Antillion was charged in federal court with trafficking heroin. She was a very young woman who had become severely addicted to heroin. Drug traffickers exploited her addiction, abused her, and used her to transport drugs across the United States-Mexico border.

I was able to secure Ms. Antillion's release from jail while the case was pending. I worked with her and United States Pretrial Services to get her drug treatment that she desperately needed. She struggled with her addiction, but she was able to overcome it while the case was pending.

In the end I was able to secure Ms. Antillion a sentence that involved no more jail time, and instead ensured she would continue to get drug treatment and mental health treatment.

Counsel for the Government:
Edwin Winstead
United States Attorney's Office
200 North Church Street
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(575) 522-2304

18. **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 am a litigation attorney, but most of my cases do not result in a trial. I have defended hundreds of criminal cases, resulting in either a dismissal or a plea. I have brought dozens of civil cases that resulted in settlement at mediation.

When I was a state public defender, my caseload was consistently over one hundred cases. Managing this caseload required discipline and organization. I kept a consistent routine that allowed me to meet with clients, attend court hearings, investigate cases, meet with the prosecution and interview their witnesses, conduct legal research, draft motions, and try cases both as first chair and as second chair, when another public defender had a trial. I also handled a large probation violation docket, which required tremendous organizational skills. In New Mexico, probation violations must be resolved or tried to the bench in a very short amount of time. In addition to meeting these deadlines as required by the court, most clients facing probation violations desired to have their case resolved expeditiously. Other than litigation, my time at the public

defender office was dedicated to moving a large caseload in an efficient manner.

When I left the public defender's office, my case load was reduced, and the nature of my cases changed. I began to do grand jury practice, administrative hearings for license revocations, habeas and direct appeals, and plaintiffs' cases, which were mostly in the area of civil rights, and federal court practice.

I have never been a lobbyist. However, since 2018 I have been chair of the New Mexico Criminal Defense Lawyers Association's legislative committee. As chair, I have helped advocate for criminal justice reform, reducing the use of solitary confinement in our prisons and jails, and passing a New Mexico civil rights bill. As chair, I have presented at committee interim meetings twice on the topics of drug driving laws and the price of incarceration.

I have also assisted New Mexico Trial Lawyers Association with their advocacy efforts regarding passing the 2021 New Mexico civil rights bill. The New Mexico Criminal Defense Lawyers Association is a member of NMSafe, and as the chair of the legislative committee, I have also been associated with this group.

19. **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 not taught any courses at any educational institutions.

20. **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 no anticipated deferred income arrangements, stock, options, uncompleted contracts or other future benefits. I have not made arrangements for future financial or business interests. I have no financial interests that should cause any conflicts. My only business interest is my law firm. If confirmed, I would leave my law firm and pursuant to the partnership agreement receive whatever compensation resulted from my departure.

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

No.

22. **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).

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements 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 husband is an Assistant Federal Public Defender. My understanding is that an analogous potential conflict in the District of New Mexico is handled through screening during the case assignment process. If confirmed, I would work with the clerk's office to establish a similar process to avoid conflicts. If the conflict could not be handled in that manner, my husband would move positions.

- 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 would address any potential conflict of interest by consulting the Code of Conduct for United States Judges and 28 U.S.C. § 455.

25. **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.

Throughout my legal career, I have represented indigent and disadvantaged clients. Even after I left the state public defender's office, my workload has always involved representing indigent clients through my Criminal Justice Act appointment work in federal court. This has been a deliberate choice on my part, and it has involved turning down higher paying work to represent those in our community who are disadvantaged.

I have also consistently participated in our local district court's annual free legal clinic, where community members can seek legal advice without charge.

I have taken several small pro-bono civil cases while in private practice.

26. Selection Process:

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

I sent an initial application to the office of Senator Heinrich. After that I was interviewed twice by my home-state senators' offices and asked to send in a second application. The dates of the interviews were January 8, 2021, with Senator Heinrich's office and January 19, 2021, with both Senator Heinrich's and Senator Lujan's office.

After the interviews with my senators' offices, I interviewed with attorneys from the White House Counsel's Office on February 9, 2021. Since February 10, 2021, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On March 30, 2021, the President announced his intent to nominate me. On April 19, 2021, my nomination was submitted to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

Senator Grassley

Responses to Questions from Senator Grassley to David Chipman, Nominee to be Director, Bureau of Alcohol, Tobacco, Firearms and Explosives

1. You have called for a ban on assault weapons, yet during your hearing you were unable to provide your own definition of what an assault weapon was, instead deferring to Congress to create a definition for you.
 - a. How can you support a ban on an undefined category of firearms?
 - b. Based on your previous support for a ban on “assault weapons,” please provide me with your own definition of “assault weapons” that you would like to see banned.
 - c. You have previously stopped short of calling for a mandatory buy-back program for assault weapons. Is that still your position?
 - d. If President Biden ordered you to implement a mandatory buy-back program, would you?

RESPONSE: The definition of “assault weapon” for the purposes of a ban would be determined by Congress. As a former ATF special agent, I enforced a federal assault weapons ban when it was law from 1994 to 2004. As an advocate, I have supported certain proposals to reinstate such a ban. However, if confirmed as ATF Director, I would enforce the laws passed by Congress and signed by the President. I would not have the unilateral authority to draft or enact such a ban.

I have not supported a mandatory buy-back program and I am not aware of any authority that would allow the Executive Branch to unilaterally implement such a program. It is my understanding that the President supports a voluntary buy-back program, but has not supported a mandatory buy-back program.

2. During your hearing, you emphasized that you were “a cop” and not a lawyer. Yet when Senator Cotton and I questioned you about Hunter Biden’s illegal purchasing of a firearm, you gave very lawyerly answers to avoid committing to prosecuting a clear case of a crime you yourself have called very dangerous.
 - a. Based only on the facts you have read about in media reports and that Senator Cotton went over with you during your hearing, do you believe Hunter Biden’s case represents one that a cop would present to a prosecutor for prosecution? If not, why not?
 - b. If an admitted drug addict lying on a background form in order to purchase a firearm is not enough for you to say such a case is prosecutable, please list other facts you would need.
 - c. If you are confirmed and the ATF does not prosecute Hunter Biden, will you commit to providing me and members of this Committee with your reasons why, in writing at a minimum, but preferably in a hearing before the Committee?

RESPONSE: I am unable to comment on this case because I do not have access to all of the relevant facts, including facts about the existence or findings of any past or current ATF investigation into this matter. Furthermore, ATF does not prosecute cases. ATF conducts investigations and, in cases that warrant it, refers cases to Justice Department lawyers to be considered for prosecution. If I am confirmed as ATF Director, I would ensure that all investigations and referrals are carried out with total impartiality. I respect the Judiciary Committee's important oversight role and will work with ATF's Legislative Affairs Division and the Department of Justice's Office of Legislative Affairs to be responsive to the Committee's requests for information consistent with the Department's longstanding policies and practices.

3. On October 12, 2018, Hunter Biden purchased a firearm. As you are aware, Firearm Transaction Record Form 4473 requires a potential gun purchaser to attest that they are not an “unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance.” Knowingly providing false information on Form 4473 is a felony. According to 27 CFR Part 478.11, “Unlawful user of or addicted to any controlled substance” can be satisfied by several factors and “is not limited to the use of drugs on a particular day, or within a matter of days or weeks before, but rather that the unlawful use has occurred recently enough to indicate that the individual is actively engaged in such conduct.”¹ Further, the regulation notes that “a person may be an unlawful current user of a controlled substance even though the substance is not being used at the precise time the person seeks to acquire a firearm or receives or possesses a firearm.”² And finally, an inference of current use can be drawn from recent examples of use or a “pattern of use or possession that reasonably covers the present time.”³ An example of that inference can be an administrative discharge from the military.⁴

In 2014, Hunter Biden was administratively discharged from the U.S. Navy after testing positive for cocaine. Biden gave an interview in 2019 in which he mentioned his drug addiction led him to attempt to purchase crack cocaine from a homeless encampment in Los Angeles in 2016.⁵ He returned to “buy more crack a few times” in one week.⁶ He then proceeded to drive to Arizona in a rental car where he left a crack pipe, a line of white powder residue on the console and a plastic baggie containing a “white powdery substance.”⁷ On February 23, 2017, Biden's then-wife filed for divorce alleging he

¹ 27 C.F.R. § 478.11 (2019).

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ Adam Entous, *Will Hunter Biden Jeopardize His Father's Campaign?*, THE NEW YORKER (July 1, 2019), <https://www.newyorker.com/magazine/2019/07/08/will-hunter-biden-jeopardize-his-fathers-campaign>.

⁶ *Id.*

⁷ *Id.*

“created financial concerns for the family” by “spending extravagantly” including “drugs” and “alcohol.”⁸ In his book, *Beautiful Things*, he noted that he was an avid crack user:

“I used my superpower – finding crack anytime, anywhere – less than a day after landing at LAX in the spring of 2018.”⁹

“The amount of alcohol I consumed and crack I smoked was astounding – even death-defying.”¹⁰

“I holed up inside the Chateau for the first six weeks [spring and summer 2018] and learned how to cook crack.” He “became absurdly good at it.”¹¹

Biden’s book also noted that he returned to Delaware in the fall of 2018 to get clean and reconcile with family but “neither happened.”¹²

These facts show that he was still a drug addict during the fall of 2018 when he purchased the gun. Accordingly, the evidence indicates that Hunter Biden lied on his 4473 forms when he reportedly said “NO” to the question, “[a]re you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance?”

Providing false information on a 4473 form is a crime. If confirmed, will you investigate Hunter Biden for providing false information on his 4473 form? If not, why not?

RESPONSE: Please see my answer to Question 2.

4. During your hearing, Senator Whitehouse asked Mr. Kenneth Polite: “I assume you agree it’s wrong to pursue a criminal case for political purposes?” and “Is it also wrong to duck a case for political purposes?” Mr. Polite answered, “Considerations related to politics should play no role in enforcement or prosecutorial decision-making.”
 - a. Do you agree with Mr. Polite’s answer? If not, please give your own answer to both questions.

RESPONSE: Yes.

- b. If it is wrong to duck a case for political purposes, would you agree it would be wrong to duck prosecution of Hunter Biden’s illegal purchasing of a firearm for political purposes?

RESPONSE: It is wrong to allow politics to play a role in criminal matters.

5. During your hearing you said multiple times that things you said were taken out of context or that you failed to successfully communicate the message you meant.
 - a. Is being a good communicator a skill that a leader should have?
 - b. What steps do you plan on taking to improve your communication skills?

⁸ *Id.*

⁹ Hunter Biden, *Beautiful Things* 187 (2021).

¹⁰ *Id.* at 191.

¹¹ *Id.* at 191-192.

¹² *Id.* at 203.

RESPONSE: I agree that good communication is important for leaders—especially public officials, for whom the cultivation of public trust is essential. I served with distinction in various leadership roles at ATF for 15 years. If confirmed as ATF Director, I will work every day to earn the respect and trust of the American people.

6. You have experience as a gun-control advocate and your time as an ATF agent was mostly focused on guns.

- a. What is your experience enforcing the nation’s alcohol laws?

RESPONSE: During my tenure as an ATF special agent, I did not investigate potential violations of alcohol laws nor did I supervise these investigations. I received training early in my career on enforcing alcohol laws.

- b. What is your experience enforcing the nation’s tobacco laws?

RESPONSE: During my tenure as an ATF special agent, I participated in investigations involving violations of tobacco laws and supervised these investigations. As a special agent in the Norfolk Field Office, I supported an investigation involving the unlawful trafficking of untaxed cigarettes requiring me to surveil the unlawful smuggling of cigarettes from the Commonwealth of Virginia to the State of New York. I later assisted special agents from New York in their arrest of the traffickers and the recovery of the cigarettes. As the Assistant Special Agent in Charge of the Detroit Field Division, I oversaw a criminal enforcement group responsible for investigating all violations of the nation’s tobacco laws in the State of Michigan.

7. In response to a TSA report on the record number of guns seized in 2019, you said, “When I see that now, as a matter of routine, people are carrying guns and don’t even remember they’re carrying them, it says everything about the reality of the concealed-carry movement. There are probably a small percentage of people who carry and are trained, like we expect from law enforcement or military. The rest are untrained or irresponsible.”¹³ I want you to expand on that point. In your opinion, what percentage of people who carry guns are responsible?

RESPONSE: As a former law enforcement official and gun owner myself, I believe most gun owners are responsible. I also believe firearms training is important and that public safety is enhanced when more people are trained.

8. Following President Trump’s decisions to ban bump stocks by regulation following the tragic shooting in Las Vegas, you called the decision to proceed with regulation rather

¹³ Kim Bellware, *TSA had Record Year for Gun Seizures; More than 4,400 Taken at Airports*, The Boston Globe, Jan. 21, 2020.

than legislation a “political calculation.”¹⁴ President Biden has announced a number of executive orders on gun issues since becoming president.

- a. Was his decision to issue executive orders rather than to wait for legislation a political calculation?
- b. If not, please explain the difference between his executive orders and President Trump’s.

RESPONSE: During his remarks in the Rose Garden on April 8, 2021, President Biden said, “My job, the job of any President, is to protect the American people. Whether Congress acts or not, I’m going to use all the resources at my disposal as President to keep the American people safe from gun violence.” Executive agencies like ATF have narrowly tailored authorities to issue regulations through a transparent and public process. In April, the Attorney General announced that ATF would undertake two specific such rulemaking processes in order to enhance public safety within the bounds of current law.

9. In an article about the diminishing power of the NRA, you said, “What’s going to be the next thing? I hope it’s a group that fights for our constitutional rights but at the same time, acknowledges that we have to do so in a way that keeps our country safe because no constitutional right is so great if it’s making you unsafe by exercising it.”¹⁵
 - a. Is your position still that a constitutional right is not “great” if exercising it can make you unsafe?
 - b. Jews in America are being attacked in hate crimes for freely exercising their religion. Is their right to exercise their religion not “great” because it can make them unsafe?
 - c. Some mostly peaceful protestors last summer were injured while freely exercising their rights to free speech and free assembly. Are their free-expression rights not “great” because they led to civil unrest?
 - d. Some people who travel in cars across interstate lines get in car accidents. Is their right to freely travel not “great” because they can be injured in a car accident?

RESPONSE: My view of the constitutional right guaranteed by the Second Amendment is guided by the Supreme Court’s holding in *District of Columbia v. Heller*, in which the Court held that the Second Amendment confers “an individual right to keep and bear arms.” 554 U.S. 570, 595 (2008). The Court also said that, “[l]ike most rights, the right secured by the Second Amendment is not unlimited,” recognizing that some limitations on the right to keep and bear arms, including public safety laws such as “longstanding prohibitions on possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings,” are constitutional. *Id.* at 626.

¹⁴ Gary Martin, *Nevada Rep. Dina Titus Pushes Bump Stock Ban*, Las Vegas Review Journal, July 3, 2019.

¹⁵ Katherine Fung, *Rival Gun Rights Group Accuses NRA of Never Advocating for Second Amendment Amid Lawsuit*, Newsweek, Aug. 7, 2020.

10. During Chairman Durbin's questioning of you about a picture identified as you at Waco, he referred to "Photoshop." In your response, I believe you said the photo was real, but it was not of you or of any ATF agent.
- Is your answer that the picture was Photoshopped, or that it was just not a picture of you or any other ATF agent?
 - Do you have any idea what Chairman Durbin meant when he asked about Photoshop?

RESPONSE: As I testified at my hearing, the photo is real, but it is not a photo of me or any ATF agent. It was one piece of evidence I examined while investigating the events that occurred at Waco. While I have seen some manipulated or Photoshopped versions of the photo circulating online, the photo published by the *Daily Mail*, National Shooting Sports Foundation, and others is a real photo of a federal agent at Waco—but these organizations and individuals have made the false claim that the photo depicts me.

11. Do you believe gun stores are essential businesses?

RESPONSE: My understanding is that states and cities determine the definition of an "essential business" for their localities, as they have done during the COVID-19 pandemic. As a general matter, I believe that gun stores are vitally important. ATF depends on positive and productive relationships with federal firearms licensees (FFLs) to work together to ensure public safety as people exercise their constitutional right to purchase and own guns. I depended heavily on FFLs during my service at ATF, from my first job as a special agent in Tidewater, Virginia, working with local FFL partners to investigate trafficking cases, all the way to my final position as Chief of ATF's Liaison Division, working closely with industry partners.

12. During your hearing you tried to avoid answering a question about the Second Amendment by saying "I'm a cop" and not a lawyer.
- When you were a law-enforcement agent, were you exempt from knowing the terms of the Fourth Amendment by virtue of not being a lawyer?
 - When you were a law-enforcement agent, were you exempt from knowing the terms of the Fifth Amendment by virtue of not being a lawyer?

RESPONSE: I am indeed a cop, not a lawyer. Like all cops, I became familiar with the practical application of the laws I was tasked with enforcing. My success as a law enforcement official depended on it. If I am confirmed as ATF Director, I would draw upon the considerable expertise and knowledge of attorneys at ATF and the rest of the Department of Justice to advise me on complex legal issues.

13. When you were a law-enforcement agent, what steps did you take to familiarize yourself with the Fourth Amendment and its application?

RESPONSE: I was trained by ATF.

14. When you were a law-enforcement agent, what steps did you take to familiarize yourself with the Fifth Amendment and its application?

RESPONSE: I was trained by ATF.

15. When you were a law-enforcement agent, what steps did you take to familiarize yourself with the Second Amendment and its application?

RESPONSE: I was trained by ATF.

16. Should ATF officers be required to familiarize themselves with the Second Amendment and its application just as they presumably do with the Fourth and Fifth Amendments? If not, why not?

RESPONSE: Yes.

17. In 2012, while you were a fellow with the International Association of Chiefs of Police, you were the lead author on a report about the use of force among law enforcement officers. In the report's executive summary, you shared the statistic that 1.9% of the 40 million respondents to a survey reported the use of force or threat thereof during an encounter with law enforcement. You extrapolated this data as such:

"These facts stand in stark contrast to the public perception of the frequency and appropriateness of force used by the police. In large part, the public perception of police use of force is framed and influenced by the media depictions, which present unrealistic and often outlandish representations of law enforcement and the policing profession. Nightly, police dramas and news programs show officer-involved shootings, high speed chases, and trips to the morgue to recover microscopic evidence. These myths are further reinforced in popular books and film."¹⁶

The report also said, "In the absence of a cohesive fact-based message the media and other constituencies are left to frame the topic, which often results in sensationalizing incidents or driving the agenda of various special interest groups." For the questions below, it is not acceptable to disclaim ownership of the statements referenced in the report. You were the lead author, and if someone else wrote a particular section (which seems unlikely for the executive summary), you still had to sign off on the language. So please do not avoid answering these questions.

¹⁶ *Emerging Use of Force Issues: Balancing Public and Officer Safety*, International Association of Chiefs of Police/COPS Office Use of Force Symposium, Mar. 2012.

- a. Is it still your position that the public perception of police use of force is overblown by the media?
- b. What special interest groups was the report referring to?

RESPONSE: The report made general conclusions about the public perception of police use of force. There are ongoing, complex conversations across the country about police use of force, including debates within Congress and within law enforcement organizations across the country. If confirmed to lead ATF—a law enforcement agency—I would embrace the opportunity to continue building community trust across ATF’s many field offices and to continue partnering with state and local law enforcement to help them ensure the safety of their communities. As the former Chief of ATF’s Liaison Division, I would also embrace the opportunity to work once again with stakeholder groups representing a diversity of viewpoints.

- 18. In 2011, you contributed to another report from IACP, this time as a guide for police departments on steps to take to reduce gun violence. One action step the report suggested was for departments to use “hot-spots” in their analysis, which meant analyzing patterns on criminal activity so departments could best target their resources. As the report suggested, “related types of criminal activity typically associated with gun violence, such as illegal drug sales, should be included in the analysis.”¹⁷

- a. Do you still believe police departments should use “hot-spots” in their analysis?
- b. What if using “hot-spots” disproportionately affects minority communities?

RESPONSE: Yes. Precision policing, involving focused deterrence and targeting previously identified shooters, can avoid the risk of unduly targeting minority communities. It is ATF’s mission to use its intelligence tools to target those few armed individuals responsible for most of the crime.

- 19. Do you stand by your statement that gun manufacturers market their products to “a certain type of extreme and violent part of this country”?¹⁸

RESPONSE: Not all gun marketing draws upon these themes. I have seen some advertisements that make use of violent and extreme imagery.

- 20. Do you still believe that “[p]eople who sold guns, people who want to sell guns for self-defense wanted a scary nation so that people would want to buy guns”?¹⁹

¹⁷ *Reducing Gun Violence in Our Communities: A Leadership Guide for Law Enforcement on Effective Strategies and Programs*, International Association of Chiefs of Police, Oct. 2011.

¹⁸ Congressional Testimony, Hearing on Protecting America from Assault Weapons, before the H. Comm. On the Judiciary (Sep. 25, 2019).

¹⁹ Speaker, “Only in America: Examining the Everyday Toll of Gun Violence,” March for Our Lives, Georgetown University, Nov. 19, 2019.

RESPONSE: Not all gun marketing draws upon these themes. I have seen some advertisements that make use of violent and extreme imagery.

21. You said of the Silencers Helping Us Save Hearing Act in 2019, “The only people that benefit from this bill are gun lobbyists and criminals who want easier access to deadly weapons.” That bill was sponsored by Senators Lee, Cruz, Cornyn, Paul, Risch, and Crapo. Whom do you believe these Senators sought to benefit with his bill: gun lobbyists or criminals?

RESPONSE: Silencers have been legal and regulated under the National Firearms Act since 1934. I have advocated against efforts to deregulate silencers because I believe the regulations in place for nearly 90 years have had a positive impact on public safety.

22. You once said, “Contrary to what the NRA will tell you, ‘good guys with a gun’ aren’t the best answer to [bad guys with a gun.]”²⁰ What did you mean by this?

RESPONSE: The brave men and women of law enforcement are tasked with responding to violent crime. As a general matter, the best way to deal with violent crime is to strive to prevent it from happening in the first place.

23. You said last spring, “If you keep [the gun store] open, there’s the risk of first-time buyers who are largely buying out of fear and panic and untrained.”²¹ What other rights do we restrict for fear that citizens might exercise them out of fear or with a lack of training?

RESPONSE: I was not advocating—and have not advocated—for the restriction of any constitutional right. I believe that firearms training is important and that public safety is enhanced when more people are trained, whether first-time gun buyers or longtime gun owners.

24. You also said, “Most of the new buyers who went out to the gun store and bought a gun have no training whatsoever. In their mind they might be competent, they might think they’re die-hard and ready to go, but unfortunately they’re more like Tiger King....”²²

- a. Is this a reference to Joe Exotic’s background, criminal status, or sexuality?
- b. What were you trying to tell recent gun owners with this comparison?

RESPONSE: I was attempting to add humor to a long and wide-ranging interview by referencing a show that was popular at the time. I believe that firearms training is important and that public safety is enhanced when more people are trained, whether first-time gun buyers or longtime gun owners.

²⁰ David Chipman, *Ghost Guns are Specifically Designed for Criminals*, Giffords, May 13, 2020.

²¹ Frances Mulroney, *Are Guns Essential in a Pandemic? Some States are Forcing Firearm Shops to Close – While Others have Stopped Background Checks for Concealed Weapons*, MailOnline, Mar. 27, 2020.

²² Lauren Sonnenberg, *As Firearm Sales Spike, Giffords Advocate Says Lock Those Guns Away*, cheddar news, Apr. 3, 2020.

25. Does the Second Amendment include the right to train with a lawful firearm? Why or why not?

RESPONSE: In *District of Columbia v. Heller*, the Supreme Court held that the Second Amendment confers “an individual right to keep and bear arms.” The Court also stated that, “[l]ike most rights, the right secured by the Second Amendment is not unlimited.” If confirmed, my view of the Second Amendment would be guided by the *Heller* decision.

26. Does the Second Amendment include the right to carry a firearm? Why or why not?

RESPONSE: In *District of Columbia v. Heller*, the Supreme Court held that the Second Amendment confers “an individual right to keep and bear arms.” The Court also stated that, “[l]ike most rights, the right secured by the Second Amendment is not unlimited.” If confirmed, my view of the Second Amendment would be guided by the *Heller* decision.

27. Is there any difference between the right to “keep” and the right to “bear” an arm?

RESPONSE: I am aware that the Supreme Court, in *District of Columbia v. Heller*, has recognized that the Second Amendment confers an individual right to both “keep” and “bear” arms. Federal law allows for people to purchase, possess, sell, transfer, deliver, and use firearms.

28. Does the Second Amendment include the right to engage in commerce regarding firearms?

RESPONSE: It is legal to engage in commerce regarding firearms under federal law.

29. Do minors have rights under the Second Amendment?

RESPONSE: Under current federal law, minors can possess long guns and long gun ammunition. In limited circumstances, federal law allows for a minor to possess a handgun or handgun ammunition.

30. What are the limits placed on legislatures by the Second Amendment when it comes to dispossession of firearms?

RESPONSE: While I am unable to generalize about limitations on all legislatures, I am aware that in *District of Columbia v. Heller*, the Supreme Court, in striking down a handgun ban passed by the legislature of the District of Columbia, recognized “an individual right to keep and bear arms” under the Second Amendment. The Court also stated that, “[l]ike most rights, the right secured by the Second Amendment is not unlimited.” If confirmed, my view of the Second Amendment would be guided by *Heller*.

31. Justice Clarence Thomas has described the Second Amendment as “a disfavored right.” Do you agree with him?

RESPONSE: I am not familiar with this quote. If confirmed, I would take an oath—as all ATF employees do—to support and defend the Constitution, including the Second Amendment, without fear or favor.

32. Do you agree with Justice Sam Alito that the Second Amendment “guarantees the right to carry weapons ‘typically possessed by law-abiding citizens for lawful purposes’”?

RESPONSE: I am not familiar with the full context of this quote. Justice Alito appears to be quoting the Supreme Court’s holding in *District of Columbia v. Heller*. If confirmed, my view of the Second Amendment will be guided by the *Heller* decision.

33. Do you agree with Judge Ken Lee that “[t]he record shows that firearms capable of holding more than ten rounds of ammunition have been available in the United States for well over two centuries”?

RESPONSE: I am not familiar with this quote and have no context to determine its accuracy.

34. Do you agree with Judge Ken Lee that “[t]he Second Amendment provides one last line of defense for people of color when the state cannot—or will not—step in to protect them”?

RESPONSE: I am not familiar with the full context of this quote. I am aware that the Supreme Court, in *District of Columbia v. Heller*, has recognized that self-defense is the “central component” of the individual right to keep and bear arms under the Second Amendment. If confirmed, my view of the Second Amendment would be guided by the *Heller* decision.

35. Do you agree with Judge Diarmuid O’Scannlain that “self-defense, recognized since ancient times as a ‘basic right,’ is the ‘central component’ of the Second Amendment guarantee”?

RESPONSE: I am not familiar with the full context of this quote. Judge O’Scannlain appears to be quoting the Supreme Court’s holding in *District of Columbia v. Heller*. If confirmed, my view of the Second Amendment would be guided by the *Heller* decision.

36. Do you think it’s appropriate for U.S. Senators to threaten the Supreme Court with “reform” if it continues to enforce the Second Amendment against the government?

RESPONSE: I am not aware of the circumstances you reference. My view of the Second Amendment is guided by the Supreme Court’s holding in *District of Columbia v. Heller*. If I am confirmed, I will take an oath, as all ATF employees do, to support and defend the Constitution.

37. As a gun owner and former law-enforcement officer. Have you ever lost a firearm or had a firearm stolen from your possession?

RESPONSE: No.

38. In a 2019 blog for Giffords you wrote “ATF’s annual budget is only \$1.2 billion, while the last aircraft carrier purchased for the Navy cost \$13 billion.” Do you support cutting funds for the military in order to increase ATF’s budget?

RESPONSE: No.

39. When you were a senior vice president at ShotSpotter, were you ever made aware of reports of ShotSpotter sensors recording conversations of people located close to a sensor?

RESPONSE: Yes. During my tenure at ShotSpotter, I was made aware of a few isolated historical instances among hundreds of thousands of gunshot detections where a voice was captured simultaneous to a brief audio clip of gunfire. In one instance, during an incident in Oakland, California, a gunshot victim screamed the name of his attacker. I have not been employed by the company since 2016.

40. The ATF has authority to issue rules and regulations that affect many important areas, especially the Second Amendment. In detail, can you describe the ATF’s rulemaking process and what role you would play in that process?

RESPONSE: My understanding is that ATF, like all agencies, follows the requirements set forth in the Administrative Procedure Act for its rulemaking. Once ATF decides that a regulation in the Code of Federal Regulations needs to be added, changed, or deleted, it typically publishes a proposed rule in the Federal Register to ask the public for comments. After ATF considers public feedback and makes changes where appropriate, ATF publishes in the Federal Register a final rule, describing and responding to the public comments received. The final rule includes a specific date for when the rule will become effective and enforceable. If I am confirmed, I will ensure that the legal requirements for the rulemaking process are met and that the process is open, transparent, consistent, and fairly applied.

41. Please explain, with detail, the process by which you became a nominee for Director of the ATF.

RESPONSE: I was informed in March 2021 that I was under consideration for potential nomination to serve as ATF Director. I participated in a vetting and screening process. I received a formal offer in early April 2021 and President Biden announced my nomination on April 8, 2021.

42. Have you had any conversations with individuals associated with the Giffords Group in connection with this nomination? If so, please explain the nature of the conversations.

RESPONSE: Yes. I am currently employed by Giffords and have remained in contact with my colleagues and other stakeholder groups regarding my nomination.

43. Have you had any conversations with individuals associated with any other outside group in connection with this nomination? If so, please explain the nature of the conversations.

RESPONSE: I have met with stakeholder groups, including several law enforcement groups, in connection with my nomination in order to meet their leadership and hear about their interests and concerns.

44. Please explain with particularity the process by which you answered these questions.

RESPONSE: The Department of Justice received these questions on June 2, 2021. I worked with Department attorneys to answer the questions. I finalized and approved all answers to the questions and authorized their transmission to the Committee on June 7, 2021.

45. Do these answers reflect your true and personal views?

RESPONSE: Yes.

Senator Blackburn

Responses to Questions from Senator Blackburn to David Chipman, Nominee to be Director, Bureau of Alcohol, Tobacco, Firearms and Explosives

1. In 1994, President Clinton and Congress enacted a ban on assault weapons that barred the purchase of numerous common, self-defense, and hunting firearms. In 2016, Obama issued 23 Executive Actions on gun violence, including a call to ban assault weapons and high-capacity magazines. If confirmed as Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives, will you promote a similar reenactment of these types of gun bans?

RESPONSE: If I am confirmed as ATF Director, I would not have the unilateral authority to enact such a ban. Only Congress and the President would have the ability to do so, as they did in 1994. If confirmed, I would enforce the laws passed by Congress and signed by the President.

2. Since retiring from the ATF, you have worked or associated with numerous national gun control groups. How will your past positions and associations affect your decisions as ATF Director?

RESPONSE: If confirmed as ATF Director, I would return to service as a federal law enforcement officer—a role I held for 25 years. I would enforce the law without fear or favor, consistent with the longstanding practice and policies of ATF and the Department of Justice.

3. Do you believe that the Second Amendment guarantees an individual right to own a firearm for self-defense?

RESPONSE: In *District of Columbia v. Heller*, the Supreme Court held that the Second Amendment confers “an individual right to keep and bear arms.” 554 U.S. 570, 595 (2008). The Court also stated that, “[l]ike most rights, the right secured by the Second Amendment is not unlimited.” *Id.* at 626. If confirmed, I will take an oath, as all ATF employees do, to support and defend the United States Constitution, and that includes the Second Amendment.

4. How would you define an “assault weapon,” and do you support a ban on ownership and manufacturing of these firearms?

RESPONSE: The definition of “assault weapon” for the purposes of a ban would be decided by Congress. As a former ATF special agent, I enforced a federal assault weapons ban when it was law from 1994 to 2004. As an advocate, I supported certain proposals to reinstate such a ban. However, if confirmed as ATF Director, I would enforce the laws

passed by Congress and signed by the President. I would not have the unilateral authority to enact such a ban.

5. Would a ban on firearms described as “assault weapons” be in violation of the current and conventional interpretation of the Second Amendment?

RESPONSE: I am unable to speculate on a hypothetical situation. If confirmed as ATF Director, I would enforce the laws passed by Congress and signed by the President. I would consult with the attorneys at ATF and the Department of Justice if presented with questions regarding the constitutionality of a particular law.

6. What differentiates an “assault weapon” and common semi-automatic firearms lawfully owned by millions of Americans?

RESPONSE: I am unable to speculate on the potential contours of a definition of “assault weapon” until and unless Congress passes a law defining the term.

Senator Cotton

**Responses to Questions from Senator Cotton
to David Chipman, Nominee to be Director,
Bureau of Alcohol, Tobacco, Firearms and Explosives**

1. Since becoming a legal adult, have you ever been arrested for or accused of committing a hate crime against any person?

RESPONSE: No.

2. Since becoming a legal adult, have you ever been arrested for or accused of committing a violent crime against any person?

RESPONSE: No.

3. During your career working for the ATF, did you ever lose or otherwise misplace a firearm issued to you by the ATF or intended primarily for use in your employment with the ATF?

RESPONSE: No.

4. Have you ever lost or otherwise misplaced a firearm that you owned?

RESPONSE: No.

5. If you have ever lost or misplaced a firearm, whether owned by you or issued to you by the ATF, please provide details of each such instance, including when each incident occurred, whether and to whom you reported the missing firearm, and whether the firearm was recovered.

RESPONSE: Please see my responses to Questions 3 and 4.

6. It is estimated that murders increased by approximately 25% nationwide in 2020. Does the United States currently have a violent crime problem?

RESPONSE: There is no doubt that violent crime has surged across the country. I am deeply concerned about it. As I testified at my hearing, when I previously served at ATF, I launched the Violent Crime Impact Team program, credited with preventing gun homicides in 15 targeted cities. If I am confirmed as ATF Director, my focus will be, in part, to strive to prevent more violent crimes from occurring in the first place. I understand that combatting violent crime is a top priority of the Attorney General and other Department of Justice leaders. If confirmed, I would work in partnership with

Department counterparts, as well as federal, state, local, tribal, and territorial partners, in this mission.

7. You have worked as a registered lobbyist on the issue of gun control, including working for Michael Bloomberg, and have also been involved with multiple gun control advocacy groups. Please provide a list of all issues and legislation on which you have been a lobbyist.

RESPONSE: During the second and third quarters of 2013, I was reported as a lobbyist for Mayors Against Illegal Guns involving a variety of firearms-related matters, including background checks, large-capacity magazines, and ATF funding. From the fourth quarter of 2016 to the end of 2019, I was reported as a lobbyist for Americans for Responsible Solutions, and later Giffords, involving a variety of firearms-related matters, including background checks, trafficking of firearms, concealed carry reciprocity, the National Firearms Act, and the Hearing Protection Act. Lobbying was not a large part of my duties at either organization.

8. You have worked as a registered lobbyist on the issue of gun control, including working for Michael Bloomberg. Over the course of your career, approximately how much have you been paid to lobby on behalf of gun control interests?

RESPONSE: Please see my response to Question 7. Lobbying was not a large part of my duties at either organization.

9. On March 24, 2020, you posted on your Facebook account an article about Liberty University students attending in-person classes, which you suggested demonstrated that Liberty University “is a cult.” Do you believe that Liberty University students are members of a “cult”?

RESPONSE: No.

10. Approximately 20,000 Americans were victims of murder in 2020, which is approximately 25% more than in 2019. During the nationwide increase in riots and violent crime, around five million Americans became first-time gun buyers. Do you believe that those first-time gun buyers are to blame for the increase in violence in the United States?

RESPONSE: The increase in violent crime is concerning. Striving to prevent violent crime will be a top priority if I am confirmed as ATF Director. I am unable to speculate on the causes of the increase in violent crime, which is complex and dependent on context and location.

11. You have called for a ban on so-called “assault rifles.” Are “assault rifles” the cause of the murder spike in the United States in 2020?

RESPONSE: The increase in violent crime is concerning. Striving to prevent violent crime will be a top priority if I am confirmed as ATF Director. I am unable to speculate on the causes of the increase in violent crime, which is complex and dependent on context and location.

12. Are so-called “assault rifles” the most common type of weapon used to commit murder in the United States?

RESPONSE: According to FBI crime data from 2019, handguns were the most common homicide weapon from 2015 to 2019. In 2019, 10,258 homicides were committed using firearms, of which 6,368 were committed using handguns.

13. Are so-called “assault rifles” used more commonly or less commonly than knives to commit murders in the United States?

RESPONSE: According to FBI crime data from 2019, 1,476 homicides were committed using knives or cutting instruments. 10,258 homicides were committed using any type of firearm, of which 6,368 involved handguns, 364 involved rifles, 200 involved shotguns, 45 involved “other guns,” and 3,281 involved firearms for which the type is not stated. Because the data set does not use the term “assault rifles,” the data is not sufficiently disaggregated to compare definitively the number of homicides committed using knives against the number of homicides committed using “assault rifles.”

14. Are so-called “assault rifles” used more commonly or less commonly than blunt objects (such as hammers) to commit murders in the United States?

RESPONSE: According to FBI crime data from 2019, 397 homicides were committed using blunt objects. 10,258 homicides were committed using any type of firearm, of which 6,368 involved handguns, 364 involved rifles, 200 involved shotguns, 45 involved “other guns,” and 3,281 involved firearms for which the type is not stated. Because the data set does not use the term “assault rifles,” the data is not sufficiently disaggregated to compare definitively the number of homicides committed using blunt objects against the number of homicides committed using “assault rifles.”

15. Are so-called “assault rifles” used more commonly or less commonly than things like feet and fists to commit murders in the United States?

RESPONSE: According to FBI crime data from 2019, 600 homicides were committed using “Personal weapons (hands, fists, feet, etc.).” 10,258 homicides were committed using any type of firearm, of which 6,368 involved handguns, 364 involved rifles, 200 involved shotguns, 45 involved “other guns,” and 3,281 involved firearms for which the type is not stated. Because the data set does not use the term “assault rifles,” the data is not sufficiently disaggregated to compare definitively the number of homicides committed using “personal weapons” against the number of homicides committed using “assault rifles.”

16. Are Americans unreasonable to want to protect themselves from violent crime?

RESPONSE: No.

17. In an article in 2020, you wrote that, “[c]ontrary to what the NRA will tell you, ‘good guys with a gun’ aren’t the best answer to . . . ‘bad guys with a gun.’” Let me give you an example: Imagine that a woman is home alone and an armed intruder breaks in. Even if she calls the police immediately, they are at least several minutes away. If having a gun to protect herself is not the answer, what should she do instead?

RESPONSE: I am unable to comment on a hypothetical situation. As a general matter, I support the “individual right to keep and bear arms,” as recognized by the Supreme Court in *District of Columbia v. Heller*, 554 U.S. 570, 595 (2008).

18. Your Twitter account describes you as an “advocate” for “gun violence prevention.” Have you used your Twitter account and other social media to engage in policy advocacy or make statements about gun policies?

RESPONSE: Yes.

19. Your Twitter account is currently set to “private,” meaning that your tweets can only be viewed by individuals whose access you approve. Prior to your nomination to lead ATF, was your Twitter account set to allow public viewing?

RESPONSE: Yes.

20. If your Twitter account was set to allow public access prior to your nomination, when did you set your Twitter account to “private”?

RESPONSE: April 7, 2021.

21. Did you discuss with anyone in the Biden administration or transition team anything related to setting your Twitter account to “private” or deleting or removing particular public posts?

RESPONSE: Yes. I decided to set my Twitter account to private because of violent threats I had received in the past and anticipated receiving once my nomination was made public. I notified officials at the Department of Justice that I intended to make my account private.

a. If so, did anyone in the Biden administration or transition team suggest that you set your Twitter account to “private” or delete or remove particular public posts?

RESPONSE: No.

22. You have advocated for an outright ban on so-called “assault weapons” and have said that the 1994 Assault Weapons Ban “didn’t go far enough.” During your testimony, I asked you how you would define an assault weapon. After a few efforts to avoid the question, you eventually cited a definition that included “any semi-automatic rifle capable of accepting a detachable magazine above the caliber of .22.” Approximately how many rifles in America fit that definition?

RESPONSE: During my hearing testimony, I stated that the definition of “assault weapon” for the purposes of a ban would be determined by Congress if such a law were to pass. Congress previously defined the term in 1994. When I was asked to define the term, I cited one definition of “assault rifle” currently in use for a specific, limited purpose by ATF for multiple sale reports on the Southwestern border. I do not have data on how many rifles fit this definition. I am not aware of any proposal to use this definition in the context of a ban.

23. Please describe with particularity the process by which you answered these questions and the written questions of the other members of the Committee.

RESPONSE: The Department of Justice received these questions on June 2, 2021. I worked with Department attorneys to answer the questions. I finalized and approved all answers to the questions and authorized their transmission to the Committee on June 7, 2021.

24. Did any individual outside of the United States federal government write or draft your answers to these questions or the written questions of the other members of the Committee? If so, please list each such individual who wrote or drafted your answers. If government officials assisted with writing or drafting your answers, please also identify the department or agency with which those officials are employed.

RESPONSE: Please see my response to Question 23.

Senator Cruz

Responses to Questions from Senator Cruz to David Chipman, Nominee to be Director, Bureau of Alcohol, Tobacco, Firearms and Explosives

1. When asked in a forum what gun laws were currently working and working well, you responded: “ERPOs (red flag) laws in 17 states and states that require licensing appear to prevent gun crime. Based on my time at ATF, requiring a background check for every gun sale at a licensed gun dealer would have the biggest impact on gun violence and largely disrupt interstate firearms trafficking.” You then stated that you “believe all guns should be limited to licensed gun stores where a background check and paperwork is required.” Does that remain your position? If not, please explain how your current position differs from your previous statement.

RESPONSE: As an advocate, I supported efforts to address shortcomings in the background check system based on the experience I gained during my 24-year career at ATF, including my work to disrupt firearms trafficking from Tidewater, Virginia, to the Northeast. If I am confirmed as ATF Director, I would enforce the background check laws currently on the books.

2. You have previously stated that gun control “is a perfect opportunity to arrest people before committing crimes rather than responding after the fact.” Does this remain your position? If not, please explain how your current position differs from your previous statement.

RESPONSE: I was referring to the fact that people who have failed a background check in an attempt to illegally purchase a firearm have already committed a crime—a serious federal felony—and such cases present opportunities for law enforcement to prevent potential violent crimes from occurring. As I indicate in my response to Question 13 below, I know this is a priority for you, and I appreciate your leadership on this issue. My full quote from a 2019 Reddit forum is as follows: “While at ATF I conducted studies involving people who failed background checks to determine how many later committed crimes with a gun—many did. This is a perfect opportunity to arrest people before committing crimes rather than responding after the fact. CNN even reported on this: <https://www.cnn.com/2018/12/21/us/gun-form-liars-atf-invs/index.html>.”

3. You have supported raising the minimum age to buy a firearm to 21 years. Does that remain your position?

RESPONSE: As an advocate, I have held that position. If confirmed as ATF Director, I would enforce the laws passed by Congress and signed by the President. Under current federal law, the minimum age to buy a handgun is 21 years for a sale from a licensed dealer and 18 years for a sale from a private seller, and the minimum age to buy a long gun from

a licensed dealer is 18 years, with no minimum age for long gun purchases from a private seller.

4. You have referred to AR-15s as “weapons of war,” and advocated for “treating them just like machine guns” You have also mentioned that “[o]ne option would be to require the registration of all existing assault weapons under the National Firearms Act while banning the future manufacture and sale of these firearms.”
 - a. Does this remain your position? If not, please explain how your current position differs from your previous statement.
 - b. Please define “weapon of war” and the source of your definition.
 - c. What specific attribute(s) or function(s) of an AR-15 render it a “weapon of war”?
 - d. For each attribute or function identified in subpart (c), please identify any other firearms that possess that attribute or function and whether that firearm is a “weapon of war.”

RESPONSE: If I am confirmed as ATF Director, I would enforce the laws passed by Congress and signed by the President. There is currently no federal law requiring the registration of assault weapons or restrictions on the future manufacture and sale of such firearms. There are several proposals to regulate or ban assault weapons.

5. Define “assault rifle.”

RESPONSE: As I stated during my hearing testimony, the definition of “assault weapon” or “assault rifle” for the purposes of a ban would be determined by Congress if such a law were to pass. Congress previously defined the term in 1994.

6. What is the difference between an “assault rifle” and a “weapon of war”?

RESPONSE: Please see my response to Question 5.

7. You have stated about the NRA: “I can fully understand why a community might say, ‘You know what? We think any money coming from the NRA is just dirty.’ I don’t trust that the NRA would be giving sound, balanced advice about the risks of funds and how they play a role in violence in America.” Does the same standard about playing a “role in violence in America” apply to organizations that have offered cash to pay bail for rioters and looters this past summer?

RESPONSE: My quote was provided in the context of a 2018 *Sacramento Bee* article investigating how some public and private schools in California received a total of \$1 million in grant funding from the NRA Foundation between 2010 and 2016. I said that a community

should be able to decide whether they want to accept such grant money. I believe a community should be free to make its own decisions about grant funding. The quote, which appeared correctly in the *Sacramento Bee*, says “risks of guns” rather than “risks of funds.” I am not familiar with specific organizations you reference.

8. You have supported the repeal of the Protection of Lawful Commerce in Arms Act (“PLCAA”).
 - a. Please explain your understanding of the PLCAA.
 - b. Under what circumstances does the PLCAA apply?
 - c. Does the PLCAA immunize firearms manufacturers who produce defective products?
 - d. Does the PLCAA immunize firearms manufacturers who have committed criminal misconduct?
 - e. You have stated that firearm manufacturers should be liable for misuse of firearms by third parties, “[j]ust like any other industry.” Name another industry in which companies are held liable when individuals use their products to commit a crime.

RESPONSE: President Biden has stated his support for repealing the Protection of Lawful Commerce in Arms Act (PLCAA) in order to ensure that victims of gun violence are given an opportunity to pursue justice in court. The law is codified in 15 U.S.C. §§ 7901-7903. The ATF does not have a role in enforcing PLCAA or attempting to retain or repeal it. If I am confirmed as ATF Director, I would therefore not have a role in enforcing or attempting to repeal PLCAA. I would enforce the laws on the books.

9. Is it appropriate for banks to deny financing or other services to firearms manufacturers? If not, will you commit to opposing any efforts to deny financing or financial services to firearms manufacturers on equal terms with other lawful businesses?

RESPONSE: I am not familiar with this issue. If I am confirmed as ATF Director, I would not have a role in financial services provided to firearms manufacturers. As a general matter, I think the laws should be fairly and faithfully enforced, free of any political or partisan influence.

10. What is the purpose of a firearm?

RESPONSE: People own and use firearms for different reasons. Speaking for myself, I was issued firearms during my service as an ATF special agent, and like many Americans, I now own firearms for self-defense. As I testified at my hearing, my most prized firearm is a Smith & Wesson Treasury commemorative gun, on which the serial number is my birth date.

11. During a Reddit forum, you falsely claimed that, “At Waco, cult members used 2 .50 caliber Barretts to shoot down two Texas Air National Guard helicopters.” Did you do any research before making this statement in a public forum? If not, do you believe you acted responsibly when you made this statement?

RESPONSE: I was an investigative agent for ATF in Waco, Texas, and I came in following the events at the Branch Davidian complex in early 1993. As part of my duties, I interviewed the federal agents who were involved. During a Reddit forum in 2019, when asked to illustrate the lethality of .50 caliber weapons, I shared what federal agents had told me based on their firsthand experience: that Branch Davidians used .50 caliber Barretts to shoot at Texas Air National Guard helicopters, and that the helicopters were forced to land as a result of the gunfire. During the course of my work, I examined pictures of the helicopters riddled with bullet holes. As I testified at my hearing, I regret any confusion between the phrases “shot down” and the more accurate “forced down because of the gunfire.”

12. What is your opinion of the ATF’s role in the siege at Waco? Do you believe that ATF acted appropriately? Please explain.

RESPONSE: ATF conducted an appropriate investigation of Vernon Howell and obtained a lawful search warrant. An operational plan dependent on the element of surprise was drafted and practiced by agents. Prior to the start of the operation, the element of surprise was compromised and ATF erred by moving forward with the operation. If I am confirmed as ATF Director, I will strive to ensure that such errors will never happen again under my leadership. I will always be honest and straightforward with ATF and the American people—they deserve nothing less.

The overall loss of life was tragic from all vantage points. However, Vernon Howell was a dangerous cult leader bent on death and destruction. He is ultimately responsible for the violence and loss of life near Waco, Texas, in 1993.

13. When we spoke, I told you that I have been concerned for years that the Department of Justice does not prosecute cases where criminals illegally try to buy firearms but are stopped by a background check. Every Congress since 2013, Senator Grassley and I have introduced legislation that would fix this. Our bill (the “Protecting Communities and Preserving the Second Amendment Act”), among other things, create a taskforce to prosecute these cases. If you are confirmed to lead the ATF, will you support this bill and prioritize these cases to help take dangerous criminals off the streets?

RESPONSE: I appreciated our conversation about this important issue, and I applaud your leadership. As I testified at my hearing, I view these cases as near-misses, and I believe it is good policy to bring criminal prosecutions for such violations in appropriate cases. Because I am not presently at the Department, I do not have a full picture of the status and prioritization of such prosecutions. If I am confirmed, it will be a top priority for me to understand this issue and the current work being undertaken by ATF and other Department

components. As I testified, I want to ensure that ATF can effectively leverage its expertise and resources to prevent more violent crimes from occurring in the first place.

14. While you were at ATF, did you ever lose, misplace, or have your service weapon stolen? If so, please explain the circumstances, the results of any pending investigation(s), whether the firearm or firearms were ever recovered, and any disciplinary action taken.

RESPONSE: No.

15. While you were at ATF, were you ever the subject of any disciplinary actions? If so, please explain.

RESPONSE: No.

16. While you were at ATF, were you ever the subject of any EEOC complaints? If so, please explain.

RESPONSE: During my 15 years as a manager at ATF, I received two EEO complaints. Both complaints were resolved without any finding of discrimination and no disciplinary action was taken against me.

17. While you were at ATF, were you ever the recipient of any formal or informal counseling as the result of allegations of inappropriate or unlawful behavior?

RESPONSE: No.

18. Are you willing to make your full personnel file from your time at ATF available to the Committee?

RESPONSE: My ATF personnel file is under the control of the federal government. As a nominee and private citizen, I have submitted more than 2,000 pages of responsive public and private records to the Committee. If I am confirmed, I will continue to be responsive and transparent with the Committee to the best of my ability, consistent with Department policies and practices.

Senator Graham

Responses to Questions from Senator Graham to David Chipman, Nominee to be Director, Bureau of Alcohol, Tobacco, Firearms and Explosives

1. You have been a vocal advocate of a ban on AR-15s. Given your extensive gun control activist background, I think it is important for the American people to know what other legal guns or gun parts you would like to see banned. Please list them here.

RESPONSE: If I am confirmed as ATF Director, I would enforce the laws on the books. I would not have the unilateral authority to enact a ban on AR-15s.

2. On May 21, 2021, ATF published Proposed Rule 2021R-05, *Definition of "Frame or Receiver" and Identification of Firearms*, in the Federal Register, with the stated goal of "ensur[ing] the proper marking, recordkeeping, and traceability of all firearms manufactured, imported, acquired and disposed by federal firearm licensees."
 - a. Under the proposed rule's new definitions, many firearms would have two or more frames or receivers, each requiring a serial number. How would this affect law enforcement, ATF, and federal firearm licensees' (FFL) ability to conduct traces? Would this not make a difficult process even more onerous?
 - b. Was this proposed rule one you advocated for as a gun control activist?
 - c. If confirmed, will you commit to consulting industry prior to the proposed rule becoming final?

RESPONSE: As a nominee, it would not be appropriate for me to weigh in on the substance of the proposed rule during the public comment period. If I am confirmed before the rule is finalized, I will ensure that all applicable ATF and Department of Justice policies and practices are applied to the remainder of the rulemaking process.

3. ATF reported a 70 percent increase in the number of federal firearm licensee (FFL) burglaries and a 266 percent increase in the number of FFL robberies from 2013 to 2017. In 2017, 8,129 firearms were taken in FFL burglaries and robberies. In 2018, South Carolina FFLs reported that 193 firearms were stolen during burglaries and robberies. Last Congress, I introduced the FFL Protection Act to help address the rapid increase in the number of "smash-and-grab" thefts targeted at federally licensed gun dealers. I intend to reintroduce the legislation this Congress. The FFL Protection Act is designed to discourage "smash-and-grabs" and make it more costly for criminals who target FFLs by 1) increasing the statutory maximum penalty from 10 to 20 years for knowingly stealing a firearm from a FFL; 2) imposing mandatory minimum sentences of 3 years for burglary from a FFL and 5 years for robbery from a FFL; and 3) criminalizing the attempted theft of a firearm from a licensed importer, manufacturer, dealer, or collector.
 - a. How do you perceive the threat of weapons acquired by criminals from "smash-and-grabs"?

- b. Do you believe mandatory minimum sentences would help stop the illegal dissemination of such guns?

RESPONSE: This is an important public safety issue. If confirmed as ATF Director, I would seek to ensure that investigations of FFL burglaries and other crimes targeting the firearms industry will be one of ATF's top investigative priorities. The industry ATF regulates should expect that when they are the victims of crime, ATF will bring the resources at its disposal to investigate these offenses and to identify the perpetrators of these crimes. I look forward to studying your legislation.

Senator Hawley

Responses to Questions from Senator Hawley to David Chipman, Nominee to be Director, Bureau of Alcohol, Tobacco, Firearms and Explosives

1. In a December 2012 interview with Chris Matthews, in response to a question about the role of the Secret Service, you stated directly that “their use of guns, shooting guns, is not necessary.” Do you hold that view today?

RESPONSE: As an ATF special agent, I regularly worked closely with the brave men and women of the Secret Service and gained a first-hand appreciation for their important mission. In this interview, I was observing that one of the most effective ways for law enforcement to combat violent crime is to prevent criminals from accessing firearms in the first place rather than to engage criminals in a shootout: “One of the things I got to do at ATF is work with the United States Secret Service, the most heavily armed group that we have in this country and they haven’t used their guns to protect the President and thwart an assassination attempt since 1950. So what I’m saying is that I believe that the answer is keeping guns out of the hands of criminals before they get them.” I would never advocate—and have never advocated—for Secret Service agents to work without arms.

2. In that same 2012 interview, you expressly agreed with Matthews’s comment that “their whole rule is to cover and evacuate” and you stated that “possibly we need to think of strategies like that in schools.” Do you believe it is preferable for school resource officers to adopt an unarmed “cover and evacuate” approach in the event of a mass shooting scenario, rather than using firearms against armed assailants?

RESPONSE: This interview took place shortly after the horrific massacre at Sandy Hook Elementary School in Newtown, Connecticut. I believe strongly in making our schools safe and secure for our children. Our students should be able to learn and thrive free from the fear of gun violence in their classrooms. While I have supported certain approaches to school safety as an advocate, there is no one-size-fits-all approach to this issue. If confirmed as ATF Director, I would not have a direct role in school safety policies.

3. Do you support restricting the number of firearms an individual may purchase per month?

RESPONSE: If confirmed as ATF Director, I would enforce the laws passed by Congress and signed by the President. I am not aware of a federal law restricting the number of firearms an individual may purchase per month.

4. Under the Gun Control Act (GCA), a firearm has only one frame or receiver: “The term ‘firearm’ means (A) any weapon . . . which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) *the frame or receiver* of any such weapon . . .” 18 U.S.C. § 921(a)(3). Manufacturers and importers are required

to “identify, by means of *a serial number* engraved or cast on the receiver or frame of the weapon,” each firearm. § 923(i).

ATF recently proposed a new regulation that purports to say that many firearms have two or more frames or receivers and each must have a serial number—meaning, in practice, that a typical firearm would have multiple serial numbers. Since parts are interchangeable (e.g., an upper and lower receiver), invariably many firearms will end up with more than one serial number, and the same serial number will be found on multiple firearms.

What effect will this have on the ability of law enforcement and ATF to trace firearms?

RESPONSE: As I am not currently at ATF, I am unfamiliar with ATF’s technical decisions regarding the marking and tracing of firearms with more than one frame or receiver. However, I do know generally that the proposed rule recognizes ATF’s prior classifications that most firearms only have one frame or receiver, and that it authorizes persons to obtain variances from having to place multiple serial numbers. I also know that one of the main goals of the proposed rule is to ensure that firearms have markings that can be traced by law enforcement if used in a crime.

5. Under ATF’s newly-minted proposed regulation, some observers have argued that raw material in the shape of a handgun or a frame or receiver would be defined as a firearm. What considerations should inform ATF’s analysis in redefining particular elements of raw material as firearms?

RESPONSE: I understand from my more than 20 years of experience as an ATF special agent that ATF follows the definitions set forth in the Gun Control Act of 1968 and the National Firearms Act to determine what is and is not a firearm. It is my understanding that the determination of when an item reaches a state of manufacture falling within the statutory definition of a firearm frame or receiver involves an examination of the specific product and application of the statutory criteria. I further understand that ATF has a pending proposed rule to clarify the regulations applicable to these determinations. If confirmed, I will follow the requirements of the Administrative Procedure Act to ensure that ATF takes into consideration input from the public in promulgating all proposed regulations, including the pending rulemaking relating to firearm frames and receivers.

Senator Lee

Responses to Questions from Senator Lee to David Chipman, Nominee to be Director, Bureau of Alcohol, Tobacco, Firearms and Explosives

1. Mr. Chipman, a report by the Western Criminology Review on the Criminal Use of Firearm Silencers found that between 1995 and 2005, there were “only two [federal] cases of a silencer being used in a murder in the United States.” The report also found that in a ten-year period, there were “approximately 40,000 homicides prosecuted in federal court and considerably fewer than .01 percent involved a silencer.” This data seems to suggest that silencers, or suppressors, are not nearly as problematic as you have suggested in the past. In fact, silencers are hardly ever deployed by criminals in the United States. If this is true, why do you think it is important to expend limited ATF resources on the regulation of silencers?

Source: Paul A. Clark, *Criminal Use of Firearm Silencers*, 8 W. Criminology Rev. 44, 51 (2007).

RESPONSE: Silencers are currently legal and available to purchase and own. They have been regulated under the National Firearms Act since 1934. Those individuals who want to buy silencers to protect their hearing have the means to do so through the many companies that sell National Firearms Act weapons. I have advocated against efforts to deregulate silencers because I believe the regulations in place for nearly 90 years have had a positive impact on public safety.

2. Mr. Chipman, the ATF released statistics showing that “[a]s of 02-03-2017, there are 1,297,670 suppressors registered with ATF under the National Firearms Act,” and that they are “rarely used in crimes.” The statistics further showed that only “.003 percent of silencers are used in crimes each year. Of those . . . only 6 involved defendants with prior felony convictions.” In fact, in an internal memo, ATF Associate Deputy Director Ronald Turk “argued that silencers should be deregulated due to the low rate at which they are used in crimes.” You make silencers out to be such dangerous devices, yet the statistics and testimony from the ATF and its agents show that they rarely are used to commit crimes. Why prioritize the government regulation of suppressors?

Source: <https://freebeacon.com/issues/atf-despite-nearly-1-3-million-silencers-united-states-rarely-used-crimes/>;
<http://apps.washingtonpost.com/g/documents/national/read-the-white-paper-on-firearms-regulations/2325/>

RESPONSE: Please see my response to Question 1.

3. Mr. Chipman, the ATF and the firearms industry have enjoyed years of proactive safety cooperation “to promote firearm safety, responsible actions among lawful gun owners,

and [reducing] criminal access to, and [the] misuse of firearms.” For example, Project ChildSafe is a nationwide initiative to promote firearms responsibility and provide safety education to all gun owners . . . through which [the Firearm Industry Trade Association] and its more than 15,000 law enforcement partners have distributed more than 40 million free firearm safety kits to gun owners in all 50 states. If you are appointed as the ATF Director, how will you maintain this cooperation with the firearms industry to promote gun safety with manufacturers and retailers given your time advocating for gun control for Giffords and Everytown for Gun Safety and your adversarial history with the firearms industry?

Source: [Home - Project ChildSafe](#)

RESPONSE: ATF’s partnerships with firearms manufacturers and retailers, in addition to other stakeholders, are critical to enhance public safety together. I know this firsthand. While at ATF, I served as the Chief of the Liaison Division, responsible for managing ATF’s external partnerships with law enforcement organizations, international liaisons, industry, research, and other groups. Prior to holding that position, I held a number of increasingly senior positions within ATF for which success depended on productive and positive relationships with industry actors.

4. Mr. Chipman, according to ATF data, there were 343 burglaries of Federal firearm licensees (FFLs) in 2019, and 4,691 firearms stolen. If you are appointed as the ATF director, how will you assist the efforts to prevent these burglaries, and how will you maintain a relationship with FFLs?

RESPONSE: I know that ATF currently has several ways of helping FFLs prevent firearms burglaries, including education during inspections and offering seminars as to how businesses can secure inventory and avoid being the victim of burglaries and thefts. I also know that upon learning of any FFL burglary, theft, or robbery, ATF agents and Industry Operations Investigators respond to investigate and provide the victim FFL with guidance on steps they can take to prevent future incidents. ATF has partnered with an industry trade group in Operation Secure Store to promote security measures and the safeguarding of FFL premises to prevent thefts of firearms. If I am confirmed, I would work to ensure that ATF maintains these practices, which facilitate positive relationships with FFLs. FFLs should also expect that when they are victims of crime, ATF will bring the resources at its disposal to investigate these offenses and to identify the perpetrators. Lastly, I would exercise my best efforts to provide all necessary resources to ATF field personnel, who maintain a vital connection and strong rapport with all industry members.

5. Mr. Chipman, my staff recently spoke with representatives from the Firearm Industry Trade Association, and they discussed, among other things, working with FFLs for safe firearm storage. One of their points was how the most effective programs work with FFLs to provide incentives to sell safe storage devices and provide free training materials to new and returning gun purchasers. If appointed, will you work with FFLs and firearm manufacturers to promote voluntary safe storage programs, and what, in your mind, is the best approach to ensure the safe storage of firearms?

RESPONSE: If confirmed, I would strive to ensure that ATF continues to work with FFLs and industry groups to promote safe storage of firearms, including in Project ChildSafe. I would work with private industry, as well as partner with DOJ's Office of Justice Programs and the COPS Office, to ensure that grant dollars are provided to promote the safe and secure storage of firearms nationwide.

6. In September 2019, you posted the following on Reddit: "while at ATF I conducted studies involving people who failed background checks to determine how many later committed crimes with a gun – many did. This is a perfect opportunity to arrest people BEFORE committing crimes rather than responding after the fact." In your testimony before the committee, you talked about wanting to "prevent more violent crimes from occurring in the first place", and attempted to explain your Reddit post as referring to prosecution of those who lie on their Form 4473. Your 2019 comments are a clear threat to Due Process as protected by the Constitution. Do you stand by those comments? If not, how would you further clarify those concerning statements?

RESPONSE: I was referring to the fact that people who have failed a background check in an attempt to illegally purchase a firearm have already committed a crime—a serious federal felony—and such cases present opportunities for law enforcement to prevent potential violent crimes from occurring. My full quote from a 2019 Reddit forum is as follows: "While at ATF I conducted studies involving people who failed background checks to determine how many later committed crimes with a gun—many did. This is a perfect opportunity to arrest people before committing crimes rather than responding after the fact. CNN even reported on this: <https://www.cnn.com/2018/12/21/us/gun-form-liars-atf-invs/index.html>."

7. How will you competently represent the ATF to the American public, many of whom are lawful gun owners, when you have made numerous concerning and inflammatory comments that you have later claimed were misconstrued or misstated?

RESPONSE: I am a gun owner myself, and I served at ATF for more than two decades. I recognize that public office is a public trust. If confirmed as ATF Director, I will work every day to earn the trust and respect of the American people.

8. In response to a question regarding *Heller*, you stated that you are "a cop, not a lawyer." If confirmed as the Director of the ATF you will have significant regulatory authority to implement the laws enacted by Congress in addition to law enforcement authority. This entails a significant legal responsibility. How will you effectively carry out these functions if you lack the interest or desire to understand existing law?

RESPONSE: I am indeed a cop, not a lawyer. As a law enforcement officer for 25 years, I had a desire to understand existing law because I was responsible for enforcing it. All cops do. If I am confirmed as ATF Director, I will do the same—and I will be able to leverage the considerable expertise and knowledge of attorneys at ATF and the Department of Justice to do so.

9. You stated that you agree with the landmark Supreme Court holding in *District of Columbia v. Heller* that the 2nd Amendment protects the individual right to bear arms outside of any organized militia. How do you reconcile that with your extensive political work with gun control lobbyists and activist groups some of which seek the removal of that right? How would your policy beliefs on this issue influence your actions as the ATF Director?

RESPONSE: In *District of Columbia v. Heller*, the Supreme Court held that the Second Amendment confers “an individual right to keep and bear arms.” 554 U.S. 570, 595 (2008). The Court also stated that, “[l]ike most rights, the right secured by the Second Amendment is not unlimited.” *Id.* at 626. If confirmed, I will take an oath, as all ATF employees do, to support and defend the United States Constitution, and that includes the Second Amendment.

10. Are you familiar with the Supreme Court’s decision in *McDonald v. Chicago*? Do you support the Court’s holding that Due Process extends the 2nd Amendment right to keep and bear arms to states?

RESPONSE: Yes. Yes.

11. With the *McDonald* case as a background, do you support restrictive gun control laws passed in numerous states across the country severely limiting gun possession and use? If so, how do you reconcile these increasingly restrictive state laws with *McDonald*’s holding?

RESPONSE: If confirmed as ATF Director, I would be responsible for enforcing federal laws consistent with the Constitution. I am unable to comment on state laws generally without more information.

12. What is your recommended strategy for effective firearm tracing? Do you support tracing all legal firearms as well as illegal firearms?

RESPONSE: Based on my 24 years of service as an ATF special agent, I know that firearm tracing provides critical information to assist domestic and international law enforcement agencies in solving firearm-related crimes. If confirmed, I would urge all federal, state, and local law enforcement agencies to commit to comprehensive crime-gun tracing. The information generated by comprehensive tracing not only helps to solve individual firearm crimes, but also allows ATF and law enforcement partners to identify crime-gun sources and trafficking trends so they can develop effective investigative strategies to reduce and prevent firearms-related violent crime. My understanding is that ATF’s authority to trace firearms extends only to firearms “illegally possessed, used in a crime, or suspected by law enforcement officials of having been used in a crime.”

13. You have stated that you support an assault weapons ban, specifically on AR-15s because they are “particularly lethal”. How could such a standard of lethality be adjudicated in an

unbiased manner? Where do you draw the line on what guns, especially rifles, would be “lethal” enough to be banned or restricted under an assault weapons ban?

RESPONSE: If confirmed as ATF Director, I would enforce the laws passed by Congress and signed by the President. I am not aware of any proposals to classify assault weapons based on lethality, but any such standard would be established by Congress, not the ATF Director.

14. You admitted that there is no substantial data or evidence to support that the previous assault weapons ban, enacted under the Clinton administration, had a net positive effect on gun violence. Why would such a ban have a different result today, especially when the only ones likely to lose access to assault weapons would be law-abiding Americans?

RESPONSE: Congress has the discretion and authority to draft and pass a bill to ban assault weapons based on its own findings. I am not aware of an assault weapons ban proposal that would cause law-abiding Americans to lose access to their existing weapons.

15. Do you support mass regulation and registration of existing, privately owned assault weapons? Does this include AR-15 rifles?

RESPONSE: If confirmed as ATF Director, I would enforce the laws on the books. Aside from the existing registry of weapons regulated under the National Firearms Act, there is no registry of privately owned assault weapons.

16. Do you support barring ownership of high-capacity magazines?

RESPONSE: If confirmed as ATF Director, I would enforce the laws on the books.

17. During a recent Judiciary Committee hearing on safe gun storage, several unfortunate examples of accidents or crimes involving unsecured firearms were shared. What do you personally do to safely store your firearms?

RESPONSE: I secure my handgun in a certified firearms lockbox with a push button cabinet lock.

Have you ever had a negative experience resulting from unsafe gun storage?

RESPONSE: No.

Have you ever lost a firearm or had one stolen, whether personally or in your work as an ATF agent?

RESPONSE: No.

18. In your previous career with ATF, how many times were suppressors used in violent crimes in your investigations? Do you believe that they pose a serious threat today?

RESPONSE: Silencers are legal and have been regulated under the National Firearms Act since 1934. I believe that these regulations have played an important role in minimizing the threat posed by the use of silencers by criminals.

19. Given your previous statements that only gun lobbyists and criminals benefit from easily accessible suppressors, can you produce any data showing significant use of suppressors in violent crimes?

RESPONSE: I am not aware of any publicly available statistical studies on the use of silencers in violent crimes. My statements about silencers have been based primarily on the determination by Congress nearly 90 years ago that these devices are subject to the registration provisions of the National Firearms Act.

20. In a 2020 interview on Cheddar News, you spoke negatively of gun owners during the recent rise in first-time gun purchases stating that first time buyer should safely store their weapon and hide it “behind the cans of tuna and beef jerks they have stored in a cabinet and only bring that out of the zombies start to appear.” These first-time purchasers include unprecedented increases in Blacks, Latinos, and women (per NSSF statistics). Why did you associate these new gun owners with the “Tiger King” and other condescending themes?

RESPONSE: As I testified during my hearing, these remarks were made in jest and were intended to be self-deprecating.

21. Do you believe that low-income Americans, Black Americans, Latino Americans, Asian Americans, and women should be encouraged to purchase and own guns? Why or why not?

RESPONSE: As a gun owner myself, I support responsible gun ownership for all eligible Americans.

22. Do you have statistics on how many first-time gun owners who purchased firearms during the pandemic have training?

RESPONSE: No. However, as a general matter, I believe firearms training is important, whether for first-time gun owners or for longtime gun owners.

23. Do you support the Protection of Lawful Commerce in Arms Act? Why or why not?

RESPONSE: President Biden has stated his support for repealing the Protection of Lawful Commerce in Arms Act (PLCAA) in order to ensure that victims of gun violence are given an opportunity to pursue justice in court. The ATF does not have a role in enforcing PLCAA or attempting to retain or repeal it. If I am confirmed as ATF Director, I would therefore not have a role in enforcing or attempting to repeal PLCAA. I would enforce the laws on the books.

24. Gun manufacturers and dealers are facing increasing social pressure and legal actions over crimes committed with weapons they produce and sell. As the head of ATF, how would you work with the gun manufacturers and dealers that ATF regulates to protect their rights while enforcing gun laws?

RESPONSE: Through my experience as an agent, I recognize that Federal Firearm Licensees (FFLs) are valuable partners in preventing the diversion of firearms to violent criminals. I know that ATF Industry Operations Investigators (IOIs) work closely with FFLs to help them achieve voluntary compliance with Federal firearms regulations. I am also aware that the vast majority of FFLs are in compliance with the federal firearm regulations and support law enforcement efforts to protect the public and prevent violent gun crime. If confirmed, I would continue to build on this important partnership with the firearms industry.

Senator Tillis

Responses to Questions from Senator Tillis to David Chipman, Nominee to be Director, Bureau of Alcohol, Tobacco, Firearms and Explosives

1. Mr. Chipman, how am I supposed to believe you can be impartial given you have been an activist on issues you will have jurisdiction over in the past?

RESPONSE: If confirmed as ATF Director, I would return to service as a federal law enforcement officer—a role I held for 25 years. I would enforce the law without fear or favor, consistent with the longstanding practice and policies of ATF and the Department of Justice.

2. Do you support the proposed red flag laws and why?
 - a. What should a red flag law include in your opinion?
 - b. You’ve publicly stated that you support red flag laws, have your views changed now or are you being dishonest with this Committee?

RESPONSE: On June 7, 2021, the Department of Justice published a model “extreme risk protection order” (ERPO) law for states to consider adopting and implementing in order to enhance public safety while protecting the rights of law-abiding Americans. Research has shown that such laws can save lives. I support the Department’s model legislation. I also understand that President Biden supports an appropriate national ERPO law.

3. If Congress were to enact a law requiring a background check for every sale of a firearm—how would you enforce that law for example if I were to sell a gun to my neighbor. Would I be required to check with the ATF before selling the firearm? How would that work?
 - a. What about to my son or daughter?

RESPONSE: I am unable to speculate on the implementation of a law that has not passed, but I will enforce any law that Congress passes.

4. You once said, in talking about red flag laws, that: “This is a perfect opportunity to arrest people before committing crimes rather than responding after the fact.”
 - a. Is this *Minority Report*? Do we arrest people for “pre-crime”?
 - b. Can you explain this statement and if you still stand by it?
 - c. As director of ATF how will you ensure American’s second, fourth, fifth, and sixth amendment rights are not infringed?

RESPONSE: My quote did not refer to “red flag laws.” I was referring to the fact that people who have failed a background check in an attempt to illegally purchase a firearm have already committed a crime—a serious federal felony—and such cases present opportunities for law enforcement to prevent potential violent crimes from occurring. My full quote from a 2019 Reddit forum is as follows: “While at ATF I conducted studies involving people who failed background checks to determine how many later committed crimes with a gun—many did. This is a perfect opportunity to arrest people before committing crimes rather than responding after the fact. CNN even reported on this: <https://www.cnn.com/2018/12/21/us/gun-form-liars-atf-invs/index.html>.”

If confirmed, I will take an oath, as all ATF employees do, to support and defend the United States Constitution.

5. How many state legislatures have you appeared before on the subject of universal background checks?

RESPONSE: I appeared before the following state legislatures for which my testimony was primarily focused on background checks: Nevada, Oregon, Colorado, and Minnesota.

6. How old should someone have to be to purchase a firearm? Would this apply to veterans? What about to young women living on their own or people in rural American who hunt for the food?

RESPONSE: Under federal law, licensed firearms dealers may not sell a long gun or long gun ammunition to anyone under 18, and unlicensed persons may sell a long gun or long gun ammunition to a person of any age. Licensed firearms dealers may not sell a handgun or handgun ammunition to anyone under 21, and unlicensed persons may not sell a handgun or handgun ammunition to anyone under 18.

7. You said under oath to the House Judiciary Committee that “simply reinstating the 90’s-era ban on assault weapons is not enough. Instead, we should regulate a broader class of firearms, including assault weapons manufactured before the law’s enactment. One option would be to require the registration of all existing assault weapons under the National Firearms Act while banning the future manufacture and sale of these firearms.”
 - a. How would a national firearms registry work? Would police go door to door looking for firearms? And who would have this database?
 - b. Can you explain this statement and how based on this view you can in any way be impartial as ATF director?

RESPONSE: If confirmed as ATF Director, I would enforce the laws on the books. Aside from the existing registry of weapons regulated under the National Firearms Act, there is no registry of privately owned assault weapons. Congress has the discretion and authority to draft and pass a bill to ban or regulate assault weapons. I am unable to speculate on the implementation of a law that has not passed.

8. Do you believe the second amendment creates an *individual* right to keep and bear arms?

RESPONSE: Yes. The Supreme Court has said so in *District of Columbia v. Heller*, 554 U.S. 570 (2008).

Senator Dick Durbin
Chair, Senate Judiciary Committee
Written Questions for Tiffany Cunningham
Nominee to the Court of Appeals for the Federal Circuit
June 2, 2021

1. **In your confirmation hearing, you recalled that when you clerked on the Federal Circuit, you noticed that the makeup of the court was very homogenous and that you aspired to one day serve on that court.**

Can you discuss what it would mean to you to see the federal bench, and specifically the Federal Circuit, reflect the diversity of our country?

Response: Enhancing the demographic and professional diversity of the Federal Circuit will further enhance the public's confidence and demonstrate to the next generation that a variety of backgrounds can be judges at that court. If I were fortunate enough to be confirmed, then I would bring both professional and demographic diversity to the bench. I have spent my almost 20-year career, litigating intellectual property cases from beginning to end, including through fact and expert discovery, trial and appeal. If confirmed, then I would look forward to mentoring the next generation of lawyers as a member of the federal bench.

2. **As you know, the Federal Circuit is unique among the 13 Circuit Courts of Appeals as it has nationwide jurisdiction over a wide range of subjects, including international trade, government contracts, and veterans benefits, as well as patents and trademarks.**

Can you talk about your experience practicing before the Federal Circuit, and what you would look forward to if you are given the opportunity to serve on that court?

Response: As a trial and appellate litigator, I litigate cases through their entire evolution from the trial court through appeals to the Federal Circuit. Because my career has focused primarily on patent litigation, my appellate practice has been before the Federal Circuit. I have appeared before the Federal Circuit in eight appeals, and I have achieved successful results for my clients in those appeals that resulted in a final decision by the Court. *See, e.g., Caterpillar Inc. v. Sturman Indus., Inc.*, 387 F.3d 1358 (Fed. Cir. 2004); *Fernandez Innovative Techs., LLC v. General Motors Corp.*, 325 Fed. App'x 908 (Fed. Cir. 2009); *Piecznik v. Bayer Corp.*, 474 Fed. App'x 766 (Fed. Cir. 2012). If confirmed, I look forward to working in a collegial manner with the judges at the Court on the challenging issues that the Court addresses across the full range of the Federal Circuit's nationwide jurisdiction.

Senator Grassley, Ranking Member
Questions for the Record
Tiffany Cunningham
Nominee to be United States Circuit Judge for the United States Court of Appeals for the
Federal Circuit

1. What is your approach to statutory interpretation?

Response: My approach to statutory interpretation is to start with the plain language of the statute. I would also review any binding Supreme Court or other controlling precedent interpreting that statutory language. If the statutory language is clear, then I would follow the plain language of the statute. If the statutory language is ambiguous, then I would apply the other canons of statutory construction as prescribed by Supreme Court and other binding precedent.

2. What is your approach to constitutional interpretation?

Response: My approach to constitutional interpretation would be to begin with review of the pertinent constitutional provision along with any binding Supreme Court and other precedent interpreting that constitutional provision. If confirmed, I would apply all binding Supreme Court and other controlling precedent interpreting that portion of the Constitution, as well as the Supreme Court's identified methods of constitutional interpretation.

3. How would you describe your judicial philosophy?

Response: If confirmed, my general approach to handling cases would be to thoroughly review and analyze the briefs and record presented to me; analyze all of the applicable law, including statutory and case law precedent, and apply the law to the facts of that particular case; and just decide the issues that are squarely presented by the appeal. I would be unbiased, fair to all and not pre-judge any matters. I would not inject my personal views into the decision-making process.

4. During your hearing you told me that you did not think district judges should rule on cases with an eye toward creating patent jurisdictions. What is the role of the Federal Circuit in ensuring that they don't do so?

Response: During my hearing, I testified that district court judges "need to be bound by the rule of law and just being focused on applying the law to the facts of each case without really taking into consideration regarding what sorts of cases they might want to appear before them." The Federal Circuit is tasked with only addressing the issues presented by the appeals before it through the lens of the appropriate standards of review.

If presented with venue issues, the Federal Circuit would apply all controlling precedent to the venue issues before the Court.

5. What is the role of mandamus at the Federal Circuit in ensuring that district judges or plaintiffs do not abuse venue in patent cases?

Response: A writ of mandamus is an extraordinary remedy that can only be granted if certain conditions are satisfied: “(1) the petitioner must have no other adequate means to attain the relief desired; (2) the petitioner must demonstrate a clear and indisputable right to the issuance of the writ; and (3) even if the first two prerequisites have been met, the issuing court, in the exercise of its discretion, must be satisfied that the writ is appropriate under the circumstances.” *In re HTC Corporation*, 889 F.3d 1349, 1352 (Fed. Cir. 2018) (citing *Cheney v. U.S. Dist. Court for D.C.*, 542 U.S. 367, 380-81 (2004)) (internal quotations omitted). The Federal Circuit evaluates each case on a case-by-case basis. Depending on the specific facts of the case, the Federal Circuit has either granted or denied mandamus in patent venue cases. See, e.g., *In re Google LLC*, 949 F.3d 1338, 1341-43, 1347 (Fed. Cir. 2020) (granting mandamus and directing the district court to dismiss or transfer the case as appropriate); *In re HTC Corporation*, 889 F.3d at 1352-54, 1361 (denying writ of mandamus).

6. What is your understanding of the Takings Clause?

Response: The Takings Clause of the Fifth Amendment provides that private property cannot be taken for public use without just compensation. *U.S. Const. Amend. V*; see also, e.g., *Golden v. United States*, 955 F.3d 981, 987 (Fed. Cir. 2020) (citing *Schillinger v. U.S.*, 155 U.S. 163 (1894)).

7. What do you take to be the outer limits of the Supreme Court’s holding in *Kelo v. New London*?

Response: In *Kelo v. City of New London*, 545 U.S. 469, 477 (2005), the Supreme Court considered “whether a city’s decision to take property for the purpose of economic development satisfies the ‘public use’ requirement of the Fifth Amendment.” The Supreme Court held that the city’s economic development plan served a public purpose and satisfied the public use requirement of the Fifth Amendment. *Id.* at 484. The Supreme Court further confirmed that its decision did not prevent states from imposing additional restrictions on the exercise of the takings power. *Id.* at 489.

8. Have you ever handled a Takings claim as a lawyer?

Response: No.

9. You clerked for Judge Dyk on the Federal Circuit. What are your views on Judge Dyk's approach to Takings Clause cases?

Response: As a nominee, I do not believe that it would be appropriate for me to comment on specific approaches by any particular judge on the Federal Circuit. To the extent that a decision authored by any Federal Circuit judge constituted binding precedent in any area of law, I would be obligated to follow it. If confirmed, I would faithfully apply all controlling precedent to any cases that came before me.

10. What is your view on the role that the PTO plays in the re-review of patents?

Response: The PTO plays a significant role in the re-review of patents. For example, after the passage of the America Invents Act, parties could challenge issued U.S. patents before the PTO through inter partes review (IPR), post-grant review (PGR), or covered business method (CBM). These PTO proceedings offer a cost-effective alternative to district court litigation in order to challenge the validity of a patent while allowing for limited discovery and argument before the PTO. While the grounds for IPRs are limited to prior art patents or printed publications under 35 U.S.C. §§ 102 and 103, the grounds for PGR and CBM encompass 35 U.S.C. §§ 101, 102, 103, and 112.

11. Under the Supreme Court's First Amendment jurisprudence, can someone shout "fire" in a crowded theater?

Response: It depends on the circumstances. In *Schenck v. United States*, 249 U.S. 47, 52 (1919), the Supreme Court explained in dicta that "[t]he most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing a panic. It does not even protect a man from an injunction against uttering words that may have all the effect of force." The Supreme Court later clarified in *Brandenburg v. Ohio*, 395 U.S. 444, 447 (1969), that "the constitutional guarantees of free speech and free press do not permit a State to forbid or proscribe advocacy of the use of force or of law violation except where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action."

12. Justice Scalia's opinion in *D.C. v. Heller* does allow for some regulation of firearms, such as possession of firearms by felons. Which firearm regulations has the D.C. Circuit upheld as constitutional?

Response: Since the Supreme Court's decision in *District of Columbia v. Heller*, 554 U.S. 570 (2008), the D.C. Circuit has upheld a number of firearm regulations as constitutional. Specifically, the D.C. Circuit has upheld a requirement of registration of handguns and a ban on assault weapons and large-capacity magazines. *See, e.g., Heller v. District of Columbia*, 670 F.3d 1244, 1264 (D.C. Cir. 2011). The D.C. Circuit has also upheld a ban on possession of firearms for individuals convicted of common law

misdemeanors. *Schrader v. Holder*, 704 F.3d 980, 982, 991 (D.C. Cir. 2013). In *Heller v. District of Columbia*, 801 F.3d 264, 280-81 (D.C. Cir. 2015), the D.C. Circuit upheld the requirement of the registration of long guns along with the following requirements for registrants: in-person appearance, fingerprinting, photographing, reasonable fees and safety training. The Court further upheld the ban on firearm possession for individuals with a felony conviction. *Medina v. Whitaker*, 913 F.3d 152, 161 (D.C. Cir. 2019). In *United States v. Class*, 930 F.3d 460, 469-70 (D.C. Cir. 2019), the D.C. Circuit upheld as constitutional the federal statute prohibiting possession of firearms on U.S. Capitol grounds.

13. Is it proper for a circuit court judge to question Supreme Court precedent in a concurring opinion? What about in a dissent?

Response: A circuit judge must follow all binding Supreme Court precedent. Nonetheless, a circuit court judge may request additional clarity regarding Supreme Court precedent in either a concurring opinion or dissent.

14. When interpreting text you find to be ambiguous, which tools would you use to resolve that ambiguity?

Response: I would begin with the language of the statute. I would also analyze the language of the statute in the context of the overall statutory structure. To interpret ambiguous text, I would review relevant Supreme Court or other controlling precedent that interprets the statute. I would also consider other tools of statutory construction as dictated by the Supreme Court or Federal Circuit precedent, as well as any persuasive authority if there is no binding authority. Lastly, I would consider the legislative history of text only as needed and to the extent the Supreme Court permits such consideration.

15. When interpreting text you find to be ambiguous, how would you handle two competing, contradictory canons of statutory interpretation?

Response: If confirmed, I would employ the approach described in response to Question No. 14 to interpret ambiguous text. To the extent that there were contradictory canons of statutory construction, I would look to controlling precedent to determine how to resolve any conflict.

16. How do you decide when text is ambiguous?

Response: If confirmed, I would begin by reviewing the plain language of the statute with respect to the dispute in the case, to determine whether the text is ambiguous. *See, e.g., Power Integrations, Inc. v. Semiconductor Components Indus., LLC*, 926 F.3d 1306, 1314 (Fed. Cir. 2019) (“In statutory construction, we begin with the language of the statute. Our first step is to determine whether the language at issue has a plain and

unambiguous meaning with regard to the particular dispute in the case.”) (citations and internal quotations omitted).

17. Do you find, in general, congressional statutes or agency regulations to consist of more ambiguous text?

Response: I would address each congressional statute or agency regulation on a case-by-case basis. I do not have an opinion regarding whether statutes or regulations consist of more ambiguous text.

18. In Federalist No. 62, James Madison wrote: “It will be of little avail to the people, that the laws are made by men of their own choice, if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood; if they be repealed or revised before they are promulgated, or undergo such incessant changes that no man, who knows what the law is to-day, can guess what it will be to-morrow. Law is defined to be a rule of action; but how can that be a rule, which is little known, and less fixed?” Do you agree with this statement?

Response: This is an excerpt from the Federalist No. 62, entitled “The Senate.” This excerpt reiterates the desire for laws to be both understandable and predictable. I agree with that statement. If confirmed, I would faithfully apply all controlling precedent to the facts of any case.

19. Do you agree with the following statements?

- a. We live in a pluralistic society with people of widely diverse faith traditions. Religious freedom for all is part of our country’s bedrock, from the enactment of our Constitution to the establishment of our more recent statutes that protect against religious discrimination.**

Response: The First Amendment to the Constitution provides that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” *U.S. Const. Amend. I*. The Supreme Court has reiterated that religious freedom is protected by the Free Exercise Clause. The Religious Freedom Restoration Act of 1993 further ensures that religious freedom is protected.

- b. Title VII requires that employers not discriminate against applicants or employees because of their religious beliefs, observances, or practices and that employers accommodate religious beliefs, observances, and practices, absent undue hardship.**

Response: Title VII prohibits employers from discriminating on the basis of race, color, religion, national origin and sex. *See* 42 U.S.C. § 2000e-2. Title VII defines

“religion” as including “all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he is unable to reasonably accommodate to an employee’s or prospective employee’s religious observance or practice without undue hardship on the conduct of the employer’s business.” *Id.* § 2000e(j).

- c. Federal civil-rights regulators should seek to learn more about the extent to which employees request time off for prayer or Sabbath observance, seek exemption from grooming or dress codes, or seek to avoid participation in hot-button practices like abortion or LGBTQ celebration.**

Response: If confirmed, my role would be to interpret the laws. I would not have a policymaking role. Accordingly, it is not appropriate for me to comment on what federal civil-rights regulators should seek to learn in fulfilling their policy roles.

- d. It is important to improve religious discrimination awareness for employees and employers while encouraging meaningful dialogue between employees, employers, and the government.**

Response: If confirmed, my role would be to interpret the laws. However, I am aware that employers who are subject to federal laws prohibiting various types of discrimination frequently take steps to improve awareness of those laws among their employees.

- e. The federal government should prevent and remedy unlawful religious discrimination.**

Response: If confirmed, my role would be to interpret the laws. I believe that the federal government is required to follow laws enacted by Congress, including laws prohibiting religious discrimination.

20. You can answer the following questions yes or no:

- a. Was *Brown v. Board of Education* correctly decided?**

Response: Consistent with the positions taken by other nominees, it is generally inappropriate for me to comment on whether any given Supreme Court precedent is correctly decided, and I will follow all binding Supreme Court precedent if confirmed. However, there are a few exceptions to this general rule and *Brown v. Board of Education*, 347 U.S. 483 (1954) is one of those exceptions. In *Brown v. Board of Education*, the Supreme Court held that the previously established doctrine of “separate but equal” is unconstitutional. I agree that this case was correctly decided.

- b. Was *Loving v. Virginia* correctly decided?**

Response: Consistent with the positions taken by other nominees, it is generally inappropriate for me to comment on whether any given Supreme Court precedent is correctly decided, and I will follow all binding Supreme Court precedent if confirmed. However, there are a few exceptions to this general rule and *Loving v.*

Virginia, 388 U.S. 1 (1967) is one of those exceptions. In *Loving v. Virginia*, the Supreme Court held that laws banning interracial marriage were unconstitutional. I agree that this case was correctly decided.

c. **Was *Griswold v. Connecticut* correctly decided?**

Response: As a nominee, it is generally inappropriate for me to comment on whether any given Supreme Court precedent is correctly decided. I will follow all binding Supreme Court precedent if confirmed.

d. **Was *Roe v. Wade* correctly decided?**

Response: As a nominee, it is generally inappropriate for me to comment on whether any given Supreme Court precedent is correctly decided. I will follow all binding Supreme Court precedent if confirmed.

e. **Was *Planned Parenthood v. Casey* correctly decided?**

Response: As a nominee, it is generally inappropriate for me to comment on whether any given Supreme Court precedent is correctly decided. I will follow all binding Supreme Court precedent if confirmed.

f. **Was *Gonzales v. Carhart* correctly decided?**

Response: As a nominee, it is generally inappropriate for me to comment on whether any given Supreme Court precedent is correctly decided. I will follow all binding Supreme Court precedent if confirmed.

g. **Was *District of Columbia v. Heller* correctly decided?**

Response: As a nominee, it is generally inappropriate for me to comment on whether any given Supreme Court precedent is correctly decided. I will follow all binding Supreme Court precedent if confirmed.

h. **Was *McDonald v. City of Chicago* correctly decided?**

Response: As a nominee, it is generally inappropriate for me to comment on whether any given Supreme Court precedent is correctly decided. I will follow all binding Supreme Court precedent if confirmed.

i. **Was *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC* correctly decided?**

Response: As a nominee, it is generally inappropriate for me to comment on whether any given Supreme Court precedent is correctly decided. I will follow all binding Supreme Court precedent if confirmed.

j. **Was *Sturgeon v. Frost* correctly decided?**

Response: As a nominee, it is generally inappropriate for me to comment on whether any given Supreme Court precedent is correctly decided. I will follow all binding Supreme Court precedent if confirmed.

k. Was *Juliana v. United States* (9th Cir.) correctly decided?

Response: As a nominee, it is generally inappropriate for me to comment on whether any given court precedent is correctly decided. I will follow all binding and applicable precedent if confirmed.

l. Was *Rust v. Sullivan* correctly decided?

Response: As a nominee, it is generally inappropriate for me to comment on whether any given Supreme Court precedent is correctly decided. I will follow all binding Supreme Court precedent if confirmed.

m. Was *TC Heartland v. Kraft Foods Group Brands LLC* correctly decided?

Response: As a nominee, it is generally inappropriate for me to comment on whether any given Supreme Court precedent is correctly decided. I will follow all binding Supreme Court precedent if confirmed.

21. Have you had any conversations with individuals associated with the group Demand Justice, including but not limited to Brian Fallon or Chris Kang in connection with this or any other potential judicial nomination? If so, please explain the nature of those conversations.

Response: No, to my knowledge, I have not spoken with individuals associated with the group Demand Justice in connection with this or any other potential judicial nomination.

22. Have you had any conversations with individuals associated with the American Constitution Society, including but not limited to Russ Feingold, in connection with this or any other potential judicial nomination? If so, please explain the nature of those conversations.

Response: No, to my knowledge, I have not spoken with individuals associated with the American Constitution Society in connection with this or any other potential judicial nomination.

23. Have you had any conversations with individuals associated with the Lawyers Committee for Civil and Human Rights, including but not limited to Vanita Gupta, in connection with this or any other potential judicial nomination? If so, please explain the nature of those conversations.

Response: No, to my knowledge, I have not spoken with individuals associated with the Leadership Conference on Civil and Human Rights in connection with this or any other potential judicial nomination.

24. You mention in your SJQ that you met with President Biden before being nominated. What was the nature of this meeting?

Response: I had a short Zoom call with President Biden on March 26. The videoconference meeting just involved President Biden getting to know more about my background.

25. Please explain with particularity the process by which you answered these questions.

Response: I reviewed and prepared answers to each question posed. As needed, I researched any issues pertinent to my responses. Additionally, attorneys from the Office of Legal Policy reviewed my questions and answers and provided me with feedback. The final answers are my own.

26. Do these answers reflect your true and personal views?

Response: Yes, I answered each question truthfully.

**Nomination of Tiffany P. Cunningham to be United
States Circuit Judge for the Federal Circuit Questions
for the Record**

Submitted June 2, 2021

QUESTIONS FROM SENATOR COTTON

- 1. Since becoming a legal adult, have you ever been arrested for or accused of committing a hate crime against any person?**

Response: No.

- 2. Since becoming a legal adult, have you ever been arrested for or accused of committing a violent crime against any person?**

Response: No.

- 3. Please describe with particularity the process by which you answered these questions and the written questions of the other members of the Committee.**

Response: I reviewed each question and prepared answers to each question posed. As needed, I researched any issues pertinent to my responses. Additionally, I provided my answers to attorneys from the Office of Legal Policy who reviewed my questions and answers and provided me with feedback. The final answers are my own.

- 4. Did any individual outside of the United States federal government write or draft your answers to these questions or the written questions of the other members of the Committee? If so, please list each such individual who wrote or drafted your answers. If government officials assisted with writing or drafting your answers, please also identify the department or agency with which those officials are employed.**

Response: No. My process for preparing answers to all written questions from the Committee is explained above in response to Question No. 3.

SENATOR TED CRUZ
U.S. Senate Committee on the Judiciary

**Questions for the Record for Ms. Tiffany P. Cunningham to be United States
Circuit Judge for the Federal Circuit**

- 1. Describe how you would characterize your judicial philosophy, and identify which U.S. Supreme Court Justice's philosophy from Warren, Burger, Rehnquist, or Roberts' Courts is most analogous with yours.**

Response: If confirmed, my general approach to handling cases would be to thoroughly review and analyze the briefs and record presented to me; analyze all of the applicable law, including statutory and case law precedent, and apply the law to the facts of that particular case; and just decide the issues that are squarely presented by the appeal. I would be unbiased, fair to all and not pre-judge any matters. I would not inject my personal views into the decision-making process. While I cannot identify which Supreme Court Justice's philosophy is most similar to the one that I expect to employ if confirmed, above I described my general approach.

- 2. Do you believe the meaning of the Constitution changes over time absent changes through the Article V amendment process?**

Response: The Constitution is an enduring document that has withstood the test of time. If confirmed, I would faithfully apply the Constitution and all controlling precedent interpreting the relevant constitutional provisions.

- 3. President Biden has created a commission to advise him on reforming the Supreme Court. Do you believe that Congress should increase, or decrease, the number of justices on the U.S. Supreme Court? Please explain.**

Response: I am aware that President Biden has created such a commission. As a nominee, it is not appropriate for me to weigh in on the size of the Supreme Court. If confirmed, I would faithfully apply all applicable Supreme Court precedent to any cases before the Federal Circuit.

- 4. Do you personally own any firearms? If so, please list them.**

Response: No.

- 5. Have you ever personally owned any firearms?**

Response: No.

6. Have you ever used a firearm? If so, when and under what circumstances?

Response: No.

7. Is the ability to own a firearm a personal civil right?

Response: The Supreme Court has held that the Second Amendment protects an individual's right to keep and bear arms. *See District of Columbia v. Heller*, 554 U.S. 570, 635 (2008) (“[W]e hold that the District’s ban on handgun possession in the home violates the Second Amendment, as does its prohibition against rendering any lawful firearm in the home operable for the purpose of immediate self-defense. Assuming that Heller is not disqualified from the exercise of Second Amendment rights, the District must permit him to register his handgun and must issue him a license to carry it in the home.”). The Supreme Court also confirmed that the Second Amendment right to keep and bear arms is applicable to the states. *See McDonald v. City of Chicago, Illinois*, 561 U.S. 742, 791 (2010) (“We therefore hold that the Due Process Clause of the Fourteenth Amendment incorporates the Second Amendment right recognized in *Heller*.”).

8. Is the criminal justice system systemically racist?

Response: Throughout my career, I have focused on intellectual property litigation and have neither litigated any criminal cases nor analyzed the criminal justice system. If I were fortunate enough to be confirmed, I would resolve the specific case or controversy before the Court and not seek to resolve or analyze issues that are not squarely before the Court.

**Questions for the Record for Tiffany P. Cunningham
From Senator Mazie K. Hirono**

1. **As part of my responsibility as a member of the Senate Judiciary Committee and to ensure the fitness of nominees, I am asking nominees to answer the following two questions:**
 - a. **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?**

Response: No.
 - b. **Have you ever faced discipline, or entered into a settlement related to this kind of conduct?**

Response: No.

Senator Mike Lee
Questions for the Record
Tiffany P. Cunningham, Federal Circuit

1. How would you describe your judicial philosophy?

Response: If confirmed, my general approach to handling cases would be to thoroughly review and analyze the briefs and record presented to me; analyze all of the applicable law, including statutory and case law precedent, and apply the law to the facts of that particular case; and just decide the issues that are squarely presented by the appeal. I would be unbiased, fair to all and not pre-judge any matters. I would not inject my personal views into the decision-making process.

2. What sources would you consult when deciding a case that turned on the interpretation of a federal statute?

Response: My approach to statutory interpretation is to start with the plain language of the statute. I would also review any binding Supreme Court or other controlling precedent interpreting that statutory language. If the statutory language is clear, then I would follow the plain language of the statute. If the statutory language is ambiguous, then I would apply the other canons of statutory construction as prescribed by Supreme Court and other binding precedent.

3. What sources would you consult when deciding a case that turned on the interpretation of a constitutional provision?

Response: My approach to constitutional interpretation would be to begin with review of the pertinent constitutional provision along with any binding Supreme Court and other precedent interpreting that constitutional provision. If confirmed, I would apply all binding Supreme Court and other controlling precedent interpreting that portion of the Constitution, as well as the Supreme Court's identified methods of constitutional interpretation.

4. What role do the text and original meaning of a constitutional provision play when interpreting the Constitution?

Response: I would apply the methods of constitutional interpretation employed by the Supreme Court and the Federal Circuit. Accordingly, I would review the relevant constitutional provision. In instances where the Supreme Court or the Federal Circuit has examined the original meaning of a constitutional provision, I would also employ that approach. *See, e.g., District of Columbia v. Heller*, 554 U.S. 570, 625 (2008) (“We conclude that nothing in our precedents forecloses our adoption of the original understanding of the Second Amendment.”).

5. What are the constitutional requirements for standing?

Response: The Supreme Court has summarized the constitutional requirements for standing. “[O]ur cases have established that the irreducible constitutional minimum

of standing contains three elements. First, the plaintiff must have suffered an injury in fact—an invasion of a legally protected interest which is (a) concrete and particularized; and (b) actual or imminent, not conjectural or hypothetical. Second, there must be a causal connection between the injury and the conduct complained of—the injury has to be fairly ... trace[able] to the challenged action of the defendant, and not ... th[e] result [of] the independent action of some third party not before the court. Third, it must be likely, as opposed to merely speculative, that the injury will be redressed by a favorable decision.” *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560–61 (1992) (internal citations and quotations omitted).

6. Do you believe there is a difference between “prudential” jurisdiction and Article III jurisdiction in the federal courts? If so, which jurisdictional requirements are prudential, and which are mandatory?

Response: The Supreme Court and the Federal Circuit have distinguished between prudential and Article III jurisdiction. As the Federal Circuit explained, “Constitutional limitations relate to a court’s jurisdictional power under Article III, which requires that the plaintiff show that he has personally suffered some actual or threatened injury as a result of the putatively illegal conduct of the defendant, *Gladstone, Realtors v. Village of Bellwood*, 441 U.S. 91, 99, 99 S.Ct. 1601, 60 L.Ed.2d 66 (1979), and that the injury fairly can be traced to the challenged action and is likely to be redressed by a favorable decision, *Simon v. Eastern Kentucky Welfare Rights Org.*, 426 U.S. 26, 38, 41, 96 S.Ct. 1917, 48 L.Ed.2d 450 (1976). Prudential limitations, by comparison, involve a court’s administrative discretion to hear a case; they are those that the judiciary imposes to avoid deciding questions of broad social import where no individual rights would be vindicated and to limit access to the federal courts to those litigants best suited to assert a particular claim.” *First Hartford Corp. Pension Plan & Trust v. U.S.*, 194 F.3d 1279, 1290 (Fed. Cir. 1999) (internal quotations omitted).

7. How would you define the doctrine of administrative exhaustion?

Response: The doctrine of administrative exhaustion requires a party challenging an agency decision to pursue all available agency remedies before seeking judicial review. See, e.g., *Palladian Partners, Inc. v. U.S.*, 783 F.3d 1243, 1254 (Fed. Cir. 2015) (“[N]o one is entitled to judicial relief for a supposed or threatened injury until the prescribed administrative remedy has been exhausted.”).

8. Do you believe Congress has implied powers beyond those enumerated in the Constitution? If so, what are those implied powers?

Response: Article I, section 8 of the Constitution gives Congress power to make “all Laws which shall be necessary and proper for carrying into Execution” other federal powers granted in the Constitution. This clause is also known as the “Necessary and Proper Clause.” An example of an implied power is Congress’ power to establish a

bank. See, e.g., *McCulloch v. Maryland*, 17 U.S. (4 Wheat.) 316 (1819) (Congress has the implied power to incorporate a bank).

9. Where Congress enacts a law without reference to a specific Constitutional enumerated power, how would you evaluate the constitutionality of that law?

Response: If confirmed, I would evaluate the constitutionality of such a law by using the methods previously approved by the Supreme Court or other controlling precedent. I would begin with the text of the Constitution and analyze it in conjunction with controlling precedent, including any precedent where Congress enacted a law without reference to a specific Constitutional enumerated power.

10. Does the Constitution protect rights that are not expressly enumerated in the Constitution? Which rights?

Response: The Supreme Court has held that certain rights that are not expressly enumerated in the Constitution are protected rights. Some examples of unenumerated rights that the Supreme Court concluded were protected in the Constitution include the rights to marry, *Loving v. Virginia*, 388 U.S. 1 (1967); to have children, *Skinner v. Oklahoma ex rel. Williamson*, 316 U.S. 535 (1942); to direct the education and upbringing of one's children, *Meyer v. Nebraska*, 262 U.S. 390 (1923); *Pierce v. Society of Sisters*, 268 U.S. 510 (1925); to marital privacy and to use contraception, *Griswold v. Connecticut*, 381 U.S. 479 (1965); *Eisenstadt v. Baird*, 405 U.S. 438 (1972); to bodily integrity, *Rochin v. California*, 342 U.S. 165 (1952), and to terminate a pregnancy before viability, *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 505 U.S. 833 (1992). The aforementioned list of rights, which are based on substantive due process, is identified in *Washington v. Glucksberg*, 521 U.S. 702, 719-20 (1997).

11. What rights are protected under substantive due process?

Response: See the response to Question No. 10.

12. If you believe substantive due process protects some personal rights such as a right to abortion, but not economic rights such as those at stake in *Lochner v. New York*, on what basis do you distinguish these types of rights for constitutional purposes?

Response: If confirmed, my personal beliefs or views would not factor into my decision-making. The Supreme Court has distinguished between personal rights to abortion and the economic rights at issue in *Lochner v. New York*, 198 U.S. 45 (1905). Specifically, the Supreme court has afforded greater protection to personal rights, such as a right to abortion, than the economic rights at issue in *Lochner*. See *West Coast Hotel Co. v. Parrish*, 300 U.S. 379, 392 (1937) ("The guaranty of liberty does not withdraw from legislative supervision that wide department of activity which consists of the making of contracts, or deny to government the power to

provide restrictive safeguards. Liberty implies the absence of arbitrary restraint, not immunity from reasonable regulations and prohibitions imposed in the interests of the community.”); *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 505 U.S. 833, 878 (1992) (applying an undue burden analysis to protect the central right recognized by *Roe v. Wade*).

13. What are the limits on Congress’s power under the Commerce Clause?

Response: The Supreme Court has identified three categories that Congress may regulate under its Commerce Clause power. “First, Congress may regulate the use of the channels of interstate commerce. Second, Congress is empowered to regulate and protect the instrumentalities of interstate commerce, or persons or things in interstate commerce, even though the threat may come only from intrastate activities. Finally, Congress’ commerce authority includes the power to regulate those activities having a substantial relation to interstate commerce, i.e., those activities that substantially affect interstate commerce[.]” *United States v. Lopez*, 514 U.S. 549, 558–59 (1995) (citations omitted).

14. What qualifies a particular group as a “suspect class,” such that laws affecting that group must survive strict scrutiny?

Response: The Supreme Court has identified certain classifications as inherently suspect, such as race, nationality and alienage. *See, e.g., Graham v. Richardson*, 403 U.S. 365, 371-72 (1971) (“But the Court’s decisions have established that classifications based on alienage, like those based on nationality or race, are inherently suspect and subject to close judicial scrutiny.”).

15. How would you describe the role that checks and balances and separation of powers play in the Constitution’s structure?

Response: Checks and balances and separation of powers play key roles in our Constitution’s structure. By dividing power between the legislative, executive, and judicial branches, it ensures that no one branch becomes too powerful. *See, e.g., Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 593 (1952) (Frankfurter, J., concurring) (“To that end they rested the structure of our central government on the system of checks and balances. For them the doctrine of separation of powers was not mere theory; it was a felt necessity.”).

16. How would you go about deciding a case in which one branch assumed an authority not granted it by the text of the Constitution?

Response: I would begin with the text of the Constitution and analyze it in conjunction with controlling precedent, including any precedent where a branch exceeds its constitutional authority. Some examples where the Supreme Court has found that a branch exceeded its authority granted under the Constitution are the cases of *United States v. Morrison*, 529 U.S. 598, 619 (2000) (holding that the

Commerce Clause did not provide Congress with authority to enact the civil remedy provision of the Violence Against Women Act), and *United States v. Lopez*, 514 U.S. 549, 551-52 (1995) (holding that Congress exceeded its power to legislate under the Commerce Clause when it passed the Gun-Free School Zones Act).

17. What role should empathy play in a judge's consideration of a case?

Response: A judge should faithfully apply the law to the facts of a case without injecting his or her personal views into consideration of the case.

18. What's worse: Invalidating a law that is, in fact, constitutional, or upholding a law that is, in fact, unconstitutional?

Response: Both invalidating a law that is constitutional and upholding a law that is unconstitutional are undesirable.

19. From 1789 to 1857, the Supreme Court exercised its power of judicial review to strike down federal statutes as unconstitutional only twice. Since then, the invalidation of federal statutes by the Supreme Court has become significantly more common. What do you believe accounts for this change? What are the downsides to the aggressive exercise of judicial review? What are the downsides to judicial passivity?

Response: Generally, judges should exercise judicial restraint and resolve just the case or controversy presented to him or her. Over the course of my almost 20-year patent litigation career, I have not analyzed what would account for any increase in invalidation of federal statutes. If confirmed, I would address each matter on a case-by-case basis and apply controlling precedent to the facts presented by that case.

20. How would you explain the difference between judicial review and judicial supremacy?

Response: There appears to be some debate regarding these issues. The Supreme Court has described the judiciary's role to "say what the law is." *Marbury v. Madison*, 5 U.S. 137, 177 (1803) ("It is emphatically the province and duty of the judicial department to say what the law is. Those who apply the rule to particular cases, must of necessity expound and interpret that rule. If two laws conflict with each other, the courts must decide on the operation of each."). Commentators have described the difference between judicial review and judicial supremacy as follows: judicial review provides that each branch has authority to interpret the Constitution; whereas, judicial supremacy provides that the Supreme Court's interpretation of the Constitution is authoritative for the other two branches of government.

21. **Abraham Lincoln explained his refusal to honor the Dred Scott decision by asserting that “If the policy of the Government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court . . . the people will have ceased to be their own rulers, having to that extent practically resigned their Government into the hands of that eminent tribunal.” How do you think elected officials should balance their independent obligation to follow the Constitution with the need to respect duly rendered judicial decisions?**

Response: Elected officials follow both the Constitution and duly rendered judicial decisions. I also understand the difference between the role of elected officials and the independent judiciary. As a nominee, it is not appropriate for me to comment on how elected officials should balance their independent obligations to follow the Constitution and duly rendered judicial decisions.

22. **In Federalist 78, Hamilton says that the courts are the least dangerous branch because they have neither force nor will, but only judgment. Explain why that’s important to keep in mind when judging.**

Response: Federalist 78 is entitled “The Judiciary Department,” and reminds judges of the proper role of the judiciary. No judge can or should impose his or her will in contradiction to the Constitution or controlling law. Judges do not make the law or enforce the law, but instead handle actual cases or controversies that are before them.

23. **How would you describe your approach to reading statutes—how much weight do you give to the plain meaning of the text? When we talk about the plain meaning of a statute, are we talking about the public understanding at the time of enactment, or does the meaning change as social norms and linguistic conventions evolve?**

Response: When reading statutes, I begin with the plain meaning of the text. I seek to understand the public understanding at the time of enactment rather than adapting the meaning in light of social norms or linguistic conventions. My approach to reading statutes is further described in response to Question No. 2.

24. **As a circuit court judge, you would be bound by both Supreme Court precedent, and prior circuit court precedent. What is the duty of a lower court judge when confronted with a case where the precedent in question does not seem to be rooted in constitutional text, history, or tradition and also does not appear to speak directly to the issue at hand? In applying a precedent that has questionable constitutional underpinnings, should a lower court**

judge extend the precedent to cover new cases, or limit its application where appropriate and reasonably possible?

Response: Lower court judges, including circuit court judges, are duty bound to follow Supreme Court precedent and prior circuit court precedent that is on point for an issue regardless of whether he or she agrees with that precedent. To the extent that the precedent does not address the issue at hand, then lower court judges should explain why the precedent is distinguishable and seek to identify analogous authority that may be instructive on the issue. Judges should exercise judicial restraint to address the issues that are properly before the court.

25. Do you believe it is ever appropriate to look past jurisdictional issues if they prevent the court from correcting a serious injustice?

Response: No.

26. When sentencing an individual defendant in a criminal case, what role, if any, should the defendant's group identity(ies) (e.g., race, gender, nationality, sexual orientation or gender identity) play in the judges' sentencing analysis?

Response: When sentencing an individual defendant, 18 U.S.C. § 3553(a) identifies the factors that a judge shall consider. The defendant's group identity can be considered only to the extent it relates to one of the identified factors.

27. Would it ever be appropriate to sentence a defendant who belongs to a historically disadvantaged group less severely than a similarly situated defendant who belongs to a historically advantaged group to correct systemic sentencing disparities?

Response: No. 18 U.S.C. § 3553(a) identifies the factors that a judge shall consider in determining a sentence for a defendant.

28. Have you spoken with anyone affiliated with Demand Justice or the Leadership Conference on Civil Rights regarding your nomination either before or after it was announced?

Response: No, to my knowledge, I have not spoken with individuals associated with the group Demand Justice or the Leadership Conference regarding my nomination either before or after it was announced.

**Questions for the Record from
Senator Thom Tillis for
Ms. Tiffany Patrice Cunningham**

- 1. Please describe your understanding of the workload of the Federal Circuit. If confirmed, how do you intend to manage your caseload?**

Response: As a former clerk for the Federal Circuit, I am generally familiar with the Court's workload and the types of cases that come before the Court. The Federal Circuit also reports statistics identifying the court or agency of origin for pending matters. *See, e.g.,* <http://www.cafc.uscourts.gov/sites/default/files/the-court/statistics/YTD-Activity-May-2021.pdf>. If I am fortunate enough to be confirmed, I would use many of the best practices that I saw during my clerkship regarding how to manage my caseload along with the case management strategies that I have developed during my almost 20-year intellectual property litigation career. Such practices include working closely and effectively with chambers staff to prepare for and resolve each matter presented. I would thoroughly analyze the parties' arguments and the accompanying record, identify the key issues to resolving each appeal along with any open questions to probe during oral argument, and seek to prepare well-reasoned and researched opinions, together with my colleagues, as efficiently as possible. As an intellectual property litigator for almost 20 years, I have seen firsthand how important it is to litigants to receive timely decisions from trial and appellate courts.

- 2. The Federal Circuit jurisdiction is based upon subject matter rather than geographic location. How has your background prepared you to address the variety of issues, including appeals from administrative agencies, which you will hear?**

Response: During my clerkship at the Federal Circuit, I saw the breadth of the Federal Circuit's jurisdiction including numerous appeals from administrative agencies. I have also appeared in cases before the International Trade Commission and frequently collaborated with attorneys regarding filings before the Patent Office, such as filings in inter partes review proceedings and ex parte reexaminations, as well as their interplay with parallel litigation proceedings in district courts. If confirmed, I would bring all these experiences to the bench, along with my technical background and ability to quickly get up to speed on any new issues.

- 3. Do you believe that a judge's personal views are irrelevant when it comes to interpreting and applying the law?**

Response: Yes.

4. What is judicial activism? Do you consider judicial activism appropriate?

Response: Judicial activism may involve injecting one's personal views into judicial decision-making, which is not appropriate. Regardless of one's personal views, a judge needs to faithfully apply the law to the facts of each case.

5. Do you believe impartiality is an aspiration or an expectation for a judge?

Response: Impartiality is an expectation, duty, and requirement for judges. *See, e.g.*, Code of Conduct for United States Judges, Canon 3.

6. Should a judge second-guess policy decisions by Congress or state legislative bodies to reach a desired outcome?

Response: No. A judge is not in a policymaking role and should not second-guess policy decisions. Instead, a judge should focus on faithfully applying the law to the facts of each case before him or her.

7. Does faithfully interpreting the law sometimes result in an undesirable outcome? How, as a judge, do you reconcile that?

Response: Yes, it may result in an undesirable outcome. If confirmed, I would address each matter on a case-by-case basis and apply controlling precedent to the facts presented by that case, regardless of my personal views.

8. Should a judge interject his or her own politics or policy preferences when interpreting and applying the law?

Response: No.

9. Throughout the past decade, the Supreme Court has repeatedly waded into the area of patent eligibility, producing a series of opinions in cases that have only muddled the standards for what is patent eligible. The current state of eligibility jurisprudence is in abysmal shambles. What are your thoughts on the Supreme Court's patent eligibility jurisprudence?

Response: Patent eligibility jurisprudence remains one of the hottest and most debated topics in patent law, seven years after the Supreme Court's decision in *Alice Corp. Pty. Ltd. v. CLS Bank Int'l*, 573 U.S. 208 (2014) and nine years after its decision in *Mayo Collaborative Servs. v. Prometheus Labs. Inc.*, 566 U.S. 66 (2012). In my experience pre-*Mayo/Alice*, motions were less frequently filed seeking to invalidate patent claims under 35 U.S.C. § 101. Post-*Mayo/Alice*, there was a significant uptick in the number and the success of section 101 motions to invalidate patent claims, including motions to dismiss and motions for summary judgment. According to a LegalMetric Nationwide Report, the

overall win rate on section 101 motions was 50.6% between June 2014 and June 2020. I am aware that the Supreme Court is considering a petition for certiorari after the Federal Circuit denied a petition for rehearing en banc in another section 101 case. *See American Axle & Manufacturing Inc. v. Neapco Holdings LLC*, 966 F.3d 1347 (Fed. Cir. 2020) (denying petition for rehearing en banc). While I understand the concerns that you have raised, as a nominee, it is generally inappropriate for me to comment on whether any given Supreme Court precedent is correctly decided. If confirmed, I would faithfully apply all controlling Supreme Court precedent to the facts of any case, and I would also strive for clarity in the opinions that I authored to best serve future litigants.

10. Do you believe the current jurisprudence provides the clarity and consistency needed to incentivize innovation? How would you apply the Supreme Court’s ineligibility tests—laws of nature, natural phenomena, and abstract ideas—to cases before you?

Response: The Supreme Court has set forth a two-step framework to determine whether a patent will survive a section 101 challenge. “In *Mayo Collaborative Services v. Prometheus Laboratories, Inc.*, 566 U.S. —, 132 S. Ct. 1289, 182 L.Ed.2d 321 (2012), we set forth a framework for distinguishing patents that claim laws of nature, natural phenomena, and abstract ideas from those that claim patent-eligible applications of those concepts. First, we determine whether the claims at issue are directed to one of those patent-ineligible concepts. If so, we then ask, ‘[w]hat else is there in the claims before us?’ To answer that question, we consider the elements of each claim both individually and ‘as an ordered combination’ to determine whether the additional elements ‘transform the nature of the claim’ into a patent-eligible application. We have described step two of this analysis as a search for an ‘inventive concept’ —i.e., an element or combination of elements that is ‘sufficient to ensure that the patent in practice amounts to significantly more than a patent upon the [ineligible concept] itself.’” *Alice Corp. Pty. Ltd. v. CLS Bank Int’l*, 573 U.S. 208, 217-18 (2014) (internal citations omitted). *See also Mayo Collaborative Servs. v. Prometheus Labs. Inc.*, 566 U.S. 66, 92 (2012) (“[W]e conclude that the patent claims at issue here effectively claim the underlying laws of nature themselves. The claims are consequently invalid.”).

If confirmed and presented with a case raising a section 101 challenge, I would apply the two-step framework in conjunction with all other on point Supreme Court or Federal Circuit precedent, including the progeny of *Alice*. All parties either defending or asserting a section 101 challenge appreciate clarity and consistency with respect to determining whether the claims at issue will be deemed patent ineligible. If confirmed, I would apply all controlling Supreme Court precedent, including any additional Supreme Court precedent further clarifying section 101 jurisprudence.

11. Over the past year or two, stakeholders have increasingly been expressing concerns about litigation in the Western District of Texas. Most of these concerns appear to be driven by the explosive growth of litigation in a single division – the Waco Division – of WD Tex. The Waco Division had only one patent case in 2016, and

again had only one in 2017, but last year there were almost 800 patent cases filed in Waco. The result is that around 20% of the patent cases filed in the U.S. are assigned to a single district court judge. Do you see that kind of concentration of patent litigation as a problem? And, if so, what – if anything – should be done about it?

Response: During my hearing, I testified that district court judges “need to be bound by the rule of law and just being focused on applying the law to the facts of each case without really taking into consideration regarding what sorts of cases they might want to appear before them.” The Supreme Court and the Federal Circuit have also considered the requirements under the patent venue statute. *TC Heartland LLC v. Kraft Foods Group Brands LLC*, 137 S. Ct. 1514, 1521 (2017) (“As applied to domestic corporations, ‘reside[nce]’ in § 1400(b) refers only to the State of incorporation.”); *In re Cray*, 871 F.3d 1355, 1360 (Fed. Cir. 2017) (“[O]ur analysis of the case law and statute reveal three general requirements relevant to the inquiry: (1) there must be a physical place in the district; (2) it must be a regular and established place of business; and (3) it must be the place of the defendant. If any statutory requirement is not satisfied, venue is improper under § 1400(b).”). I recognize that Congress may also weigh the policy considerations associated with the distribution of patent cases in courts across the United States. Litigants continue to use motions to transfer or motions to dismiss for improper venue as tools to move cases between venues. Recently, the Federal Circuit has also considered the extraordinary remedy of petitions for writ of mandamus relating to patent venue. Depending on the specific facts of the case, the Federal Circuit has either granted or denied mandamus in patent venue cases. *See, e.g., In re Google LLC*, 949 F.3d 1338, 1341-43, 1347 (Fed. Cir. 2020) (granting petition for mandamus and directing the district court to dismiss or transfer the case as appropriate); *In re HTC Corporation*, 889 F.3d 1349, 1352-54, 1361 (Fed. Cir. 2018) (denying petition for writ of mandamus).

12. **The fact that around 20% of the patent cases in the U.S. are assigned to just one of the more than 600 district court judges raises concerns about the level of forum shopping that seems to occur in patent litigation. Do you see “judge shopping” and “forum shopping” as a problem in patent litigation? If so, what is required to address this?**

Response: Over the course of my career, I have represented both plaintiffs and defendants. In many of the cases where I have represented defendants, those cases have been filed in the most popular jurisdictions for patent litigation. The Federal Circuit has previously described Congress’ goal for the predecessor to the patent venue statute. *See, e.g., In re Cray*, 871 F.3d 1355, 1361 (Fed. Cir. 2017) (“Congress adopted the predecessor to § 1400(b) as a special venue statute in patent infringement actions to eliminate the ‘abuses engendered’ by previous venue provisions allowing such suits to be brought in any district in which the defendant could be served.” *Schnell v. Peter Eckrich & Sons, Inc.*, 365 U.S. 260, 262, 81 S. Ct. 557, 5 L.Ed.2d 546 (1961)). See also response to Question No. 11.

13. It's no secret that I've been a strong supporter of the policies that former PTO Director Iancu put in place, especially with respect to the operation of the Patent Trial and Appeal Board or "PTAB." But some stakeholders seem to have raised potentially legitimate concerns about how some of these policies are being applied in practice. One example of this involves the application of the *Fintiv* test in the context of so-called discretionary denials. Under *Fintiv*, the PTAB applies a multi-factor test to determine whether to exercise its discretion to refuse to review a challenged patent. The factor that often seems to be given the most weight in applying this test is factor two, which considers the proximity of the court's trial date to the projected statutory deadline for the PTAB's final written decision. The logic of this factor is simple: If the PTAB isn't going to render a decision until after the district court has already ruled on the validity of the same patent, then the PTAB's decision may essentially be rendered moot, so it may not make sense for the PTAB to move ahead with its review. I wholeheartedly agree *with that principle*.

But, the complaint that I've heard repeatedly from stakeholders is that the scheduled trial date for the district court case is often changed to a later date after the PTAB has issued its decision refusing to move ahead with review. As a result, the PTAB is frequently denying review based on a trial date that later turns out not to be accurate. Now, I support the goal of minimizing the burdens of parallel proceedings, but I find it troubling that the PTAB relies so heavily on a piece of information that is known to be inaccurate in most cases. Can you share your views on this as a litigator and how would you address this issue if you are confirmed to the Federal Circuit?

Response: Thank you for raising this important issue. Over the course of my career, many of my trials have been rescheduled from the initial trial date set by the court. As you noted, the PTAB has provided for a six-factor test regarding discretionary denial of inter partes review petitions, based on a parallel proceeding. *See, e.g., Apple Inc. v. Fintiv, Inc.*, No. IPR2020-00019, 2020 WL 2126495, at *2 (PTAB Mar. 20, 2020) ("As with other non-dispositive factors considered for institution under 35 U.S.C. § 314(a), an early trial date should be weighed as part of a 'balanced assessment of all relevant circumstances of the case, including the merits.' Indeed, the Board's cases addressing earlier trial dates as a basis for denial under *NHK* have sought to balance considerations such as system efficiency, fairness, and patent quality. When the patent owner raises an argument for discretionary denial under *NHK* due to an earlier trial date, the Board's decisions have balanced the following factors: 1. whether the court granted a stay or evidence exists that one may be granted if a proceeding is instituted; 2. proximity of the court's trial date to the Board's projected statutory deadline for a final written decision; 3. investment in the parallel proceeding by the court and the parties; 4. overlap between issues raised in the petition and in the parallel proceeding; 5. whether the petitioner and the defendant in the parallel proceeding are the same party; and 6. other circumstances that impact the Board's exercise of discretion, including the merits.") (citations omitted); *see also, e.g., Cuozzo Speed Techs., LLC v. Lee*, 136 S. Ct. 2131, 2141 (2016) ("Our

interpretation of the ‘No Appeal’ provision here has the same effect. Congress has told the *Patent Office* to determine whether inter partes review should proceed, and it has made the agency’s decision ‘final’ and ‘nonappealable.’ § 314(d). Our conclusion that courts may not revisit this initial determination gives effect to this statutory command.”); *Mylan Labs. Ltd. v. Janssen Pharmaceutica, N.V.*, 989 F.3d 1375, 1382-83 (Fed. Cir. 2021) (“Mylan lacks a clear and indisputable right to review of the Patent Office’s determination to apply the *Fintiv* factors or the Patent Office’s choice to apply them in this case through adjudication rather than notice-and-comment rulemaking. Given the limits on our reviewability, Mylan’s *ultra vires* argument cannot be a basis for granting the petition for mandamus.”). While I understand the concerns that you have raised, as a nominee, it is generally inappropriate for me to comment on whether any given precedent is correctly decided. If confirmed, I would faithfully apply all controlling precedent to the facts of any case before me.

**Senator Chuck Grassley, Ranking Member
Questions for the Record**

Ur Jaddou

Nominee to be Director of U.S. Citizenship and Immigration Services

1. During your confirmation hearing, I asked you about the proposal made by then-Senator and now Vice President Kamala Harris during her campaign for President to grant “parole in place” (i.e. granting parole to a person already in the United States) to millions of unlawfully present “Dreamers.”¹ Details of that plan are provided in the footnote below. Since aliens who are granted parole are able not only to work but also adjust their status to lawful permanent residence, such a parole program would, unlike the DACA program, constitute a de facto legalization program.

- a. Based on your expertise as a former USCIS Chief Counsel, do you believe such a plan would be legal?

While I have briefly reviewed the site linked below, the proposal does not contain sufficient detail for me to opine on its legality, or on whether I would support such a proposal. If confirmed, I would work with the many excellent attorneys at USCIS and in the DHS headquarters Office of General Counsel to form legal opinions on legislative or policy objectives, ensuring compliance with the law at all times.

- b. Do you support such a plan?

As noted in my response to question #1a, the description of the proposal provided does not contain sufficient detail for me to form an opinion as to its legality. As a general statement, I support treating non-citizens with humanity within the confines of the law. If confirmed, I would work with the many excellent attorneys at USCIS and in the DHS headquarters Office of General Counsel to form legal opinions on legislative or policy objectives, ensuring compliance with the law at all times.

2. In our exchange regarding parole during your hearing, I expressed my belief that the various parole programs created over the years – especially during your time as Chief Counsel at USCIS – violated the statutory requirement that parole be granted “only on a case-by-case basis.” In response to my questions, I understood you to say that creating parole eligibility criteria describing an entire class of people – such as the eligibility criteria for CAM parole or for the “International Entrepreneur Parole” program – does not violate the “case-by-case” requirement because the eligibility for parole of each alien “requesting” parole is adjudicated on an individual basis. By that argument, though, the case-by-case requirement in the statute is rendered meaningless because *every* parole determination is necessarily made on an

¹ A New Roadmap to Citizenship for Dreamers: Full Policy, Kamala Harris for the People, 2019, <https://web.archive.org/web/20191204043427/https://kamalaharris.org/policies/daca-immigration-action/full-policy/>.

individual basis. Please clarify your defense of how these class-based parole programs do not violate the statutory case-by-case requirement.

It is my understanding of the law that the parole authority granted to the Secretary of Homeland Security by Congress is broad. It provides discretion to the Secretary with regard to which criteria he may use to determine on a case-by-case basis what constitutes “urgent humanitarian reasons” or a “significant public benefit.” Certain USCIS programs set forth guidance on who may be appropriately considered for parole based on urgent humanitarian reasons or significant public benefit. Nonetheless, an applicant must still submit a form, supported by evidence, and an adjudicator must still individually determine on a case-by-case basis whether that applicant satisfies the urgent humanitarian reason or significant public benefit and merits a favorable exercise of discretion. If confirmed, I will seek briefings from USCIS experts to ensure that my understanding of the applicable law, policy, and administration of parole are up to date, and commit to ensuring that USCIS continues to comply with all legal requirements.

3. During your hearing, Senator Blumenthal asked you if you would consider, as a means to alleviate the backlog of immigrant visa cases, granting parole to the children and spouses of people with approved immigrant petitions. Congress has established caps on the number of persons who may be admitted as immigrants each year, and parole programs like the one proposed by Senator Blumenthal, or like the Haitian Family Reunification Parole Program, that effectively allow people to immigrate to the United States years before an immigrant visa is actually available for them undermine the immigration regime established by Congress. If immigrant visa availability or visa processing wait times have become unreasonable, it is for *Congress* to address the issue if it chooses to do so, not the Executive. Please explain to me why you believe paroling potentially hundreds of thousands of people into the United States years before the law prescribes that they may be admitted as immigrants does not undermine the immigration regime established by Congress.

. In response to Senator Blumenthal’s question, I stated that if confirmed, I would be happy to take a look at the legislative or policy objective he mentioned, and that consideration of such a proposal “would require reviewing the parole provision with regard to the individuals [he was] mentioning, and to determine whether the law allows for such facts.” If confirmed, I will work with Congress to provide technical assistance in much the same manner as I laid out in my response to Senator Blumenthal: transparently, expeditiously, and ensuring that any such assistance comports with applicable law.

4. Is it appropriate to use parole to allow entry into the United States of a class of people meeting pre-established eligibility criteria to do something already covered by an existing visa classification, or by a bill that has not passed Congress? I note that you criticized the Trump Administration for using executive authority under section 212(f) of the INA to, in your opinion, effectively implement restrictions on the admission of immigrants that were part of an immigration reform bill that was considered but not passed by Congress.

As I noted in my response to question 2 above, it is my understanding that the parole authority granted to the Secretary of Homeland Security by Congress is broad, and provides discretion to the Secretary on which criteria he may use to determine, on a case-by-case basis, what constitutes “urgent humanitarian reasons” or a “significant public benefit.” With that said, I understand your question regarding whether having been considered for statutory relief by Congress, even if the bill was not passed, can appropriately serve as a sole criterion for granting parole. If confirmed, it will be my responsibility to administer our nation’s immigration system consistent with applicable laws—not those merely considered, but not passed, by Congress.

5. The Biden Administration has announced it is restarting the Central American Minors, or “CAM,” program. When it was in effect during the Obama Administration, the approval rate for refugee applications under CAM was reportedly only around 25%. With such a low percentage found to be actual refugees from persecution, how do you expect the CAM refugee program to have any effect at all in reducing migrant pressure on the southwest border?

As I understand it, the Central American Minors program existed for fewer than three years, and was terminated before Congress, the Department of State, and USCIS had sufficient time to measure its effectiveness and make needed improvements. If confirmed, I would seek to understand how the previous version of the CAM program worked and what resources it was provided, and whether there are ways it could be made more effective.

With that said, no single program is going to provide a solution to address irregular migration to our southern border. Instead, a multi-pronged strategy is required. Such a strategy should include, but not be limited to, expanding and providing safe, legal pathways to enter the United States and addressing the root causes of migration in order to reduce the incentive to make the dangerous journey to the U.S. southern border.

6. In normal circumstances, asylum seekers apprehended at the southwest border are screened for credible fear of persecution by USCIS and then, if they are found to have a credible fear, are issued a Notice to Appear in immigration court to have their full claim adjudicated by an immigration judge.
 - a. Do you believe that USCIS should be adjudicating in their entirety the asylum claims of aliens apprehended at the southwest border and that the immigration courts should be removed from the process?

I have not reviewed in depth proposals that would shift adjudication of asylum claims from the DOJ Executive Office for Immigration Review (immigration courts) to USCIS asylum officers. I have said a number of times that a functioning immigration system is one in which those applicants who are eligible for benefits receive them expeditiously, while those who are not eligible are expeditiously denied.

If confirmed, I would prioritize working with Congress and the Administration to understand and assess proposals to modify adjudication of asylum claims, while ensuring that such claims are adjudicated in a fair and efficient manner, consistent with the law.

- b. If so, where would the asylum seeker be detained during the potentially months-long process of adjudicating their asylum claim?

As I stated in my response to the previous question, I have not reviewed in depth proposals relating to shifting responsibility for asylum adjudications from EOIR to USCIS. USCIS has no role in detention decisions. The question on whether to detain an asylum seeker would be made by Immigration and Customs Enforcement, not USCIS.

- 7. In your opinion, as a former USCIS Chief Counsel:

- a. Is fleeing generalized crime a ground for asylum?
- b. Is fleeing poverty a ground for asylum?
- c. Is fleeing the alleged effects of climate change a ground for asylum?
- d. Is domestic abuse a ground for asylum?

Under the Immigration and Nationality Act, it is my understanding that asylum claims are adjudicated on a case-by-case basis, taking into consideration the totality of the facts in each case. I am aware of the complexity surrounding the statute and case law on this subject, particularly in the last few years when many changes were made. Because it has been four years since I have carefully studied this area of law, if confirmed, I would work with agency lawyers to fully understand this complex area of law. With that said, it is my understanding that depending on the facts of the case, someone who has been a victim of domestic abuse may qualify for asylum. Generally, fleeing generalized violence, environmental factors, and poverty alone are not grounds for asylum, but such conditions could be, and often are, experienced in tandem with conditions that do qualify.

- 8. In your opinion as a former USCIS Chief Counsel, is a “safe third” country, for purposes of section 208 of the Immigration and Nationality Act, a country where the alien is safe from persecution from the government, or safe from crime and/or poverty generally?

Section 208 of the Immigration and Nationality Act defines the term “safe third country” as applying to countries in which an asylum applicant’s life or freedom are not threatened on account of a number of factors -- “race, religion, nationality, membership in a particular social group, or political opinion.” The country in question must also provide for a “full and fair procedure for determining a claim to asylum or equivalent temporary protection.” If confirmed, and if involved with this question as Director of USCIS, I would apply this law to the facts of each individual country in question, after consultation with agency and other Administration legal and policy experts, to determine if it is a “safe third country.”

9. Should DHS remove an unaccompanied minor who is denied asylum and is the subject of a final order of removal?

Under the law, it is my understanding that unaccompanied children are allowed to apply for asylum before a USCIS asylum officer in a non-adversarial, age-appropriate interview. If an unaccompanied child is denied asylum, he or she is referred to an immigration judge for further consideration. USCIS has no role in removal decisions. The question on whether to remove unaccompanied children with final orders of removal would be made by Immigration and Customs Enforcement, not USCIS.

10. Should DHS remove the members of a family group who are denied asylum and are the subject of final orders of removal?

As stated in question #9, USCIS has no role in removal decisions. The question on whether to remove members of a family group with final orders of removal would be made by Immigration and Customs Enforcement, not USCIS.

11. Do you support changing the screening requirements for refugees?

To ensure the integrity of all of our immigration programs, effective and robust security vetting procedures are necessary. I support the ongoing review of these protocols, including those required for refugee applicants, to ensure that screening requirements continue to be effective in detecting national security concerns and fraud. If confirmed, I am also committed to working with our vetting partners to support greater efficiencies in and other improvements to those processes.

12. Should the refugee ceiling be set at a level greater than the number of refugees that USCIS and the State Department could reasonably be expected to screen and process in a given year?

While USCIS resources are finite, it is my belief as a private citizen that setting an aspirational refugee ceiling as a goal, rather than a benchmark that will necessarily be met, demonstrates the United States' commitment to global leadership, and is consistent with the welcoming values set out at our country's founding. While the President, and not the Director of USCIS, sets the refugee ceiling each year, if confirmed, I look forward to working with the President and with Congress to carry out USCIS' statutory duties as they relate to refugee admissions.

13. Do you believe a country should maintain its Temporary Protected Status (TPS) designation if its nationals are regularly being removed by DHS to that country?

In general, it is my understanding that the Secretary of Homeland Security may, in his discretion, designate a foreign country for TPS if conditions described in section 244 of the Immigration and Nationality Act (INA) are met and must extend a TPS designation if those conditions continue to be met. At the same time, enforcement priorities and other individual circumstances may lead the Secretary to remove individuals to such a country under

immigration enforcement authorities in other parts of the INA. It is my understanding that the law generally does not mandate that these different authorities be administered in a mutually exclusive manner.

14. Should TPS be granted to someone who has been living illegally in the U.S. for years before the TPS-creating event and who states they have no intention of ever returning to live in their country?

It is my understanding that under current law, an individual can apply for TPS if they are a national of a country designated for TPS, or a person without nationality who last habitually resided in the designated country, and they meet other certain criteria. The law does not require lack of intent to live in the U.S., nor does it limit the length of residence in the U.S. prior to a designation being made.

15. In 2020 you said the Title 42 order is turning away “people who are leaving their home countries to come to the United States ... escaping more than sickness. ... People are fleeing from kidnapping, rape, murder. Things where, if they go bad, it may be life-or-death.” Do you agree with the Biden Administration’s continued use of Title 42 to expel persons apprehended at the southwest border?

Title 42 is a public health authority established by the Centers for Disease Control, not under the authority of USCIS, which authorizes the suspension of entry of persons coming from areas with a communicable disease like COVID-19. It is my understanding that the current Title 42 order includes certain exceptions to the general suspension of entry. For example, unaccompanied children are not subject to expulsion under the order, and exceptions can be made on a case-by-case basis if there are significant law enforcement, public safety, humanitarian, or public health interests. With that said, I generally defer to the Centers for Disease Control on whether travel into the United States may prevent a potential or ongoing pandemic, and will continue to do so if I am confirmed as Director of USCIS.

16. Do you agree with President Biden’s suspension of entry as nonimmigrants into the United States of people who have been in India during the 14-day period preceding their entry or attempted entry into the United States?

Public health determinations such as this are made by the Centers of Disease Control; I defer to their expertise in this area.

17. When the Trump Administration published its public charge regulation you said “The public charge provision was only meant as the exception, not the rule.” What did you mean by that? I can tell you as a conferee in 1996 when we reviewed the public charge issue, we in Congress did not intend it to be the exception. How do *you* define “public charge”?

It is my understanding that the public charge provision under 212(a)(4) of the Immigration and Nationality Act is one ground of inadmissibility for foreign nationals who, but for this provision, may be admissible. For example, if the government decides that a foreign national family member is likely to become dependent on certain public benefits for subsistence in the

future, the public charge provision may bar a U.S. citizen or lawful permanent resident from reuniting with close family members, such as a spouse, in the United States. Under current policy, such public benefits include cash assistance for income maintenance and institutionalization for long-term care at government expense.

18. Do you consider fraud investigations to be a permissible use of USCIS fee funds?

Like the majority of USCIS directorates and program offices, FDNS has been funded through the Immigration Examinations Fee Account since its creation in 2004. FDNS is the USCIS component responsible for leading agency efforts aimed at detecting those who seek to exploit or abuse our nation's immigration system. FDNS does this by providing guidance, operational support, and oversight to programs and activities relating to national security, public safety, fraud detection and deterrence, and information sharing. FDNS Immigration Officers are posted in USCIS Service Centers, Regional Offices, District Offices, Field Offices, and Asylum Offices across the United States.

19. The Historical Fingerprint Enrollment ("HFE") Program was implemented by DHS as a result of a 2016 OIG Report, and a follow-up report in 2017, in which the OIG identified a population of thousands of cases in which an alien ordered removed was granted citizenship under a false identity due to the lack of digital biometrics. In 2017, USCIS established an HFE Unit to identify and investigate these cases. The team presents cases to the Department of Justice for civil denaturalization where it determines that the subjects used multiple identities to procure naturalization either illegally or by willful misrepresentation or concealment.

- a. Do you believe people who were ordered removed years ago but who subsequently obtained U.S. citizenship based on a false identity should be denaturalized?

I remain committed to ensuring the integrity of our immigration system. It has been more than four years since my tenure at USCIS when this issue was first being reviewed. I understand USCIS has been active on this issue over the last four years and I welcome the opportunity, if confirmed, to carefully review and assess USCIS findings and actions since 2017.

- b. If confirmed as Director would you shut down the USCIS Historical Fingerprint Enrollment office that identifies fraudulent naturalization cases that have come to light as a result of the digitization of old immigration service fingerprint cards?

As stated in (a), if confirmed as Director, I commit to reviewing and assessing all programs at USCIS, including this one.

20. Will you commit to maintaining a high level of agency transparency regarding processing- and adjudication-related USCIS statistics, and to publish, at a minimum, all the same sets of statistics as were published by USCIS during the Trump Administration?

If confirmed, I will ask to be briefed on all the data that is now made available on the USCIS website. I am firmly committed to providing the transparency to the American public, the Congress, and all USCIS stakeholders.

21. Will you commit to continue publishing, in the interest of maximum agency transparency, all the data sets that used to be published on USCIS's now-terminated Buy American, Hire American website? This includes the data sets entitled:

- H-1B Petitions by Gender and Country of Birth;
- Approved H-1B Petitions by Employer;
- Nonimmigrant Worker Petitions by Case Status and Request for Evidence (RFE);
- H-1B Quarterly Request for Evidence (RFE) FY2015-FY20xx Top 30 Employers;
- Form I-765, Application for Employment Authorization, Eligibility Category and Filing Type;
- I-765 Applicants for Employment Authorization for H-4 Non-Immigrants by Gender and by Country of Birth FY 2015-2018; and
- Approved L-1 Petitions by Employer.

I will review these data sets to better understand which are already made available on the USCIS website. I am firmly committed to providing transparency to the American public, the Congress, and all USCIS stakeholders.

22. Will you commit to maintaining the “H-1B Data Hub” on the USCIS website?

I am firmly committed to providing transparency to the American public, the Congress, and all USCIS stakeholders. I look forward to being briefed on the H-1B Data Hub.

23. As Director, is there any immigration interest group that you would refuse to meet with?

If confirmed, consistent with my obligations as Director of USCIS, I will be open to meeting with all immigration stakeholders focused on helping USCIS achieve its mission.

24. If confirmed, do you plan to select a career official to be USCIS Deputy?

In my previous role as Chief Counsel, I worked closely with dozens – if not hundreds – of career public servants who were deeply committed to helping USCIS achieve its mission. I have deep respect for their knowledge and expertise. If confirmed, I plan to meet with all leadership, including career leadership, to develop plans for senior leadership of USCIS after being briefed on current agency operations.

25. Do you consider the issuance of a Notice to Appear to be an appropriate function of USCIS?

Yes.

26. If USCIS denies an immigration benefit applied for by someone who is present in violation of their immigration status, should USCIS issue that person a Notice to Appear in immigration court?

This is a complex issue that must be reviewed together with ICE which holds responsibility for ensuring that Notices to Appear that are issued will be properly filed with the immigration court. If confirmed, I would work with ICE to fulfill USCIS' responsibilities in this area.

27. In December 2015, while you were Chief Counsel at USCIS, the FBI reportedly received a tip that Enrique Marquez and his wife, who were suspected of having supplied weapons to the San Bernardino killers, Syed Farook and Tashfeen Malik, were scheduled to attend an immigration-related interview at a local USCIS office on December 3, the day after the killings. When armed Homeland Security Investigations agents showed up at the office to arrest Marquez and his wife, they were initially blocked from entering by USCIS staff. Whatever protocols that prevented the USCIS office director from promptly admitting the ICE HSI agents appear to have been corrected since that time to prevent a recurrence.

- a. Whatever current USCIS protocols may be, do you personally believe ICE HSI agents should be allowed to arrest wanted criminal aliens inside USCIS offices?

I believe in a collaborative relationship between USCIS and ICE.

- b. Do you believe it is appropriate for USCIS and ICE to coordinate, prior to the arrival of an alien with an arrest warrant or related removal order at a USCIS office for a scheduled appointment, in order to effect that alien's arrest inside the USCIS office?

I believe that appropriate coordination should be made between USCIS and ICE.

28. In response to questioning from Senator Cruz during your confirmation hearing regarding birth tourism, you said that if the visa applicant engaged in fraud, by which I assume you meant misrepresenting the primary purpose of travel to the consular officer or inspecting officer, then that would definitely be a problem, as such fraud or misrepresentation would make the alien inadmissible. Your answer appears to sidestep the real issue, which is whether birth tourism is an appropriate B visa activity.

- a. Do you believe that travel to the United States for the primary purpose of obtaining U.S. citizenship for a child by giving birth in the United States is an appropriate B visa activity?

If confirmed, my role as Director of USCIS would be to faithfully administer our nation's immigration laws, while taking all appropriate actions to guard against fraud and abuse. As you know, pregnant women may travel to the U.S. on a B nonimmigrant visa if, like all applicants for B visas, they meet certain requirements and pass a consular interview. The Department of State processes B visas for foreign national applicants and Customs and Border Protection makes the determination of whether to admit them at ports of entry. Neither of these duties fall under USCIS. If

the law or policy changes and this issue comes before the Director of USCIS, if confirmed, I would seek to be briefed by relevant State Department and CBP experts, and would be happy to consult with Congress on this issue.

- b. If an alien openly admits to a consular officer or a CBP inspector that their primary purpose of travel to the United States is to obtain U.S. citizenship for a child by giving birth in the United States – in other words, does not misrepresent their purpose of travel – do you believe they have stated a purpose of travel that would violate the restrictions under section 101(a)(15)(B) of the Immigration and Nationality Act? If not, why not?

Please see the answer above.

- 29. Please explain with particularity the process by which you answered these questions.

All responses to these questions are my own. In drafting and editing these responses, I conducted my own research and requested and received assistance from appropriate personnel at the Department of Homeland Security and at U.S. Citizenship and Immigration Services, whose counsel I was free to accept or reject.

- 30. Do these answers reflect your true and personal views?

Yes.

Senator Blackburn
Questions for the Record to Ur Mendoza Jaddou
Nominee to be Director of USCIS

1. Birth Tourism describes the activity of foreigners who travel to the United States with the primary purpose to obtain U.S. citizenship for a child by giving birth. Birth tourists take advantage of birthright citizenship to evade immigration law and taxes and access the benefits of being a U.S. citizen without residence or contribution to our country.
 - a. Do you believe that travel to the United States for the primary purpose of obtaining U.S. citizenship for a child by giving birth is an appropriate activity under section 101(a)(15)(B) of the Immigration and Nationality Act or lawful use of any nonimmigrant visa?

If confirmed, my role as Director of USCIS would be to faithfully administer our nation's immigration laws, while taking all appropriate actions to guard against fraud and abuse. As you know, pregnant women may travel to the U.S. on a B nonimmigrant visa if, like all applicants for B visas, they meet certain requirements and pass a consular interview. The Department of State processes B visas for foreign national applicants and Customs and Border Protection makes the determination of whether to admit them at ports of entry. Neither of these duties fall under USCIS. If the law or policy changes and this issue comes before the Director of USCIS, if confirmed, I would seek to be briefed by relevant State Department and CBP experts, and would be happy to consult with Congress on this issue.

- b. Do you believe birth tourism is fair to the many lawful immigrants who must go through the long naturalization process?

As stated above, under current law and policy, it is my understanding that the State Department and CBP are responsible for making determinations in relation to B visas. If confirmed as USCIS Director, my role would be to administer the bulk of the naturalization provisions of the Immigration and Nationality Act in a fair, efficient, and secure manner. I commit to doing so if confirmed, and would welcome the opportunity to work with you and your staff in that regard.

**Nomination of Ur Mendoza Jaddou
to be Director of the United States Citizenship and Immigration Services Questions
for the Record
Submitted June 2, 2021**

QUESTIONS FROM SENATOR COTTON

1. Since becoming a legal adult, have you ever been arrested for or accused of committing a hate crime against any person?

No.

2. Since becoming a legal adult, have you ever been arrested for or accused of committing a violent crime against any person?

No.

3. On July 9, 2018, while you were the Director of “DHS Watch” at “America’s Voice,” a post by “America’s Voice” on its website listed “the many, many reasons why [Immigration and Customs Enforcement] is a rogue agency.” Among the alleged reasons why ICE is a “rogue agency” is that ICE “[i]ncreased immigration arrests nearly 40 percent in 2017 over the same period from 2016.” Should ICE deport illegal aliens?

Under the Immigration and Nationality Act, it is my understanding that there are multiple provisions that govern whether certain individuals may be removed under the law. However, those provisions are administered by the Director of ICE, and if confirmed as USCIS Director, I generally would not be responsible for such decisions. If confirmed as USCIS Director, my general responsibility would be to effectively administer the legal immigration processing system to the best of my ability under the law.

4. In early 2020, was President Trump justified in closing off most international travel into the United States to prevent the spread of the Wuhan coronavirus?

I generally defer to the Centers for Disease Control on whether travel into the United States may prevent a potential or ongoing pandemic, and will continue to do so if I am confirmed.

5. In August 2019, you are quoted in a press release by “America’s Voice” in which you criticized the Trump administration for updating the “public charge” grounds for inadmissibility to the United States. In your statement, you wrote that the “public charge” provision was only meant as the exception, not the rule.” What do you believe to be the purpose of the “public charge” provision in our immigration law?

It is my understanding that the public charge provision under 212(a)(4) of the Immigration and Nationality Act (INA) is one ground of inadmissibility for foreign nationals who, but for this provision, may be admissible. For example, if the government decides that a foreign national family member is likely to become dependent on certain public benefits for subsistence in the future, the public charge provision may bar a U.S. citizen or lawful permanent resident from reuniting with close family members, such as a spouse, in the United States who might otherwise be eligible under Section 201 or 203 of the INA. Under current policy, such public charge benefits include cash assistance for income maintenance and institutionalization for long-term care at government expense.

6. If you are confirmed, you will lead the United States Citizenship and Immigration Services. Would your client be the United States, or foreign citizens who wish to come to the United States?

If confirmed, I would take my oath of office to defend and uphold the Constitution of the United States of America. I take that obligation very seriously and all decisions I will make, if confirmed, will be driven by the obligation that the oath demands. If confirmed as Director of USCIS, I will execute my duties under the Homeland Security Act and the Immigration and Nationality Act to the best of my abilities, including the adjudication of: 1) immigrant visa petitions by U.S. citizens, lawful permanent residents and U.S. employers; 2) naturalization petitions by lawful permanent residents; 3) asylum and refugee applications; 4) other benefit requests adjudicated at service centers and field offices; and, 5) any other adjudication service that was performed by the former Immigration and Naturalization Service.

7. Do you believe the role of USCIS is to simply approve as many immigration applications as possible, or to vigorously apply and enforce our immigration laws?

If confirmed as Director of USCIS, it would be my duty to effectively apply and enforce the immigration laws that are under the authority of USCIS to the best of my ability.

8. Your Twitter account describes you as the director of “DHS Watch.” Have you used your Twitter account and other social media to engage in policy advocacy or make statements about immigration policy?

My somewhat seldom tweets largely echoed some press releases and other communications issued during my time as director of DHS Watch at America's Voice. I have not tweeted or retweeted since July 2020.

9. Your Twitter account is currently set to "private," meaning that your tweets can only be viewed by individuals whose access you approve. Prior to your nomination to lead USCIS, was your Twitter account set to allow public viewing?

I cannot recall the exact date on which I made my Twitter account private. However, it was in 2020.

10. If your Twitter account was set to allow public access prior to your nomination, when did you set your Twitter account to "private"?

I cannot recall the exact date on which I made my Twitter account private in 2020.

11. Did you discuss with anyone in the Biden administration or transition team anything related to setting your Twitter account to "private" or deleting or removing particular public posts?

No one from the Biden administration or transition team raised concerns with me regarding my social media presence. The transition team did provide general cybersecurity advice to volunteers, including optional recommendations to secure accounts against cyber threats.

- a. If so, did anyone in the Biden administration or transition team suggest that you set your Twitter account to "private" or delete or remove particular public posts?

Given the high incidence of cybersecurity and other dangers on the internet, I have been advised multiple times to protect myself and my family to the greatest extent possible, including by making internet accounts like Twitter private. I have not been advised to delete or remove a particular public post.

12. Please describe with particularity the process by which you answered these questions and the written questions of the other members of the Committee.

All responses to these questions are my own. In drafting and editing these responses, I conducted my own research and requested and received assistance from appropriate

personnel at the Department of Homeland Security and at U.S. Citizenship and Immigration Services, whose counsel I was free to accept or reject.

13. Did any individual outside of the United States federal government write or draft your answers to these questions or the written questions of the other members of the Committee? If so, please list each such individual who wrote or drafted your answers. If government officials assisted with writing or drafting your answers, please also identify the department or agency with which those officials are employed.

Please see my response to question #12.

SENATOR TED CRUZ
U.S. Senate Committee on the Judiciary

Questions for the Record for Mendoza Jaddou, Nominee for Director, U.S. Citizenship & Immigration Services (“USCIS”)

1. In July 2020, you described protesters in Portland, Oregon, and around the country as “peaceful” and advocated for the suspension of funds to Customs and Border Patrol (“CBP”), as well as other spending reforms, “[u]nless Trump’s CBP stops attacking peaceful protesters around the country, and until they have real reform and meaningful accountability....” Do you stand by that statement?

CBP officers unquestionably serve their country with honor and dignity, and I have tremendous respect for their difficult mission. Like many other concerned citizens, during the summer of 2020, I raised questions and expressed concern regarding some elements of the Administration’s response to protests, including seemingly unprecedented deployment of DHS officials.

In fact, my [July 24, 2020, statement](#) did not call for a suspension of funds to U.S. Customs and Border Protection. Rather, I called for answers and accountability to the apparently unprecedented action and use of resources by DHS officials. In doing so, I recommended that Congress should deny a mid-year request for a small amount of supplemental funding. This reprogramming would have been on top of regularly appropriated funding. As a general matter, I am supportive of transparency and accountability relating to funds appropriated by Congress.

2. You have described CBP officers as the “personal militia” of President Trump, stating, “[a]s our states, cities and towns are begging for more funding to stave off an economic collapse in the midst of a once-in-a-century pandemic, CBP has the audacity to propose moving money around, defying Congressional opposition so that their agents can continue to be the personal militia of the President.”
 - a. Please explain how CBP officers—many of whom continue to serve their country with honor and dignity—served as the “personal militia” for President Trump.

CBP officers unquestionably serve their country with honor and dignity and I have tremendous respect for their difficult mission. In my July 24, 2020, statement, I focused specifically on what was being reported in the media as special units directed by DHS leadership to take what appeared to be unprecedented and concerning action in response to protests that strayed from the traditional mission of the agency.

- b. Do you believe that CBP officers in fact served as President Trump's personal militia?

Please see my response to question #2a.

- c. Do you regret using this overheated and false rhetoric?

Please see my response to question #2a.

- 3. Regarding proposals to deal with Birth Tourism, you have noted that they are "nothing more than a new roadblock for women just because their bodies can become pregnant." The regulation, according to your previous statements, is "a clear attack on women and their bodies just because they can have babies." Do you still consider policies meant to control and prevent birth tourism a "clear attack on women and their bodies"? Please explain.

If confirmed, my role as Director of USCIS would be to faithfully administer our nation's immigration laws, while taking all appropriate actions to guard against fraud and abuse. As you know, pregnant women may travel to the U.S. on a B nonimmigrant visa if, like all applicants for B visas, they meet certain requirements and pass a consular interview. The Department of State, processes B visas for foreign national applicants and Customs and Border Protection makes the determination of whether to admit them at ports of entry. Neither of these duties fall under USCIS. If the law or policy changes and this issue comes before the Director of USCIS, if confirmed, I would seek to be briefed by relevant State Department and CBP experts, and would be happy to consult with Congress on this issue.

4. Define what you understand to be “birth tourism.” Do you believe that “birth tourism” is a significant problem in the United States?

Please see my response to question #3.

5. If individuals seeking asylum could have their claims finally adjudicated in fewer than three months, would you support detaining these individuals for the pendency of their legal proceedings to ensure that only those individuals entitled to remain in the United States remain in the United States?

If confirmed as Director of USCIS, I would seek to ensure that USCIS has enough officers available to adjudicate in a fair, efficient, and humane manner credible fear claims, asylum applications, and any case sent to USCIS from Customs and Border Protection for non-refoulement screening under the Title 42 order. In addition, I understand that USCIS is currently assisting the Department of Health and Human Services in its role to ensure children are quickly placed in safe and loving homes; if confirmed, I would continue to support those efforts. The detention of individuals seeking asylum would be under the authority of CBP and ICE not USCIS.

6. You have sharply criticized the Trump Administration for its “public charge” rule policy. Please explain why it was wrong, and what policy you plan to advocate in its place.

It is my understanding that the public charge provision under 212(a)(4) of the Immigration and Nationality Act is one ground of inadmissibility for foreign nationals who, but for this provision, may be admissible. For example, if the government decides that a foreign national family member is likely to become dependent on certain public benefits for subsistence in the future, the public charge provision may bar a U.S. citizen or lawful permanent resident from reuniting with close family members, such as a spouse, in the United States. Under current policy, such public benefits include cash assistance for income maintenance and institutionalization for long-term care at government expense.

As an advocate in the role of Director of DHS Watch, I raised concerns regarding the Trump Administration’s public charge rule because it imposed what I felt were unprecedented wealth, health, age and other restrictions on legal immigration.

If confirmed as Director of USCIS, I would ask to be briefed by agency experts to understand the state of the most recent public charge rule, and the reasons behind it, before assessing whether and how to propose policy changes.

**Senator Josh Hawley
Questions for the Record**

**Ur Mendoza Jaddou
Nominee, Director of U.S. Citizenship & Immigration Services**

- 1. Missouri residents Adam and Jill Trower have been seeking to adopt a child from the Democratic Republic of the Congo for almost two years. It took 18 months for them to receive a reply from USCIS, which subsequently notified them that their petition would likely be denied on grounds that they view as inconsistent with controlling law. Accordingly, the Trowers submitted an appeal letter to USCIS at the end of March of this year, but do not know when or if they can expect to hear back. If you are confirmed as USCIS Director, will you commit that USCIS will fully and fairly consider the merits of the Trower family's petition and provide a decision as soon as possible?**

Yes, absolutely. When it comes to reuniting families in the U.S., especially when it involves children, adjudication of immigration-related applications should be as efficient as possible under the law. If confirmed, you have my commitment that USCIS will fully and fairly consider the merits of this case and provide a decision as soon as possible.

**Senator Mike Lee
Questions for the Record**

**Ur Mendoza Jaddou
Nominee, Director of U.S. Citizenship & Immigration Services**

1. During the last administration you repeatedly criticized President Trump’s use of executive authority as it related to immigration policy. A few months into the global pandemic, you criticized his blocking entry of certain classes of immigrants into the country, commenting: “[W]ith a stroke of a pen and without a single act of Congress” President Trump had “fundamentally changed decades-long immigration preferences established by Congress.”

If Congress fails to come to a legislative agreement on DACA, could the executive branch fabricate a path forward for those currently under deferred action by exploiting discretionary parole authority?

It is my understanding that DACA is currently being administered by USCIS under a June 15, 2012 Department of Homeland Security memo entitled “Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children.” If confirmed, I look forward to working with USCIS personnel and Administration officials, including the Secretary, to continue administering the DACA policy consistent with court orders, and to providing Congress timely and accurate technical assistance on any legislative proposals relating to Dreamers, if requested.

2. When Congress, in statutory language governing an agency, uses the word “shall,” is the subject action mandatory or optional?

For example, what discretion is granted to an agency if a statute contains the following language: “If the officer determines at the time of the interview that an alien has a credible fear of persecution (within the meaning of clause (v)), the alien *shall* be detained for further consideration of the application for asylum”? (8 USC §1225 (b)(1)(B)(ii))”

It is my understanding that the word “shall” generally denotes mandatory action. However, it is also my understanding that other statutory provisions in the law could modify what may seem to be clear mandates in

one section of the law and that the broader context of statutes can sometimes inform the legislative intent of specific words. If confirmed, I would consult with legislative and other counsel on any questions or issues regarding statutory language, intent, and case law.

3. Does the Immigration and Naturalization Act give DHS authority to issue employment authorization to any identified group or class of immigrants it finds sympathetic?

The Immigration and Nationality Act provisions and implementing regulations set forth which noncitizens are authorized for employment in the United States, based on specific criteria. If confirmed, I will work with agency legal and policy experts to ensure the agency's practices relating to employment authorization continue to comply with applicable law.

4. I and many of my colleagues have long been concerned with the perverse incentives we create through cyclical amnesties. Had we passed the DREAM Act in 2018 and granted amnesty to all the children brought here before that point, what would you propose to do with the unprecedented numbers of Unaccompanied Alien Children currently in custody at our Southern Border? What is the limiting principle here?

As Director of USCIS, my role with regard to unaccompanied children at our southern border would be limited to ensuring that USCIS has enough officers available to adjudicate in a fair, efficient, and humane manner asylum applications and petitions for special immigrant juvenile status. If confirmed, I would adhere to the requirements under current law governing the treatment of unaccompanied children that arrive at our southern border.

With regard to any proposed changes in law, if confirmed, I would welcome the opportunity for USCIS to work with you and your staff to provide technical assistance on proposed legislation.

5. As you are aware, the practice of Birth Tourism is becoming increasingly prevalent and problematic. Particularly in US Territories which do not require tourists to apply for or receive a visa, the numbers of immigrants who visit with the intention of giving birth and giving their child US citizenship—and thereby giving themselves a

pathway to citizenship—is continuously increasing. In 2018, just in the Northern Mariana Islands, 600 babies were born to foreign women visiting the island. Ninety-five percent of these babies were born to Chinese nationals who did not receive any State Department screening; none at all.

But the problem isn't confined to the Mariana Islands. Birth tourism is a problem here in the states as well. Under the Trump administration, the State Department published a final rule specifically excluding birth tourism as appropriate activity on a "B" tourist visa. You took exception to the State Department's solution to this problem: giving the consular office discretion to determine whether a woman intended to give birth during her stay in the United States. The B-visa allows a traveler to stay in the United States no longer than six-months.

Ms. Jaddou, you suggested that this regulation was "nothing more than a new roadblock for women just because their bodies can become pregnant." As a nominee for the Director of USCIS, do you consider the practice of birth tourism to be a problem? If so, what policy would you propose to curb this practice?

If confirmed, my role as Director of USCIS would be to faithfully administer our nation's immigration laws, while taking all appropriate actions to guard against fraud and abuse. As you know, pregnant women may travel to the U.S. on a B nonimmigrant visa if, like all applicants for B visas, they meet certain requirements and pass a consular interview. The Department of State, processes B visas for foreign national applicants and Customs and Border Protection makes the determination of whether to admit them at ports of entry. Neither of these duties fall under USCIS. As such, I do not anticipate proposing policies relating to this issue if I am confirmed as Director of USCIS. If the law or policy changes and this issue comes before the Director of USCIS, if confirmed, I would seek to be briefed by relevant State Department and CBP experts, and would be happy to consult with Congress on this issue.

6. Traditionally, USCIS has been a fee-funded agency. It has generally been accepted that tax payers should not be funding immigration, but rather the economic burden should be born by the applicants themselves. President Trump in his proposed budget requested \$459,000,000 of appropriated funding for USCIS. Do you support appropriated tax payer funding for USCIS?

USCIS has a proven track record of being able to manage its operations relying almost entirely on fees. USCIS is still recovering from the effects of the fiscal crisis last year that almost led to the furlough of 2/3 of its workforce and the effects of the pandemic that was also felt by other agencies that rely on fees for operation. It is my understanding that the FY2022 President's Budget requests \$345 million in appropriated funds to help USCIS continue to stabilize its finances, reduce its current backlog, and meet its other duties as the agency responsible for appropriately administering a functioning legal immigration processing system. If confirmed, I look forward to being briefed and working with Congress related to the President's budget request.

7. According to USCIS fee studies, estimated annual forgone revenue from fee waivers and exemptions has increased markedly, from \$613 million in the FY 2016/2017 fee review to approximately \$1.5 billion in the FY2019/2020 fee review. USCIS noted in its 2019 proposed fee rule that without changes to its fee waiver policy, fees would have to increase substantially to cover the cost of the waivers. Accordingly, USCIS proposed ending most fee waivers or exemptions that are not required by law in its 2019/2020 fee rule.

- a. Do you support fee waivers?

As a general principle, the processing of applications by U.S. federal agencies should not be limited to the wealthy, especially at USCIS where a large portion of applications are submitted by U.S. citizens seeking to reunite with close family members, lawful permanent residents seeking naturalization, and U.S. employers large and small, as well as for profit and non-profit. As you note, fee waivers are one option USCIS has pursued in the past to attempt to uphold that principle. If confirmed, I look forward to working with the agency's Chief Financial Officer to have a better understanding of the agency's financial position and to develop a responsible fiscal path forward for USCIS, including as it relates to fee waivers.

- b. Do you support increasing fees for some to allow fee waivers for others?

As I note above, if confirmed, I look forward to working with the agency's Chief Financial Officer to have a better understanding of the agency's financial position and to develop a responsible fiscal path forward for USCIS, including a review of fees and fee waivers.

- c. Assuming you reject ending most fee waivers and exemptions, how would you, if confirmed as Director, plan to make up the hundreds of millions of dollars in annual foregone revenue from discretionary fee waivers?

As I noted above, if confirmed, my first step would be to work with the agency's Chief Financial Officer to have a better understanding of the agency's financial position, to have a clear understanding of the amount of statutorily required fee waivers required by, but not funded by, Congress versus non-statutory fee waivers, and to develop a responsible fiscal path forward for USCIS that also attempts to ensure that USCIS application processing is not reserved to the wealthy.

- 8. On April 21, 2021, DHS reportedly sent to the White House for approval a plan to "enhance" procedures for becoming a naturalized citizen. Under the plan, according to reporters who have viewed it, the agency would continue subsidizing the costs of becoming a citizen to make sure the process is available to as many people as possible. The plan reportedly states that the Administration "recognizes that the cost of fees can be a barrier" so "other fee-paying applicants and petitioners will continue to subsidize this policy decision to ensure full cost recovery." On May 17, the USCIS Chief of Staff, Felicia Escobar Carrillo, said "[t]here will be a need for some fee increases probably."

- a. Do you believe, as a general matter, it is appropriate for USCIS – on its own and without formal direction from Congress – to decide as a policy matter to promote applications for a particular type of benefit by setting the application fee at a level substantially below cost and then passing on that difference in cost to filers of applications for other types of benefits?

It is my understanding that USCIS sets its fees under the authority of section 286 of the Immigration and Nationality Act, generally a broad authority that does not proscribe specific fees for any service rendered by USCIS. The agency has historically considered policy priorities as a factor, consistent with the law, when determining fee levels for particular services. If confirmed, I commit to working with USCIS' Chief Financial Officer, as well as with stakeholders and Congress, to develop a

responsible fiscal path forward for USCIS that also attempts to ensure USCIS application processing is not reserved to the wealthy.

- b. If so, do you believe USCIS also has the authority to *disincentivize* applications for certain types of benefits by setting the application fee at a level substantially *above* cost?

Please see my answer to #8(a).

- 9. If a USCIS immigration officer denies a claim for benefits and finds the applicant has no legal status, should the officer initiate a Notice to Appear for that applicant so his/her status might be adjudicated?

This is a complex issue that must be reviewed together with ICE which holds responsibility for ensuring that Notices to Appear that are issued will be properly prosecuted before the immigration court. If confirmed, I would work with ICE to fulfill USCIS' responsibilities in this area.

- 10. A recent change at USCIS put the burden of ensuring an application is submitted with all the required evidence on the applicant. This is not an unusual burden—certainly it is incumbent upon all of us when applying for any benefit to ensure our own application is complete and correct. In this case, if the application is incomplete when submitted, it will be denied. With the adjudication backlog and the resource constraints at USCIS, it is beneficial to the agency to incentivize applicants to only submit completed applications. Do you support this policy change?

If confirmed, to appropriately address this question, I would need to see all relevant documents, and would look to discuss with agency experts the reasons for the change and whether the change has achieved its objective; only then could I effectively opine on the referred policy change. If confirmed, I welcome the opportunity to review this issue.

**Questions for the Record for
Senator Thom Tillis for
Ms. Ur Mendoza Jaddou**

1. You criticized the Trump Administration for its use of Title 42 authority at the southern border. What are your views on the continued use by the Biden Administration of Title 42 authority at the border? Will you commit to supporting the administration's continued use of this important authority?

Title 42 refers to a public health authority held by the Centers for Disease Control which authorizes the suspension of entry of persons coming from areas with a communicable disease like COVID-19. It is my understanding that the current Title 42 order includes certain exceptions to the general suspension of entry. For example, unaccompanied children are not subject to expulsion under the order, and exceptions can be made on a case-by-case basis if there are significant law enforcement, public safety, humanitarian, or public health interests. I generally defer to the Centers for Disease Control on whether travel into the United States may prevent a potential or ongoing pandemic, and will continue to do so if I am confirmed as Director of USCIS.

2. During your time as Chief Counsel for USCIS, you were involved in decisions to create broad parole programs which went beyond the text of the INA. What was your specific involvement in developing broad-based parole programs, and what do you believe is the proper scope of the President's parole authority?

It is my understanding of the law that the parole authority granted to the Secretary of Homeland Security by Congress is broad. It gives the Secretary discretion with regard to which criteria he may use to determine on a case-by-case basis what constitutes "urgent humanitarian reasons" or a "significant public benefit." Under all USCIS parole programs, applicants for parole must submit a form, supported by evidence, and an adjudicator must individually determine on a case-by-case basis whether that applicant satisfies the urgent humanitarian reason or significant public benefit and merits a favorable exercise of discretion. As Chief Counsel of USCIS, my role was to lead the office of attorneys that provides legal advice to all parts of USCIS, including attorneys who provide legal advice to agency employees who draft new policies. If confirmed, I

will seek briefings from USCIS experts to ensure that my understanding of the applicable law, policy, and administration of parole are up to date, and I commit to ensuring that USCIS continues to comply with all legal requirements.

3. As Chief Counsel, you were also involved with providing legal guidance on issues such as DACA. Do you think that DACA was an appropriate use of executive authority? Should future Presidents be allowed to similarly create quasi-status on stretched reading of the INA? Would you support changes to the INA which would limit executive authority to make such broad based designations in the future?

Though the decision to initiate DACA was made in 2012 prior to my tenure, I agree that DACA is a permissible exercise of discretion by the Secretary of Homeland Security. Without detailed information about future proposals, I cannot opine as to whether a specific use of discretion would be lawful. Broadly speaking, if confirmed, I would be happy to review any legislative proposals by Congress relating to USCIS, and provide timely technical assistance. If confirmed, I would seek briefings from USCIS experts to ensure that my understanding of the applicable law and policy on DACA is up to date, and I commit to ensuring that USCIS continues to comply with all legal requirements.

4. Do you believe the DAPA program was a lawful exercise of authority by President Obama? Does any President have the right to unilaterally waive immigration law and grant work permits to illegal immigrants?

As you know, the Department of Justice's Office of Legal Counsel was consulted on DAPA in 2014 and determined that DAPA would be a "permissible exercise of DHS's discretion to enforce the immigration laws." However, the Fifth Circuit Court of Appeals disagreed, DAPA was enjoined, and the Department of Homeland Security and USCIS, of which I then served as Chief Counsel, complied with the decision of the court. If confirmed, I would work with the many excellent attorneys at USCIS and in the DHS headquarters Office of the General Counsel to ensure USCIS continues to comply with all legal requirements.

5. Should illegal immigrants who have committed additional crimes since arrive in the United States be categorically denied citizenship under any immigration proposals Congress is currently considering?

To address this question, I would need to review specific legislative text and discuss it with experts in this area of immigration law before I could provide an informed view. If confirmed, I would welcome the opportunity to provide technical assistance on immigration proposals being considered by Congress.

6. What are your views on asylum reform? Do you support raising the credible fear standard? If not, why not?

If confirmed as Director of USCIS, my duty on asylum would be to ensure that under the law USCIS adjudicates in a fair, efficient, and humane manner claims of credible fear, asylum applications, and any case sent to USCIS from Customs and Border Protection for non-refoulement screening under the Title 42 order. If confirmed, I would seek briefings from agency experts to understand the issues that may limit USCIS's ability to adjudicate in a fair, efficient, and humane manner, and would welcome the opportunity to work with Congress to address these limitations.

7. Do you believe that economic migrants are entitled to asylum protections?

The United States has a responsibility to live up to its obligations under the law, and to expeditiously deny claims from those who are ineligible for asylum, while expeditiously approving claims by those applicants who are eligible. Under section 208(b)(1)(8) of the Immigration and Nationality Act (INA), asylum applicants must "establish that race, religion, nationality, membership in a particular social group, or political opinion was or will be at least one central reason for persecuting the applicant." Some granted asylum may also be fleeing untenable economic conditions, but this condition alone does not qualify them for asylum protections under the INA. If confirmed, my duty as USCIS Director would be to ensure USCIS administers its adjudication responsibilities under the law, including for those applying for asylum protection.

8. Do you support expedited removal for gang members, felons, sex offenders, and other violent criminal immigrants? If not, why not?

If confirmed as USCIS Director, I will have no role in removal decisions. The Secretary, in his or her “sole and unreviewable discretion,” may designate certain noncitizens to whom the expedited removal provisions may be applied.

9. Do you believe the temporary protected status program has been abused? Should temporary protected status be used as a back door way to provide semi-permanent lawful status to illegal immigrants?

The most durable solution to providing certainty to TPS recipients would be for Congress to enact legislation. With that said, historically, administrations of both parties have granted and extended TPS protections, under the law, to those unable to return to their countries for a limited number of reasons under the law, including because of devastation by natural disasters. As USCIS Director, my role with regard to TPS would be to advise the Secretary of Homeland Security on whether to grant, extend, or terminate TPS to certain populations under the law, and to ensure USCIS administers TPS programs in an efficient, fair, and humane manner. In conducting these duties, if confirmed, I commit to complying with the provisions in the Immigration and Nationality Act that govern TPS to the best of my ability.

10. Do you support reforms to the refugee resettlement program to give Congress greater oversight over the number of refugees admitted annually? Do you believe we should increase national security screenings and vetting measures for refugees?

To ensure the integrity of all our immigration programs, and U.S. national security and public safety, effective and robust security vetting procedures are of paramount importance. I fully support the ongoing review and improvement of these protocols, including those required for refugee applicants, to ensure that screening requirements are as effective as possible in detecting national security concerns and fraud. If confirmed, I

would welcome the opportunity to work with Congress to provide technical assistance on new legislation regarding the U.S. refugee program.

Senator Chuck Grassley, Ranking Member
Questions for the Record
Anne Milgram
Nominee to be Director of the Drug Enforcement Agency

1. When we met before your hearing, you indicated that the fight against fentanyl is critical and that you'd support efforts to schedule this deadly drug and its analogues. If confirmed, will you keep me and my colleagues updated on how DEA plans to address and schedule fentanyl analogues permanently?

RESPONSE: Yes. If I am confirmed, I would look forward to working with you on this important issue.

2. Do you believe that the United States' scheduling of fentanyl analogues serves as a preventative measure in that it encourages—or even requires—China to continue their scheduling authority over fentanyl substances? If yes, please explain how controlling these drugs stateside will prevent an increase in fentanyl abuse and death.

RESPONSE: I am deeply concerned by the increase in overdose deaths during the COVID-19 pandemic. This highlights the danger posed by fentanyl and fentanyl related substances. While I am not yet at DEA, I can say from the outside that responding to the fentanyl crisis requires a multi-prong approach. This includes tackling the public health crisis created by opioids and fentanyl and targeting the sources of fentanyl, including precursor chemical suppliers in China and elsewhere. The United States' approach to scheduling fentanyl related substances sets an important precedent for China, Mexico, other countries. If confirmed, I would work with the career officials at DEA and the Department of Justice, the interagency partners, the Administration, and Congress on a permanent solution for fentanyl analogues.

3. Cocaine is a powerful and deadly drug. According to the 2020 DEA National Drug Threat Assessment, "[p]roduction, trafficking, and abuse of cocaine consistently pose a threat to the safety and security of citizens and law enforcement." Deaths from cocaine overdose have increased by about 251% from 2010 to 2018. The supply of deadly cocaine entering the United States is increasing, too. According to Customs and Border Patrol (CBP), seizures of cocaine nationwide have increased by 70% from 2018 to 2019. Illicit drug manufacturers and distributors know how to manipulate substances, markets, and distribution networks to turn a profit. Cartels are increasingly combining cocaine with dangerous synthetic substances, like fentanyl. According to the DEA, overdose deaths involving cocaine and another synthetic substance increased from 167 deaths in 2010 to 8,659 deaths in 2018, a staggering 5,085% increase.

- a. If confirmed, how will you use your position at DEA to prevent cocaine abuse and stop drug cartels and bad actors from flooding our communities with this deadly drug?

RESPONSE: I am very concerned with the increase in cocaine overdose deaths, particularly as cocaine becomes increasingly laced with fentanyl. DEA must tackle cocaine trafficking and addiction using a multi-pronged approach, including increasing law enforcement cooperation between the U.S. and its foreign partners, targeting for enforcement the most significant organizations and individuals trafficking and distributing cocaine, and increasing public health awareness and community engagement.

- b. How much of a threat is cocaine in powder form as compared to base cocaine? Does DEA investigate, control, or prevent the use of these cocaine substances differently? If so, how and why?

RESPONSE: I am familiar with the sentencing disparities between base cocaine and powder cocaine and with the disparate impact these disparities have had on communities of color. If I am confirmed, I would look forward to studying DEA's policies and practices with respect to base cocaine and powder cocaine and to working with your office on it.

4. Transparency among manufacturers, distributors, and the Drug Enforcement Administration (DEA) is critical to limit drug diversion. I've supported measures to require monthly updates on the sale and delivery of controlled substances, and also penalize the inaction or criminal behavior of manufacturers, distributors, and pharmacies.
 - a. If confirmed, will you work with me to ensure that DEA plays its part to limit drug diversion by increasing transparency and communication with drug manufacturers and distributors?

RESPONSE: Yes. If I am confirmed, I would look forward to improving transparency and available data and to working with you on these issues.

- b. How can the relationship between the DEA and drug manufacturers and distributors improve in this area to prevent drug diversion?

RESPONSE: DEA must limit the supply of prescription opiates through drug quotas and vigilantly investigate companies who unlawfully distribute or divert prescription opioids. If I am confirmed, I would look forward to examining DEA's current drug diversion efforts and to examining the relationship between DEA, drug manufacturers, and distributors.

5. Have you had any conversations with individuals associated with the organization Demand Justice, including but not limited to Brian Fallon or Chris Kang, in connection

with this or any other potential nomination? If so, please explain the nature of those conversations.

RESPONSE: No.

6. Have you had any conversations with individuals associated with the American Constitution Society, including but not limited to Russ Feingold, in connection with this or any other potential nomination? If so, please explain the nature of those conversations.

RESPONSE: No.

7. Have you had any conversations with individuals associated with the Tides Center with this or any other potential nomination? If so, please explain the nature of those conversations.

RESPONSE: No.

8. Have you had any conversations with individuals associated with the Lawyers Committee for Civil and Human Rights, including but not limited to Vanita Gupta, in connection with this or any other potential nomination. If so, please explain the nature of those conversations.

RESPONSE: No.

9. Have you had any conversations with individuals associated with the Open Society Foundations in connection with this or any other potential nomination? If so, please explain the nature of those conversations.

RESPONSE: No.

10. Please explain with particularity the process by which you answered these questions.

RESPONSE: The Department of Justice received these questions on June 2, 2021. I worked with Department attorneys, conducted research, and answered the questions. I finalized answers to the questions and authorized their transmission to the Committee on June 5, 2021.

11. Do these answers reflect your true and personal views?

RESPONSE: Yes.

**Nomination of Anne Milgram to be
Administrator of Drug Enforcement
Questions for the Record
Submitted June 2, 2021**

QUESTIONS FROM SENATOR COTTON

1. Since becoming a legal adult, have you ever been arrested for or accused of committing a hate crime against any person?

RESPONSE: No.

2. Since becoming a legal adult, have you ever been arrested for or accused of committing a violent crime against any person?

RESPONSE: No.

3. Do you believe that synthetic opioid trafficking is one of the greatest drug threats facing the United States today?

RESPONSE: Yes.

4. In 2018, as illicit drug labs were creating new fentanyl analogues to evade our drug laws, the Drug Enforcement Administration used its emergency scheduling authority to place all unscheduled fentanyl analogues on the list of Schedule One controlled substances. According to the Department of Justice, law enforcement encounters with uncontrolled fentanyl analogues have since dropped by almost 90 percent. Of course, we have more work to do to solve the opioid epidemic, but this is still a positive step. Unfortunately, that emergency scheduling action, which has been extended twice by Congress, will expire later this year. Should the government make it easier for illicit drug labs to create new fentanyl analogues by allowing that expiration?

RESPONSE: The danger posed by fentanyl and fentanyl related substances is severe and we must deploy all available tools to combat this threat. I support a permanent solution for fentanyl related substances scheduling and believe it will be critical for DEA's important work combating the opioid crisis. If I am confirmed, I look forward to working on this issue.

5. Should the United States reduce prison sentences for fentanyl traffickers?

RESPONSE: The danger posed by violent drug traffickers is severe and we must deploy all available tools to combat this threat. If I am confirmed, I look forward to supporting DEA's strong record of successfully investigating transnational

criminal organizations and individuals involved in the manufacture, distribution, and trafficking of dangerous drugs.

6. Should the United States reduce prison sentences for heroin traffickers?

RESPONSE: See Question 5.

7. Should the United States reduce prison sentences for meth traffickers?

RESPONSE: See Question 5.

8. Do insecure borders pose a drug threat to the United States?

RESPONSE: The U.S./Mexico border plays a critical role in DEA's drug enforcement work. Strong border security is important to arresting the flow of illicit narcotics. If I am confirmed, I will look forward to reviewing the challenges at the border and to working across agencies, and with DHS in particular, to address narcotics smuggling, as well as human smuggling and trafficking.

9. Please describe with particularity the process by which you answered these questions and the written questions of the other members of the Committee.

RESPONSE: The Department of Justice received these questions on June 2, 2021. I worked with Department attorneys, conducted research, and answered the questions. I finalized answers to the questions and authorized their transmission to the Committee on June 5, 2021.

10. Did any individual outside of the United States federal government write or draft your answers to these questions or the written questions of the other members of the Committee? If so, please list each such individual who wrote or drafted your answers. If government officials assisted with writing or drafting your answers, please also identify the department or agency with which those officials are employed.

RESPONSE: No.

SENATOR TED CRUZ
U.S. Senate Committee on the Judiciary

**Questions for the Record for Ms. Anne Milgram to be Administrator of
Drug Enforcement**

1. Do you personally own any firearms? If so, please list them.

RESPONSE: No.

2. Have you ever personally owned any firearms?

RESPONSE: No.

3. Have you ever used a firearm? If so, when and under what circumstances?

RESPONSE: Yes, I used a firearm for target practice during training as an Assistant District Attorney in Manhattan.

4. Is the ability to own a firearm a personal civil right?

RESPONSE: In *District of Columbia v. Heller*, 554 U.S. 570 (2008), the Supreme Court held that the Second Amendment protects “an individual right to keep and bear arms.” *Id.* at 595.

5. Is the criminal justice system systemically racist?

RESPONSE: The American criminal justice system, like the rest of our society, must continually work to ensure the promise of equal justice under law.

**Questions for the Record from
Senator Thom Tillis for
Ms. Anne Milgram**

1. What do you believe is the most pressing issue that the DEA should address? If you are confirmed, what would you do to solve this problem?

RESPONSE: The danger posed by fentanyl and fentanyl related substances is severe. While I am not yet at DEA, I can say from the outside that responding to the fentanyl crisis requires a multi-prong approach. This includes tackling the public health crisis created by opioids and fentanyl and targeting the sources of fentanyl, including precursor chemical suppliers in China and elsewhere. The United States' approach to scheduling fentanyl related substances also sets an important precedent for China, Mexico, other countries. If confirmed, I would work with the career officials at DEA and the Department of Justice, the interagency partners, the Administration, and Congress on a permanent solution for fentanyl related substances.

2. Ms. Milgram, in recent weeks, our Customs and Border Protection (CBP) reported that 6,494 pounds of fentanyl was seized from January 2021 to April 2021. This is a drastic increase from the 4,776 pounds for all 2020. If nominated, how will you work with our local, state, federal, and international partners to one stop it from entering the country? And two, to prevent it from being distributed into our communities?

RESPONSE: The U.S./Mexico border and other ports of entry play a critical role in DEA's drug enforcement work. Strong border security is important to arresting the flow of illicit narcotics. If I am confirmed, I will look forward to reviewing the challenges at the border and to working across agencies, and with DHS in particular, to address narcotics smuggling and trafficking. The DEA also has a long-standing partnership with international partners and with state and local law enforcement through its task forces and involvement in HIDTA. If I am confirmed, I would look to strengthen and expand those partnerships to prevent the distribution of fentanyl and other dangerous drugs in our communities.

3. Ms. Milgram, one of the major objectives as administrator is to oversee the DEA as a whole. The DEA has 239 domestic offices and 91 foreign offices. Can you please explain your management style? How will you ensure that all 330 offices are completing the DEA's mission?

RESPONSE: The DEA Administrator is responsible for overseeing an outstanding team of more than 10,000 men and women stationed across the United States and the world. My experience running the 9,000-person Department of Law and Public Safety as New Jersey's Attorney General, with 16 separate component parts, has helped to prepare me for this task. To advance DEA's mission will require strong leadership, an exceptional management team in each of the DEA's core areas (law enforcement, diversion, and intelligence, among others), strong collaboration and communication with field offices and throughout the organization, and a commitment to achieving the DEA's core mission of combating illegal narcotics and improving community safety and health.

4. During the COVID-19 pandemic, opioid overdoses spiked dramatically across the country, including in North Carolina. Will you commit to working with North Carolina's local and state leaders to help mitigate this ongoing epidemic?

RESPONSE: Yes.

5. What are your views on the use of Prescription Drug Monitoring Programs? Do you believe the DEA has sufficient authorities to investigate diversion, and should there be changes in access to PDMP information by the DEA?

RESPONSE: DEA must limit the oversupply of prescription opiates through drug quotas, prescription drug monitoring programs, and vigilant investigation of companies who unlawfully distribute or divert prescription opioids. If I am confirmed, I will look forward to examining DEA's PDMP efforts and its information access needs, and reporting back to you on this issue.

6. Timely communication between government agencies can be critical for the survival of businesses involved in industries such as the manufacture of

pharmaceutical products that involve substantial government oversight. What will the DEA do to ensure that it is able to quickly address the regulatory concerns of pharmaceutical manufacturers who are involved in the manufacture of products key to fighting public health crises when the regulatory issues involve multiple other federal agencies such as the FDA?

RESPONSE: Interagency partnership and cooperation is critical. If I am confirmed, I would look forward to examining DEA's current interagency work and reviewing how DEA partners with the FDA and others to timely address issues surrounding the manufacture of pharmaceuticals.

Senator Chuck Grassley, Ranking Member
Questions for the Record
Kenneth Allen Polite, Jr.
Nominee to be Assistant Attorney General, Criminal Division of the United States

1. Is it appropriate for a low-level government official (including law enforcement) to be terminated for ‘liking’ a post on social media that:
 - a. Contains views contrary to yours?
 - b. Contains some allusion to violence?
 - c. Contains views contrary to what you perceive to be the prevailing media narrative?

RESPONSE: I would not want to speculate on a hypothetical situation. It would depend on the particular facts and circumstances.

2. In an article with Law360 on November 30, 2020 titled “What to Expect from Federal Agency Leadership Changes,” you stated the following about the Trump-appointed U.S. Attorneys at the Department of Justice:

At the same time there are 93 U.S. Attorneys across the country. While the 50 or so remaining Obama-appointed U.S. attorneys were all fired on the same day under then then-incoming Trump administration, the Biden administration is expected to be more measured, allowing existing U.S. attorneys to stay in their roles until their replacements are all named and confirmed, which will provide a bit of continuity to the department.¹

President Biden summarily fired 56 (all but two) Trump-appointed U.S. attorneys on February 10, 2021, *a full month before* President Trump, during his term, fired all of the remaining Obama-appointed U.S. Attorneys on March 13, 2017.²

- a. Did President Biden take “measured” action in firing 56 (all but 2) Trump-Appointed U.S. Attorneys a full month before President Trump fired all Obama-Appointed U.S. Attorneys on March 13, 2017?
- b. Assuming you are confirmed, how do you intend to handle the lack of “continuity” in the department, given that President Biden summarily fired all but two Trump-appointed U.S. Attorneys before replacements could be “named and confirmed”?

RESPONSE: It is not unusual for Presidents to remove U.S. Attorneys. If confirmed, I look forward to working with the career attorneys in the Criminal Division currently in place as

¹ SJQ 12(a) at November 30, 2020.

² Rick Moran, PJ Media, “Where’s the Outrage? Biden Fires 56 Trump-Appointed U.S. Attorneys,” Feb. 10, 2021, available at: <https://pjmedia.com/news-and-politics/rick-moran/2021/02/10/wheres-the-outrage-biden-fires-56-trump-appointed-u-s-attorneys-n1424466>

well as with the United States Attorneys and Acting United States Attorneys doing the important work of leading the United States Attorney's Offices.

3. Your life story and achievements to date are impressive. In fact, in one of your speeches you detailed your upbringing:

my vision for this office is a direct extension of my own upbringing. At first blush, my personal background appears to be all too familiar: an African-American male, born to teenage parents, raised first in the projects, later in the lower Ninth Ward by a single mother. And yet, my story diverges where my family, especially my mother, instilled in me her passion and commitment to education. I was successful in obtaining a competitively awarded scholarship to DLS. Each day, I took a long ride on public transportation from the last street in the lower ninth ward to the push uptown neighborhood of DLS. I credit that school in teaching me that leadership and public serve are inherently linked; you lead, not for personal glory or benefit, but for the sole objective of lifting those in your community. I was the first black student body president, the second black student elected as Boys' State Governor, and the first and only black valedictorian in the school's history."

In other speeches, you have mentioned the importance of your academic scholarship to De La Salle High School and you have stressed the importance of hard work, detailing your unflagging work ethic. It appears to me that opportunities such as school choice played a prominent role in your life.

- a. Do you believe that parents should have the ability to improve their child's education through programs such as school choice?
- b. Do you believe that educating parents regarding alternate educational choices, such as school choice, might help in reducing the school-to-prison pipeline you frequently reference?

RESPONSE: My educational opportunities have been very important to me, and I am grateful for my mother's commitment to education. I have not studied the laws and state and local policies surrounding school choice and do not have a formed view on that topic at this time.

4. In a speech given to St. Peter's Catholic Church Men's Day on November 10, 2013, you highlighted the "most pressing problem" in the community, identifying it as violent crime. You further stated that "this crisis of mostly black on black violence kills, on average 40 people every day across our nation. Worse than Newtown every 24 hours. Worse than 9/11 every 2.5 months."

- a. If confirmed as the Assistant Attorney General for the Criminal Division, how do you plan to address, combat and reduce this “most pressing problem”?
- b. Do you still agree with your 2013 assessment that this particular form of violence—“black on black violence”—is the “most pressing problem” in the community? If not, why not?

RESPONSE: Violent crime continues to pose a significant threat to public safety in many communities. If confirmed, I would support efforts to ensure that federal, state, local, Tribal, territorial, and international law enforcement partners are collaborating on the investigation and prosecution of violent crime. In addition, I would encourage efforts to utilize all tools at our disposal. If confirmed, I look forward to being a part of the Attorney General’s recently announced effort to reduce violent crime which includes building law enforcement trust within our communities, prevention and intervention, targeted enforcement priorities, and measuring results.

- 5. In an Infragard Regional Meeting speech regarding Cybersecurity delivered on February 12, 2014, you noted that:

For most of us, it is easy to comprehend the significance of a physical attack on critical infrastructure. Over 38% of U.S. chlorine production is located in coastal Louisiana. 43% of total U.S. oil refining capacity is along the Texas and Louisiana coasts. We have our Port. We have our LOOP. We can agree and appreciate the fact that an attack on these physical assets would be disastrous indeed. The reality is that it does not take a bomb to cause this damage. Indeed, one committed individual with one computer could possible [sic] do much more. Imagine all of our financial institutions being hit. It would render our infrastructure irrelevant. And in our increasingly global economy, all economic transactions would stop. The President has called cyber-terrorism ‘one of the most serious economic and national security challenges we face as a nation.’

- a. You underscored the importance of cyber-security in the speech quoted above. If confirmed as the Assistant Attorney General of the Criminal Division, how do you intend to address, combat, and reduce cyber-security attacks against critical infrastructure?
- b. Does gas qualify as “critical infrastructure?”
- c. What do you believe qualifies as “critical infrastructure”?
- d. Whereas President Obama and his DOJ appeared to tout the importance of cyber-security, do you agree with President Biden that the decision by Colonial Pipeline to pay a ransom following a Russian cyber-attack was a “private sector decision”?

RESPONSE: I believe criminal investigations and prosecutions play an important role in protecting critical infrastructure. Arrests and convictions deter future offenders. Investigations yield valuable information about offenders’ tools, tactics, and goals, which

can be used to educate network defenders. And lawfully authorized online operations can disrupt ongoing criminal activity. If confirmed, I intend to support whole-of-government efforts and, in particular, the efforts of the Criminal Division's Computer Crime and Intellectual Property Section (CCIPS) in addressing online crime and attacks against critical infrastructure.

As defined in Executive Order 13636, critical infrastructure means systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters.

As I am not in the Department now, and have not been briefed on the matter, I cannot speak to any specific aspects of the Colonial Pipeline matter.

6. In several of your speeches, you discussed a hiring question that you answered while applying to the U.S. Attorney's Office SDNY. In response to the question of whether you have any reservations about doing this job, you stated:

Of course, I do. I have been committed to helping people as much as possible throughout my life, and while I will be vindicating the rights of victims in our community, the truth is, for most citizens that interact with me in this job, this is the end of the line. This process will end up destroying a life, and uprooting families, and it becomes particularly when, in the case of narcotics cases, the defendants are all men of color.

Do you still stand by that statement—that only “men of color” are defendants in narcotics cases today?

RESPONSE: While I have not done research on specific data, in my experience as both a U.S. Attorney and Assistant U.S. Attorney, I have prosecuted narcotics offenses committed by a wide array of defendants, including those representing various racial, ethnic, and gender identities. My statement was intended to reflect that Black and Hispanic males comprise a significant and disproportionate number (in comparison to their representation in the general population) of defendants in federal narcotics prosecutions.

7. In a speech delivered at the Investiture of St. Tammany Parish Sheriff Randy Smith on July 1, 2016, you stated that “heroin is cheaper and more potent than ever. We see it mixed up with fetenayl [sic], a synthetic opiad [sic], that makes the narcotic even more deadly.”
 - a. Do you agree that eliminating fentanyl abuse and overdose deaths should be a top priority for the Department?
 - b. What are your plans with regard to tackling, combatting and deploying resources throughout the Department to combat this issue?

RESPONSE: Each life lost and each life diminished by using these dangerous drugs harms families and communities, not just the individuals experiencing the addiction. Reducing fentanyl abuse and overdose deaths – including by reducing the supply of opioids in the United States, prosecuting significant traffickers of these substances, and supporting efforts to reduce the demand for and abuse of these substances should be a top priority.

Many components of the Department are engaged in these efforts. If confirmed as Assistant Attorney General, I will support the Criminal Division's focus on investigations and prosecutions that target significant international and domestic opioid traffickers. This includes the work of attorneys from the Narcotic and Dangerous Drug Section (NDDS) who participate in multi-agency initiatives that target Chinese chemical precursor and opioid sources of supply and Mexican transnational criminal organizations that manufacture and distribute opioids for illegal importation into the United States.

8. In a speech you delivered to the De La Salle high school in September, 2020, you defined a set of "terms," including "equity." You defined equity as: "[a]n approach that ensures everyone access to the same opportunities. Equity is process that begins by acknowledging that advantages and barriers exist, that we don't all start from the same place, and then making a commitment to correct and address that imbalance." Equity appears to be a favored term of senior officials within the Biden administration. If confirmed, how do you intend to enforce "equity" within the Criminal Division?

RESPONSE: To me, "equity" is not enforced, but is instead a goal that is achieved through the consistent and systematic fair, just, and impartial treatment of all individuals. If confirmed, I would work to promote these objectives in the Criminal Division.

9. Many people define "equity" as equality in *outcome* opposed to equality, which is traditionally seen as equality of *opportunity*. Your definition of equity seems to equate equity with equality of opportunity. Do you see equity as ensuring equality of opportunity?

RESPONSE: Equity usually refers to treating people fairly, and equality to treating people the same. But at the core, reference to either term is an attempt to address discrimination and unequal treatment. If confirmed, I will work to see that discrimination in violation of federal law is not tolerated and is prosecuted.

10. In 2017, the Trump administration formally discontinued and repudiated Operation Choke Point. This program, which involved the Justice Department and other federal agencies, pressured banks against transacting with certain industries which, while legal and financially viable, were considered to pose a "reputation risk" to banks. The Obama/Biden administration has been accused of using Operation Choke Point to target disfavored business sectors, including makers and sellers of firearms and ammunition. More recently, the Office of the Comptroller of the Currency issued a rule that would prohibit banks from discriminating against lawful, financially sound customers for ideological or political reasons.

Does the Justice Department have a valid role in telling banks which lawful and financially viable industries they should serve? If not, would you pledge as Assistant Attorney General not to repeat the tactics of Operation Choke Point?

RESPONSE: I do not recall having any involvement in the operation referenced. If confirmed, I will comply with applicable statutes, regulations, rules and policies in this area.

11. There are many gun control proposals being proposed or introduced in Congress, including licensing and registration schemes, bans on popular types of firearms, and repeal of the Protection of Lawful Commerce in Arms Act.
 - a. Do you support the enactment of additional federal gun control laws? If so, which proposals do you support?
 - b. Do you believe any proposal goes too far in infringing Second Amendment rights?

RESPONSE: I have not carefully studied all the proposals or developed positions on them. I share the Attorney General's view that, as a general matter, we should be careful that people who are entitled to have guns get the background checks, and that for those who are not entitled to have them (because they are felons or for whatever reason barred by the law), there is an opportunity to determine that they are not permitted to have a gun.

12. What legal standard would you apply in evaluating whether or not a regulation or proposed legislation infringes on Second Amendment rights?

RESPONSE: My understanding of the law regarding the Second Amendment is informed by the Supreme Court of the United States' opinion in *District of Columbia v. Heller*, 554 U.S. 570 (2008), and *McDonald v. Chicago*, 561 U.S. 742 (2010). *Heller's* central holding is that the Second Amendment confers an individual rights to bear arms, and *McDonald* holds the right is fundamental and applies to the states and the federal government.

13. According to press reports, the Biden administration recently reactivated a "migrant child facility" that was open "for only a month in summer 2019" during the Trump administration.³ The practice of keeping children in these facilities was routinely criticized as "kids in cages" by Democrats and members of the media.
 - a. What's the difference between a "migrant child facility" and a "cage"?
 - b. According to an updated *Washington Post* article, as of March 10, under the Biden administration "[m]ore than 8,500 migrant teens and children who crossed the border without their parents are being housed in Department of Health and Human

³ Siliva Foster-Frau, *First migrant facility for children opens under Biden*, Washington Post (Feb. 22, 2021), available at https://www.washingtonpost.com/national/immigrant-children-camp-texas-biden/2021/02/22/05dfd58c-7533-11eb-8115-9ad5e9c02117_story.html.

Services shelters.” How do you plan on dealing with the rise in unaccompanied minors arriving at the Southern Border?⁴

RESPONSE: I do not expect to be called upon to address these issues within the Criminal Division. I understand these issues generally fall under the jurisdiction of the Department of Homeland Security and the Department of Health and Human Services.

14. What factors should the Justice Department consider in deciding whether or not to continue to defend the death sentences of Dzhokhar Tsarnaev and Dylann Roof on direct appeal?

RESPONSE: As a Department nominee, it would not be appropriate for me to comment on specific deliberations about any pending case.

15. In your view, is a personal philosophical or religious objection to the death penalty on the part of President Biden a valid justification to abandon the defense of Dylann Roof’s death sentence on direct appeal?

RESPONSE: As a Department nominee, it would not be appropriate for me to comment on specific deliberations about any pending case.

16. In December 2020, the Justice Department finalized a rule prohibiting the inclusion of provisions in settlement agreements directing or providing for a payment or loan to a non-governmental person or entity that is not a party to the dispute, except in certain defined circumstances. The rule follows a 2017 memo from then-Attorney General Jeff Sessions, which was codified in the Department’s “Justice Manual.” As Attorney General Sessions stated, “[w]hen the federal government settles a case against a corporate wrongdoer, any settlement funds should go first to the victim and then to the American people—not to bankroll third-party special interest groups or the political friends of whoever is in power.” Should you be confirmed, then, will you oppose the repeal of that regulation?

RESPONSE: I believe corporate resolutions serve a critical function in our justice system, including by holding corporate wrongdoers accountable for the criminal conduct of their agents and employees, helping to improve corporate compliance programs, and ensuring that victims of the corporate malfeasance are compensated. If confirmed as Assistant Attorney General of the Criminal Division, I would follow the statutes, regulations, rules, and Justice Manual policies related to settlement agreements.

17. As you are aware, Hunter Biden publicly announced that he is under criminal investigation for his taxes and financial matters. The current Acting Assistant Attorney General for the Criminal Division, Nicholas McQuaid, was employed at Latham & Watkins until January 20, 2021, and worked with Christopher Clark, who Hunter Biden reportedly hired to work

⁴ Nick Miroff, *At border, record number of migrant youths wait in adult detention cells for longer than legally allowed*, Washington Post (March 10, 2021), https://www.washingtonpost.com/national/unaccompanied-minors-detention-cells/2021/03/10/a0d39390-81c6-11eb-bb5a-ad9a91faa4ef_story.html.

on his federal criminal case a month before President Biden's inauguration. This presents a potential conflict. Congress has a constitutional oversight responsibility to ensure the proper application of conflicts of interest laws and regulations which demands that the Justice Department produce a recusal memo, should one exist. Do you agree? If not, why not?

RESPONSE: As I am not in the Department now, I cannot speak to the particular matter you reference. When I was U.S. Attorney each attorney in my office received ethics and professional responsibility training as mandated by the Department, and, if I become Assistant Attorney General for the Criminal Division, I will confirm that this continues to be the case for the Criminal Division. I will also seek to ensure that career ethics officials continue to review all recusal issues based on the facts and circumstances in each matter.

18. In the absence of a regulation prohibiting the use of settlements with non-affected third parties, what is the constitutional justification for their continued use?

RESPONSE: During my time in the Department of Justice, I do not recall entering into settlements with non-affected third parties and, as a result, have not had the opportunity to study this issue.

19. Do you agree with the Supreme Court that the free exercise clause lies at the heart of a pluralistic society (*Bostock v. Clayton County*)? If so, does that mean that the Free Exercise Clause requires that religious organizations be free to act consistently with their beliefs in the public square?

RESPONSE: I understand that case clarified that it was illegal under Title VII of the Civil Rights Act of 1964 to fire an employee who is gay or transgender. I have not studied the opinion further. I do not expect that it would be part of my duties, if confirmed as Assistant Attorney General of the Criminal Division, to enforce the provisions of this law.

20. Do you intend to advocate for the continuation of Operation Lady Justice?

RESPONSE: I am aware that various components of the Department of Justice have been part of Operation Lady Justice, i.e., The Presidential Task Force on Missing and Murdered American Indians and Alaska Natives. If confirmed, I look forward to learning whether the Criminal Division has been contributing or could contribute to the important mission of the Task Force.

21. Does illegal immigration impose costs on border communities?

RESPONSE: I do not have any particular expertise in this area and, without further research and study, would not have a basis to provide an answer. Of course, if it were to be an issue in a case before the Criminal Division, I would learn more about the specifics.

22. When was the last time you visited the U.S.-Mexico border?

RESPONSE: My last visit to the U.S.-Mexico border occurred in or about February 2018.

23. When was the last time you visited the U.S.-Mexico border outside of a port of entry?

RESPONSE: I have not visited the U.S.-Mexico border outside of a port of entry.

24. As you may know, the Obama Administration had instituted a policy where legal settlements between the Department of Justice and companies were used to fund third-party, special interest groups that were not parties to the litigation. I have a number of problems with these settlement slush funds. I think they go against the appropriation power of Congress. The Justice Department justified “slush fund settlements” by claiming that business defendants were “voluntarily” making these third-party payments as part of settling claims. This is like a mugger saying that his victim voluntarily handed him her wallet to make him go away.

In 2017, the Trump Administration forbade this practice. The Biden Administration, on the other hand, recently announced that it is reviewing the bar on this potentially unlawful and unethical practice. Will you commit to oppose the reinstatement of this potentially unlawful and unethical practice if you are confirmed?

RESPONSE: During my time in the Department of Justice, I do not recall entering into settlements with non-affected third parties and, as a result, have not had the opportunity to study this issue.

25. Over the past four years, the Department has updated and reformed the enforcement of the Foreign Corrupt Practices Act (FCPA), a process that began under the Obama Administration. Specifically, in 2016, under Attorney General Lynch, the Justice Department announced an FCPA “pilot project,” which was designed to promote voluntary self-disclosure, cooperation with the government, and remediation of violations in exchange for mitigated penalties. In 2017, the Justice Department enhanced this pilot project and incorporated it into the U.S. Attorneys’ Manual as the FCPA Corporate Enforcement Policy (CEP); the Department has since stated that it will apply the principles of the CEP to contexts other than the FCPA. If you are confirmed, will you continue to support and improve the Corporate Enforcement Policy in a way that appropriately incentivizes the private sector to invest voluntarily in compliance programs and cooperate with the Department?

RESPONSE: The Corporate Enforcement Policy (CEP) provides guidance to prosecutors regarding how to resolve corporate cases and provides transparency to corporations

regarding what they need to do to achieve voluntary disclosure, cooperation, and remediation credit. The CEP also provides what benefits will flow to the corporation if it engages in such behavior, and, as a result, the CEP incentivizes good corporate behavior, including voluntary disclosures, cooperation, and remediation. If confirmed, I look forward to continuing the Criminal Division's commitment to provide transparency and guidance to the prosecutors in the Criminal Division and to the business and compliance community, and to incentivize good corporate behavior.

26. The Federalist Society is an organization of conservatives and libertarians dedicated to the rule of law and legal reform.

- a. Do you agree with Attorney General Garland, Lisa Monaco, and Vanita Gupta that a member of the Federalist Society should be allowed to serve on front-office staff within the Justice Department?

RESPONSE: Yes.

- b. If so, does that mean you would allow a member of the Federalist Society to serve on the Criminal Division front-office staff?

RESPONSE: Yes.

- c. Do you agree with Attorney General Garland, Lisa Monaco, and Vanita Gupta that a member of the Federalist Society should be allowed to be promoted to chief, assistant chief, section head, or any other career supervisory position in the Justice Department?

RESPONSE: Yes.

27. Do you believe potential voter fraud or other elections abnormalities are concerns that the Justice Department should take seriously?

RESPONSE: I believe that the Department should investigate credible allegations of voter fraud. The Department of Justice plays a pivotal role in protecting the right to vote and ensuring that elections are not influenced by fraud.

28. This is from your Twitter account:



- a. What do you think "BK did as a child/young adult"?
- b. In what way does it "manifest in how he interprets the law"?
- c. In what way does "[h]is disrespect of women ... continue[]" to infect [Brett Kavanaugh's] legal views"?

RESPONSE: My tweets were in response to a highly charged confirmation process on both sides at a time when I was a private citizen. A fair and independent judiciary is critical for preserving equal justice under the law. Justice Kavanaugh was confirmed by this body, and I have respect for his role on the Supreme Court.

29. We have experienced a dramatic increase in homicides across the United States in 2021, compared to this point in 2020. As of May 27, 2021, homicides in [Minneapolis](#) are up 83 percent. As of May 23, 2021, homicides in [New York City](#) are up 23. As of May 27, 2021, they are up 42 percent in [Philadelphia](#). And as of May 28, 2001, homicides in [Washington, D.C.](#) are up 25 percent. To the extent such increases are related to violations of federal statutes, will you commit to fully prosecuting the perpetrators of such crimes?

RESPONSE: On May 26, 2021, the Attorney General announced a new "whole of Department" strategy that includes a focused effort to reduce violent crime in our communities. As part of the Department's efforts, the Criminal Division's Organized Crime and Gang Section is working with United States Attorney's Offices to prosecute those violent criminal organizations and gangs that are disproportionately responsible for violent crime, including homicides, in local communities. If confirmed, I will ensure that the Division continues to support these efforts.

30. As you've probably experienced for yourself, telemarketing scams have been on the rise in recent years. Most nefariously, many of these scams target the elderly. They run the gamut from the callers impersonating Medicare employees to pretending to be grandchildren needing financial assistance. They all have the same goal of tricking senior citizens out of their money. Will you commit to fully prosecuting the perpetrators of such scams?

RESPONSE: As I understand it, the Criminal Division's Fraud Section has devoted substantial resources to the investigation and prosecution of such schemes, including investment fraud, Ponzi schemes, and other financial fraud schemes, as well as related health care fraud schemes. If confirmed, I will continue the Division's commitment to bring the perpetrators of such crimes to justice.

31. There has been a marked and deplorable increase in violent crimes committed against Asian-Americans in California and Jewish Americans in New York. Given the reporting on many of these crimes it is unfortunately the case that many of them may count as hate crimes.
- Should the Justice Department take the race of the perpetrator into account in determining whether to bring federal hate-crime charges in these cases?
 - In determining whether to bring federal hate-crime charges in these cases should the Justice Department worry about any disparate impacts such charges might have on other minority communities?

RESPONSE: I do not expect to be responsible for hate crimes prosecutions if confirmed as the Assistant Attorney General of the Criminal Division; such prosecutions are overseen by the Assistant Attorney General of the Civil Rights Division. As a general matter, in determining whether to bring federal charges, I believe it is appropriate to follow the facts and the law.

32. Please describe the selection process that led to your nomination to be Assistant Attorney General, from beginning to end (including the circumstances that led to your nomination and the interviews in which you participated).

RESPONSE: In November 2020, after the election, I submitted an application via the Biden-Harris Transition portal for consideration for a leadership position in the U.S. Department of Justice. In March 2021, I participated in vetting interviews with White House officials, and on or about April 12, 2021, the White House formally announced my nomination for the post.

33. During your selection process did you talk with any officials from or anyone directly associated with the organization Demand Justice? If so, what was the nature of those discussions?

RESPONSE: No.

34. During your selection process did you talk with any officials from or anyone directly associated with the American Constitution Society? If so, what was the nature of those discussions?

RESPONSE: No.

35. During your selection process, did you talk with any officials from or anyone directly associated with Arabella Advisors? If so, what was the nature of those discussions? Please include in this answer anyone associated with Arabella's known subsidiaries the Sixteen Thirty Fund, the New Venture Fund, or any other such Arabella dark-money fund that is still shrouded.

RESPONSE: No.

36. During your selection process did you talk with any officials from or anyone directly associated with the Open Society Foundation. If so, what was the nature of those discussions?

RESPONSE: No.

37. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding your nomination.

RESPONSE: See my answer to Q 32.

38. Please explain, with particularity, the process whereby you answered these questions.

RESPONSE: The Department of Justice received these questions on June 2, 2021. I worked with Department attorneys, conducted research, and answered the questions. I finalized and approved all answers to the questions and authorized their transmission to the Committee on June 7, 2021.

**Senator Mike Lee
Questions for the Record
Kenneth Polite, Assistant Attorney
General of the Criminal Division**

1. The Religious Freedom Restoration Act is the leading federal civil rights law that protects all Americans' religious freedom. It was championed by Senator Ted Kennedy and Senator Orrin Hatch to pass the Senate by a vote of 97-3 and to pass the House by a unanimous voice vote. President Bill Clinton proudly signed it into law in 1993. For nearly three decades, it has protected the religious freedom of all Americans of all faiths. If confirmed, will you commit to oppose any legislative or executive action that would alter in any way the Religious Freedom Restoration Act's protection for Americans of all faiths?

RESPONSE: If I am confirmed, I will enforce all laws in the Criminal Division's jurisdiction. I am not familiar with proposals to alter the Religious Freedom Restoration Act, but if the statute were applicable in a case in the Division, I would apply it as written.

2. Do you believe that hateful speech alone, without any attendant conduct, should be a crime?

RESPONSE: No.

3. What are your thoughts on the Department of Justice's ("DOJ") policy concerning civil asset forfeiture?

RESPONSE: Because I do not currently work at the DOJ, I am not familiar with the current policy concerning civil asset forfeiture. I am aware that you have introduced a law to reform the process, and if confirmed, I look forward to learning more about it and discussing it with you.

4. Do you think this incentive for law enforcement agencies to participate in equitable sharing is a problem? If so, is it something you will work to address?

RESPONSE: I understand that there is criticism of equitable sharing, and if I am confirmed, I look forward to discussing it with you and learning more about reform proposals.

5. We've seen disturbing reports recently of websites posting obscene content involving minors and parents unable to convince or force websites to remove obscene content involving their minor children. Will you commit to prioritize enforcement of our anti-trafficking and child pornography laws against these heinous online actors?

RESPONSE: Yes. The trafficking of children and child pornography are among the worst crimes and prosecuting the perpetrators would be a top priority of mine if I am confirmed.

6. As an Assistant Attorney General, what will you do if the President takes a position that is contrary to the law or not in the interests of the United States?

RESPONSE: An Assistant Attorney General has a duty to enforce the laws without regard to politics, and that is what I would do if I am confirmed.

7. As a nominee for a position in the Executive branch, do you think there are any limits on the President's use of prosecutorial discretion?

RESPONSE: The exercise of prosecutorial discretion is necessary – there will never be enough resources for every prosecutor to investigate and prosecute every crime. I believe prosecutorial decisions should be made based on the facts, the law and considerations such as those set forth in the Department of Justice *Principles of Federal Prosecution*.

8. Please state for the record your thoughts on the Second Amendment?

RESPONSE: My understanding of Second Amendment law is informed by the Supreme Court of the United States' opinion in *District of Columbia v. Heller*, 554 U.S. 570 (2008), and *McDonald v. Chicago*, 561 U.S. 742 (2010). *Heller's* central holding is that the Second Amendment confers an individual rights to bear arms, and *McDonald* holds the right is fundamental and applies to the states and the federal government.

9. A number of states have enacted so-called "red flag laws" that authorize judges to issue orders for the seizure of otherwise lawfully owned firearms when the owner is found to be a danger to self or others. Do you support the use of red flag orders to seize lawfully-owned firearms? If so, what due process protections should apply to the issuance of these orders? Should a judge be able to order firearm seizures in *ex parte* proceedings, before the respondent has had a chance to answer the allegations in the petition?

RESPONSE: I understand that the President and the Department of Justice support "red flag laws" and that DOJ is in the process of drafting model legislation to assist states in keeping guns out of the hands of people in crisis, consistent with Constitutional requirements of due process. I look forward to seeing the draft model legislation.

10. Do you support banning specific types of firearms?

RESPONSE: Reducing gun violence in ways consistent with the Constitution is an important goal at a time when violent crime is rising. If I am confirmed, I would enforce any applicable laws on firearms as written.

11. Do you support banning large magazines?

RESPONSE: Reducing gun violence in ways consistent with the Constitution is an important goal. If I am confirmed, I would enforce any applicable laws on firearms as written.

12. Do you support holding firearms manufacturers liable for damage caused by people using their firearms to commit a crime?

RESPONSE: I have not studied this issue, and it would not be likely to arise in the Criminal Division if I were to be confirmed.

13. You've tweeted that you disagreed with a school's decision to suspend a 9-year-old simply for having a toy B.B. gun in the background of his video feed while participating in virtual schooling. Do you believe that law abiding Americans without a criminal history should be allowed to own firearms?

RESPONSE: Americans who comply with the applicable laws governing the ownership of firearms should be able to own them.

14. The Biden Administration has defined "equity" as: "the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality." Do you agree with that definition?

RESPONSE: I do.

- a. What is the difference between "equity" and "equality?"
- b. In order to achieve "equity," is it ever necessary to discriminate *against* members of some groups in favor of others?

- c. If treating people equally before the law results in disparate outcomes, is it acceptable to discriminate against those with favorable outcomes before the law in order to correct that disparity?

RESPONSE: I know that these terms – particularly equity – have come into more common use as we address discrimination. As I understand it, equity usually refers to treating people fairly, and equality to treating people the same. But in either case, it is an attempt to address the problem of discrimination. My view on that is clear: It is never acceptable to discriminate in violation of federal law.

15. How do you define “systemic racism?”

RESPONSE: In my opinion, the term “systemic racism” refers to inequality in the access to or administration of a particular system or institution, as reflected in its policies, practices, and procedures, that arises from the historical, collective and/or persistent influence of deliberate and implicit bias against a group based on racial identity.

16. How do you define “critical race theory?”

RESPONSE: I understand “critical race theory” to be an academic theory and not a legal theory.

Do you distinguish “critical race theory” from “systemic racism,” and if so, how?

RESPONSE: My understanding of “critical race theory” is not extensive enough to compare it or contrast it with the idea of “systemic racism”.

17. Do you think America’s criminal justice system, including the federal courts, U.S. Attorney’s offices, and the Department of Justice are “systemically racist?”

RESPONSE: I think all institutions in America have been affected by our country’s history of slavery and racial discrimination, and that is true of some aspects of the institutions you name.

18. Congresswoman Ayanna Presley has said, in relation to criminal justice policy: “[w]e must now be every bit as intentional in legislating justice and equity, and that starts with embracing anti-racism as a central tenet of the policymaking process.” Do you plan to institute “anti-racist” policies in the Criminal Division at the Justice Department? If so, which policies do you plan to institute?

RESPONSE: If confirmed, I plan to enforce the law fairly and impartially.

19. Do you believe that members of historically oppressed minority groups should be treated more favorably than those of other races in prosecutions and sentencing decisions to correct for the effects of systemic racism?

RESPONSE: Current DOJ guidance on prosecutorial discretion, charging, and sentencing calls for decisions to be “based on the merits of each case and reflect an individualized assessment of relevant facts.” January 29, 2021 Memorandum from the Acting Attorney General on “Interim Guidance on Prosecutorial Discretion, Charging, and Sentencing.” If confirmed, I intend to follow that guidance.

20. Recently, there has been growing discussion in the United States concerning the establishment of “supervised consumption services” or “safe consumption sites” for individuals to come to a designated area for the purpose of using drugs. What are your views on these sites? How would the DOJ handle any attempts to establish more of these sites throughout the country?

RESPONSE: This is not a debate I have followed closely but if confirmed, I look forward to learning more about it if it comes before the Criminal Division.

21. In *United States v. Safehouse*, the DOJ sued a Philadelphia planned “safe consumption sites” on the grounds that it would violate the federal Controlled Substances Act’s (“CSA”) so-called “crack house provision.” The 3rd Circuit found that this statute prohibits operation of safe injection facilities and as a result the site could not open. Do you agree with this decision? If so, would you commit to enforcing the CSA in its entirety, a law that President Biden was a proponent of while serving in the U.S. Senate? What if the policy of the Biden-Harris Administration, advocates or encourages the creation of these sites?

RESPONSE: I was not aware of this case or its decision, and the debate about “safe consumption sites” is not one I have followed closely, but if confirmed, I look forward to learning more about it if it comes before the Criminal Division.

22. Do you believe, if confirmed as an Assistant Attorney General, that you would have a duty to act in line with your moral code? If so, would you agree that it is part of your duty to ensure that the division under your care does not violate that code?

RESPONSE: If confirmed, I would have a duty to uphold the oath I would swear to the support and defend the Constitution, and to carry out my duties in line with that oath.

23. Along the same lines, let's assume that someone acting as an agent of the Department of Justice under your control takes actions which contradict your moral code. What responsibility do you feel you would owe for those actions?

RESPONSE: If confirmed, I would have a duty to uphold the oath I would swear to support and defend the Constitution, and to carry out my duties in line with that oath. I would expect employees who report to me to do the same.

24. For purposes of federal law, when does life begin?

RESPONSE: In *Roe v Wade*, 410 U.S. 113 (1983), the Supreme Court stated that the court "need not resolve" the question of when life begins. *Id.* At 159.

25. Does the definition of when human life begins for purposes of federal law differ from the scientific definition of when human life begins?

RESPONSE: In *Roe v Wade*, 410 U.S. 113 (1983), the Supreme Court stated that the court "need not resolve" the question of when life begins. *Id.* At 159.

26. At what point in human development does the United States have a compelling interest in protecting a human life?

RESPONSE: In *Planned Parenthood of Southeast Pennsylvania v. Casey*, 505 U.S. 833, 877 (1992), the Supreme Court held that states may regulate abortion prior to viability based on the state's interest in maternal health and potential life, provided those regulations did not impose and do not have "the purpose or effect of placing a substantial obstacle in the path of a woman seeking an abortion of a nonviable fetus."

27. Do you support laws penalizing fetal homicide?

RESPONSE: If confirmed, I will enforce the law as written.

28. Do you support the Unborn Victims of Violence Act of 2004, which provides that a person guilty of killing a child in utero may be punished to the same extent as if they had killed the child's mother, and that a person who intentionally kills a child in utero may be charged as a homicide (i.e., murder or manslaughter)?

RESPONSE: If confirmed, I will enforce the law as written.

29. Given that "homicide" requires the killing of an innocent human being, do you agree that in order to punish someone for violating this statute, the child in utero would have to be a human being?

RESPONSE: If confirmed, I will enforce the law as written.

30. Are there any circumstances which justify the killing of an innocent human being?

RESPONSE: The law prescribes the situations where intentional killing is justified (e.g., self-defense). I will enforce the law as written.

31. Do you support the Born Alive Infants Protection Act?

RESPONSE: If confirmed, I will enforce the law as written.

32. Relatedly, would you support any policy that would prohibit the killing of children who survive failed abortions outside the womb?

RESPONSE: If confirmed, I will enforce the law as written.

33. Will you commit that the Criminal Division of the Department of Justice will not rely upon data or information compiled by the Southern Poverty Law Center considering the serious allegations of systemic sexual harassment, racial discrimination and their ties to domestic terrorism cases?

RESPONSE: I am not aware of the allegations you reference, nor do I know if the Criminal Division relies upon any data compiled by the organization you reference.

34. In your testimony, you indicated that, if confirmed, you would assume the role of running the day-to-day operations of the Department of Justice and its 115,000 employees. Does this role extend to both policy-making and administrative matters? When do you envision being involved, and when not?

RESPONSE: If confirmed I would assume the role of running the day-to-day operations of the Criminal Division of the Department of Justice, which includes administrative matters as well as

matters related to managing investigations and prosecutions, and consulting with Department leadership on some policy matters. I will offer my opinion, based on my years of experience as a prosecutor, if consulted.

35. There's been a lot of rhetoric over the last year from critics of our criminal justice system suggesting that we should "defund" the police. Do you agree with those critics?

RESPONSE: I do not. I come from a family of police officers, and I have worked with police agencies during my career as a prosecutor and have great respect for the job they do. I am proud to have the endorsement of both New Orleans area and national law enforcement officials. Today's police agencies face great challenges, among them having to deal with problems that might be better handled by mental health workers or social workers so police could be freed to prevent and investigate crimes.

36. Do you believe our federal criminal justice system requires reforms, and if so, what reforms?

RESPONSE: I believe that all institutions can be improved, and our federal criminal justice system is no exception. Reforms that help improve public safety (e.g., targeted enforcement, intervention, prevention, treatment, and reentry efforts) and strengthen public trust (e.g., community policing, transparency, fair and proportional sentencing) should be at the forefront of our considerations.

37. Do you believe federal prosecutors should push for the maximum sentence available in every case? Why or why not?

RESPONSE: Current DOJ guidance on prosecutorial discretion, charging, and sentencing calls for decisions to be "based on the merits of each case and reflect an individualized assessment of relevant facts." *January 29, 2021 Memorandum from the Acting Attorney General on "Interim Guidance on Prosecutorial Discretion, Charging, and Sentencing.* If confirmed, I intend to follow that guidance.

38. In 2016 a former St. Charles, Louisiana District Attorney Harry Morel was accused of criminal sexual conduct by around 22 separate women, according to F.B.I. reports. Despite these heinous allegations, under your watch, Morel pleaded guilty to only one count of obstructing justice, resulting in just a three-year prison sentence and a \$20,000 fine. In a news conference around that time, you stated that Morel “perverted his position of power to take sexual advantage of desperate women who needed help—and he did this over and over again.” If that was the case, why did the U.S. Attorney’s office—under your leadership—charge Morel with just a single count of obstruction of justice?

RESPONSE: The prosecution of Harry Morel for terrible crimes of exploiting people during some of the worst times of their lives had been closed when I became U.S. Attorney in New Orleans. I am proud that my office chose to take a fresh look at the admissible evidence, and based on that review, was able to revive the case and obtain a guilty plea, imprisonment, a fine, and permanent disbarment. Not every case can be a complete vindication for the victims, but every case deserves the objective, rigorous review my office was able to give.

SENATOR TED CRUZ
U.S. Senate Committee on the Judiciary

Questions for the Record for Mr. Kenneth Allen Polite, Jr. to be an Assistant Attorney General, Criminal Division

1. Do you personally own any firearms? If so, please list them.

RESPONSE: Yes. I currently own a Glock 43.

2. Have you ever personally owned any firearms?

RESPONSE: Please see my response to Question #1.

3. Have you ever used a firearm? If so, when and under what circumstances?

RESPONSE: Yes. I have used a firearm for recreational hunting. In addition, I have received firearms training on several occasions.

4. Is the ability to own a firearm a personal civil right?

RESPONSE: My understanding of the law regarding the Second Amendment is informed by the Supreme Court of the United States' opinion in *District of Columbia v. Heller*, 554 U.S. 570 (2008), and *McDonald v. Chicago*, 561 U.S. 742 (2010). *Heller's* central holding is that the Second Amendment confers an individual rights to bear arms, and *McDonald* holds the right is fundamental and applies to the states and the federal government.

5. Is the criminal justice system systemically racist?

RESPONSE: Our criminal justice system(s) are committed to the fair, just, and impartial enforcement of law and administration of justice. It is important that we ensure that deliberate and/or implicit biases do not undermine the pursuit of these important objectives.

**Nomination of Kenneth Allen Polite, Jr.
to be an Assistant Attorney General of the United States
Questions for the Record
Submitted June 2, 2021**

QUESTIONS FROM SENATOR COTTON

1. Since becoming a legal adult, have you ever been arrested for or accused of committing a hate crime against any person?

RESPONSE: No.

2. Since becoming a legal adult, have you ever been arrested for or accused of committing a violent crime against any person?

RESPONSE: No.

3. Should illegal aliens who commit crimes in the United States face deportation?

RESPONSE: A person who is convicted for a criminal offense in the United States faces a number of penalties under the law including, in some circumstances, possible deportation.

4. Should the United States prosecute aliens who illegally re-enter the United States after being deported?

RESPONSE: The Department of Justice does, and should, prosecute undocumented persons who illegally re-enter the United States after being previously deported.

5. Should the United States reduce prison sentences for fentanyl traffickers?

RESPONSE: A defendant convicted of committing a federal fentanyl trafficking offense should be sentenced consistent with applicable statutory provisions (particularly the factors articulated in 18 U.S.C. §3553(a)) and in consultation with the Federal Sentencing Guidelines.

6. Should the United States reduce prison sentences for heroin traffickers?

RESPONSE: A defendant convicted of committing a federal heroin trafficking offense should be sentenced consistent with applicable statutory provisions (particularly the factors articulated in 18 U.S.C. §3553(a)) and in consultation with the Federal Sentencing Guidelines.

7. Should the United States reduce prison sentences for meth traffickers?

RESPONSE: A defendant convicted of committing a federal methamphetamine trafficking offense should be sentenced consistent with applicable statutory provisions (particularly the factors articulated in 18 U.S.C. §3553(a)) and in consultation with the federal Sentencing Guidelines.

8. Should the United States reduce prison sentences for gang members who commit violent crimes?

RESPONSE: A defendant convicted of committing a federal violent crime offense should be sentenced consistent with applicable statutory provisions (particularly the factors articulated in 18 U.S.C. §3553(a)) and in consultation with the Federal Sentencing Guidelines.

9. Based on your experience as a federal prosecutor, does the Department of Justice prosecute and seek lengthy prison terms for low-level, non-violent drug possession offenses?

RESPONSE: In my experience, the Department of Justice routinely prioritizes the prosecution of individuals and organizations responsible for either trafficking (not simply possessing) high quantities of illegal drugs or engaging in related criminal activity (e.g., violent crime, money laundering, human trafficking).

10. Please describe with particularity the process by which you answered these questions and the written questions of the other members of the Committee.

RESPONSE: I received questions for the record from members of the Senate Judiciary Committee on June 2, 2021. To answer these questions, I consulted with Department attorneys, conducted my own research, and conferred with colleagues. After answering the questions, I authorized their transmission to the Senate Judiciary Committee on June 7, 2021.

11. Did any individual outside of the United States federal government write or draft your answers to these questions or the written questions of the other members of the Committee? If so, please list each such individual who wrote or drafted your answers. If government officials assisted with writing or drafting your answers, please also identify the department or agency with which those officials are employed.

RESPONSE: Please see my answer to Q. 10.

Senator Blackburn
Questions for the Record to Kenneth Allen Polite, Jr
Nominee to be Assistant Attorney General, Criminal Division

1. Do you believe in defunding police services and reallocating resources to other government services?

RESPONSE: No, I do not believe in defunding police services. Additional community resources – including, but not limited to, mental health treatment, substance abuse treatment and counseling, and housing resources – should also be supported, particularly when a non-law enforcement response is more appropriate.

2. The United States struggles with an unprecedented drug epidemic. According to the National Institute on Drug Abuse, nearly 50,000 people in the U.S. died due to an opioid related overdose in 2019. U.S. Customs and Border Protection seized more than 2,000 pounds of fentanyl which is more than enough to poison the entire American population. The culmination of prescription opioid drug misuse and illegal drug trafficking of methamphetamines, cocaine, heroin and cannabis has created a plethora of options for drug abusers. If confirmed as Assistant Attorney General, how do you plan address this public health emergency and to combat the domestic and international trafficking of illegal drugs?

RESPONSE: If confirmed, I would support efforts to utilize all tools at our disposal – including enforcement, intervention, and treatment – to help address both the public health and public safety concerns posed by opioid drug abuse and illegal drug trafficking.

3. As Assistant Attorney General, how do you plan to address the law enforcement needs in cities experiencing a surge in violent crime and a spike in murder rates?

RESPONSE: If confirmed, I would support efforts to ensure that federal, state, local, Tribal, territorial, and international law enforcement partners are collaborating on the investigation and prosecution of violent crime. In addition, I would encourage efforts to utilize all tools at our disposal. If confirmed, I look forward to being a part of the Attorney General’s recently announced effort to reduce violent crime which includes building law enforcement trust within our communities, prevention and intervention, targeted enforcement priorities, and measuring results.

4. Federal law enforcement agencies have aggressively worked to disable “dark web” marketplaces such as the Silk Road to curtail criminals from acquiring controlled substances, guns, and other dangerous contraband. More must be done as other sites emerge and it becomes easier to carry out illicit transactions through digital currencies. How will you ensure that DOJ partners with the Department of Treasury to strengthen the cryptocurrency enforcement framework?

RESPONSE: If confirmed, I look forward to being briefed on the Department of Justice's current enforcement efforts in this area, including coordination with the Department of Treasury. Further, I would ensure that the Criminal Division's Computer Crimes and Intellectual Property Section and Money Laundering and Asset Recovery Section continue as trusted partners to all law enforcement agencies engaged in the investigation and prosecution of cyber-related criminality.

**Questions for the Record from
Senator Thom Tillis for
Mr. Kenneth Polite**

1. The Department of Justice's attention to intellectual property enforcement has been somewhat inconsistent over the years. During the times that IP enforcement has properly been regarded as a high priority, the Department generally had put into place a structure that emphasizes its importance and takes a coordinated approach involving all the stakeholder components. What type of organizational structure do you plan to put in place at DOJ, as well as other steps you will take, to ensure that protecting American intellectual property will be regarded as a high priority under your leadership?

RESPONSE: The Attorney General has stated that he considers intellectual property enforcement to be a priority. If I am confirmed as the Assistant Attorney General, I would ensure that the Criminal Division coordinates closely with the National Security Division, FBI, the Civil Division, and other Department components within a framework that best draws upon the strengths of each component.

2. How do you plan to work proactively with the IP Enforcement Coordinator alongside DOJ's sister agencies, especially DHS, to coordinate IP enforcement across the government? In addition, please provide specific information about your plan to combat counterfeit products, online piracy and copyright crime, and the theft of trade secrets.

RESPONSE: I share the Attorney General's view that intellectual property crime can threaten both our nation's economy and public safety. If I am confirmed as the Assistant Attorney General, I would ensure that the Criminal Division fosters productive working relationships with other Department components, as well as with other agencies including the State Department and the IP Enforcement Coordinator in the Executive Office of the President and the National Intellectual Property Rights Coordination Center.

I understand that the Criminal Division conducts industry outreach and supports the Global Law Enforcement Network of International Computer Hacking and Intellectual Property ("ICHIP") attorney advisors. I also understand that the Criminal Division, through its Computer Crime and Intellectual Property Section and its Office of Overseas Prosecutorial Development Assistance and Training, plays a key role in supporting these attorneys and coordinating their efforts to develop international capacity through training, case-based mentoring, and other assistance that can lead to successes in obtaining international cooperation on IP enforcement. I look forward to fully supporting these efforts if confirmed.

3. Last Congress, Senator Leahy and I partnered together to enact the Protecting Lawful Streaming Act. This bill finally closed the so-called “streaming loophole” by giving the Department the authority to pursue felony charges against large scale, commercial piracy organizations. Importantly, this law doesn’t allow the Department to target individual streamers, companies pursuing licensing deals in good faith, or internet service providers.
 - a. Will you use this new authority and make the prosecution of commercial piracy sites a tier one priority?
 - b. In what ways will you ensure that US Attorneys nationwide will actively and aggressively prosecute commercial piracy organizations?

RESPONSE: I know that the Department has pursued criminal prosecutions against some large-scale commercial piracy sites involved in illicit streaming of copyrighted content on the internet. The PLSA addressed some of the limitations in United States copyright law related to prosecuting illicit streaming services. If confirmed, I will fully support the Criminal Division’s Computer Crimes and Intellectual Property Section and also work with the Computer Hacking and Intellectual Property Coordinators in the U.S. Attorneys’ Offices to identify, investigate and, where appropriate, prosecute piracy cases using the PLSA and other applicable statutes. As a former United States Attorney, I understand the benefits of having both centralized expertise and trained prosecutors in the field able to take on a wide range of cases.

4. In 2020, 47 law enforcement officers were murdered by criminals. In 2021, there have already been 31 law enforcement officers killed by criminals. The shocking calls to “defund the police” continue to devalue and dehumanize our brave men and women in blue. This is dangerous and it is unacceptable. What will you do to stop violence against law enforcement officers?

RESPONSE: If confirmed, I look forward to utilizing all available tools (including prevention, intervention, and enforcement) to prevent violent crime and preserve public safety for all members of our communities, including law enforcement officers.

5. Do you agree or disagree that we need to make it a federal crime to assault law enforcement officers? If not, please explain why.

RESPONSE: Any attack against the men and women who ensure law and order is unacceptable and cannot be tolerated. I have not studied the specific issue of whether a federal statute is necessary to supplement state and local laws. If confirmed, I look forward to learning more about legislative proposals in this area.

6. What are your thoughts on “defunding the police?” If you don’t support defunding the police, how do you and the Administration intend to manage the vocal stakeholders calling for this policy?

RESPONSE: I do not believe in defunding police. If confirmed, I look forward to working with the Administration to ensure that additional community resources – including, but not limited to, mental health treatment, substance abuse treatment and counseling, and housing resources – are also supported and utilized, particularly when a non-law enforcement response is more appropriate.

7. What are your thoughts on qualified immunity for law enforcement officers? I view qualified immunity as a critical legal protection for law enforcement agencies across the country? Do you believe it is appropriate to eliminate or limit qualified immunity?

RESPONSE: I understand that qualified immunity is a judicially created doctrine. If confirmed, I would welcome the opportunity to lend my voice to discussions in the Department on ensuring effective methods of police accountability and related issues such as qualified immunity.

8. The First Step Act was a landmark law that had broad bipartisan support. I am proud of the work we in the Judiciary Committee did to enact this commonsense and historic legislation. But proper implementation of the First Step Act is just as important as passing the law. Do I have your commitment that you will work in good faith with Congress to see that the First Step Act is fully implemented?

RESPONSE: Yes.

9. Which criminal justice policy do you believe is the most important issue that needs to be addressed?

RESPONSE: In my opinion, criminal justice policies that help improve public safety (e.g., targeted enforcement, intervention, prevention, treatment, and reentry efforts) and strengthen public trust (e.g., community policing, transparency, fair and proportional sentencing) should be at the forefront of our considerations.

10. I have a specific interest in the issue of international parental child abduction, where one parent will unlawfully kidnap an American citizen child to another country. Many of these countries often refuse to return the children. This practice is devastating to left-behind parents, who must navigate international law to get their children returned. Will you make this issue a top priority if you are confirmed?

RESPONSE: I have not previously handled a case of international parental kidnapping as a prosecutor but am aware that the Criminal Division’s Office of

International Affairs is directly involved in these matters. I look forward to learning more about this area of the law and supporting the Department's efforts to employ all tools including prevention, training and outreach, engagement with left-behind parents, and, when appropriate, extradition and prosecution.

11. Are you committed to working with left-behind parents to return each and every child kidnapped abroad? What steps will you take, yourself, to engage directly with left behind parents and their advocacy organizations?

RESPONSE: I will support the Criminal Division's engagement with left-behind parents and their advocacy organizations.

12. How will you direct the Division to prevent and resolve cases of international parental child abduction? Will you commit to directing US Attorneys and DOJ staff to aggressively prosecute cases of international parental child abduction?

RESPONSE: I will support the Criminal Division efforts to address international parental kidnapping, which I understand include partnering with U.S. Attorneys' Offices on the investigation and prosecution of cases, participating on an interagency task force focused on prevention of these crimes, providing training and outreach to federal, state, local, and foreign partners, and efforts of the Office of International Affairs to facilitate extradition requests from federal, state, and local prosecutors concerning prosecutions for these crimes.

13. Are you willing to utilize extradition as a tool to bring those who kidnap children to justice in the United States?

RESPONSE: If confirmed, I would support extradition efforts as appropriate to each case. Although I have not studied the issue, I am generally aware that some countries will not extradite their own citizens and may not extradite individuals charged with kidnapping their own child.

14. In 2017, the Crime Victim's Fund collected \$6.5 billion – the most ever, and three times what was collected the year before. Collections in 2018 and 2019 plummeted to approximately \$500 million. As a result, organizations that serve victims have been deeply impacted by cuts in federal funding. My colleagues and I sent a letter on this issue last year that has yet to receive a response. In the letter, we identified the use of non-prosecution agreements as a major factor in this decrease in collections. Do you agree with that assessment?

- a. Other than the use of non-prosecution agreements, what other factors have contributed to this significant decline in collections for the Crime Victims Fund?

RESPONSE: Because I am not yet at the Department of Justice, I am not in a position to assess the causes of an overall decrease in collections of criminal fines.

- b. Do you commit to working with the President and Congress to address this growing crisis for organizations who serve victims?

RESPONSE: I do.

- c. What recommendation would you make to solve this challenge?

RESPONSE: Because I am not at the Department, I do not know enough to make a recommendation but, if I am confirmed, I will commit to working with others in the Department to examine the issue and determine how we can best assure that funds are available for victim services.

Senator Chuck Grassley, Ranking Member
Questions for the Record
Margaret Strickland
Nominee to be United States District Judge for the District of New Mexico

- 1. During your hearing I asked you what your relationship is with the group Demand Justice or its leaders, Brian Fallon and Chris Kang. You responded that you had spoken with Chris Kang.**

- a. How many conversations have you had with Chris Kang?**

Response: I recall having spoken with Mr. Kang two or three times.

- b. How did you come into contact with him?**

Response: After I submitted my application to Senator Heinrich's office, I contacted Mr. Kang to find out more about the process and help answer my questions about the judicial nominations process since I have never been through this process before.

- c. What was the nature of your conversations?**

Response: We discussed the judicial nomination process. He helped me to understand how this process works.

- d. Have you discussed a possible nomination to the district court with Chris Kang?**

Response: Yes, I contacted him after I had already applied to my home state senators.

- e. What relationship, if any, do you believe these conversations had with your selection to serve on the District Court?**

Response: None.

- 2. On your firm website, in the "about" page, you note that your firm "never represent[s] insurance companies, corporations or the government; we only represent people who need help."¹**

- a. What is your business justification for this policy?**

Response: Most lawyers at small firms like mine specialize in their work. This allows them to develop expertise in a certain area and avoid conflicts of interest.

¹ McGraw & Strickland, LLC, "About: Why Choose Us", available at: <https://lawfirmnm.com/about/>

b. How can you assure insurance companies, corporations, and the government that you will be fair to them in cases before you as a judge?

Response: I fully understand the role of judge is to be neutral and fair to all sides and I am committed to fulfilling that role and obligation if confirmed. Many judges have never represented certain types of clients before assuming the bench and have been fair and neutral jurists. I have practiced in front of many judges who only represented corporations or government and found them to be fair judges.

3. Someone said of you in the *Albuquerque Journal*, “Strickland is somebody who has actually represented real people and not corporations.” In what ways should a lawyer’s kind of client matter in evaluating her fitness for the bench?

Response: I think it is important for our federal bench to include qualified judges from a variety of professional backgrounds, which reflects the diversity of the bar.

4. In the context of federal case law, what is super precedent? Which cases, if any, count as super precedent?

Response: I am not familiar with that term. If confirmed as a district judge in the District of New Mexico, I would be bound by all precedents of the Supreme Court and Tenth Circuit.

5. Under the Supreme Court’s First Amendment jurisprudence, can someone shout “fire” in a crowded theater?

Response: In dicta the Supreme Court used the example of shouting “fire” in a crowded theater when there is no fire and causing a panic as speech that would not be protected by the First Amendment. *Schenck v. United States*, 249 U.S. 47, 52 (1919). The Supreme Court case of *Brandenburg v. Ohio*, 395 U.S. 444 (1969) is the current applicable standard, which allows the government to proscribe speech that “is directed to inciting or producing imminent lawless action and is likely to incite or produce such action.” *Id.* at 447.

6. Do you agree that DOJ litigation positions, such as the failure to defend in court agency actions like the “Remain in Mexico” policy, have contributed to the perceived incentives that underlie this border crisis? If not, why not?

Response: I am not familiar with DOJ litigation policies outside of decisions about criminal prosecutions.

7. Illegal border crossings are a serious problem in Las Cruces, New Mexico. Have you ever objected to the constitutionality of Operation Streamline?

Response: I have never made a constitutional challenge to Operation Streamline.

- 8. Illegal border crossings are a serious problem in Las Cruces, New Mexico. Have you ever objected to the wisdom of Operation Streamline as a matter of policy?**

Response: I have never objected to Operation Streamline as a matter of policy.

- 9. What do you understand the costs of illegal immigration to be on border communities?**

Response: If confirmed as a judge, I would apply the law to the facts in every case, including cases involving immigration.

- 10. In a New Mexico Criminal Defense Lawyers Association (NMCDLA) newsletter discussing the year ahead in 2019, you stated that the organization “supported bills to change possession of a controlled substance from a felony to a misdemeanor.”**

- a. If confirmed to the bench, how can I be assured that you will not allow your prior advocacy efforts to influence the sentences you give to defendants charged with possession of heroin or fentanyl?**

Response: Prior positions that I took as an advocate or that were taken by an organization of which I was a member will not influence my work as a judge. I am very familiar with mandatory minimums and the sentencing factors created by Congress, and if I am confirmed I will follow those laws.

- b. Do you believe that heroin and fentanyl, two highly addictive and devastating controlled substances, should be illegal?**

Response: I would like to clarify that I have never advocated for the legalization of heroin or fentanyl and neither has the New Mexico Criminal Defense Lawyers Association. The statement you initially quoted was in reference to marijuana. However, I would like to emphasize again that prior positions that I took as an advocate or that were taken by an organization of which I was a member will not influence my work as a judge. What activities are legal or illegal is a question for legislators not judges.

- 11. In another NMCDLA newsletter, you explained that the organization successfully lobbied against the passage of bills that included, what appear to me, to be common-sense reforms.**

- a. Why did you lobby against a bill that increased the penalties for child abuse?**

Response: While I cannot recall the specifics of any of these bills, the New Mexico Criminal Defense Lawyers Association generally opposed legislation that increased criminal penalties. I would like to emphasize again prior positions that I

took as an advocate or that were taken by an organization of which I was a member will not influence my work as a judge.

b. Why did you lobby against a bill that increased the penalties for DWI?

Response: Please see my answer to 12(a).

c. Why did you lobby against a bill that increased the penalties for firearms involving elderly or disabled victims?

Response: Please see my answer to 12(a).

12. In the same article noted above, you lobbied against a bill that increased penalties for sex crimes.

a. Why did you lobby against a bill that increased penalties for sex crimes?

Response: While I cannot recall the specifics of this bill, the New Mexico Criminal Defense Lawyers Association generally opposed legislation that increased criminal penalties.

b. Mere *allegations* of sexual misconduct routinely scuttle employment prospects of judicial nominees and public officials. If a defendant is *convicted* of sex crime, why do you believe that the perpetrator should not incur a harsh, increased penalty for such a terrible crime?

Response: What punishment is appropriate for any crime is a question for legislators. Prior positions of organizations to which I have belonged or worked for will not be considerations in my work if I am confirmed as a judge, and I commit to sentencing all criminal defendants in accordance with federal law and the sentencing factors set forth by Congress.

13. In the same article, you lobbied against a bill that would “mak[e] absconding from probation or parole a felony.” It would appear to me that requiring faithful and consistent communication with the defendant’s parole or probation officer would be a hallmark trait of community policing, which you appear to support. Why did you lobby against a bill that would improve accountability for defendants on community release?

Response: While I cannot recall the specifics of this bill, the New Mexico Criminal Defense Lawyers Association generally opposed legislation that created new crimes.

14. Is it legal for police to stop and frisk someone based on a reasonable suspicion of involvement in criminal activity?

Response: The Supreme Court ruled in *Terry v. Ohio* that police officers may stop and frisk a person when the officers have reasonable suspicion that the person is armed and involved in a crime.

15. During the course of your legal practice have you ever taken a representation or lobbying position in favor of violent-crime victims?

Response: Yes, I have represented victims of violent crimes.

16. In response to a questionnaire from the New Mexico Civil Rights Commission, you stated that “[q]ualified immunity was created by activist judges with no basis in the original law.” How is this consistent with your statement to Senator Kennedy that you are not opposed to qualified immunity?

Response: At the time I made the statement quoted above, New Mexico was considering civil rights legislation including a provision that would disallow the qualified immunity defense in the state. At the time I was a member of the New Mexico Trial Lawyers Association and the New Mexico Criminal Defense Lawyers Association, both of which were actively working for the bill’s passage and opposed to an inclusion of the qualified immunity defense.

As a pending federal judicial nominee, at my hearing I sought to make clear that as an advocate I have always represented my clients within the bounds of federal law regarding qualified immunity, and if confirmed I would apply the federal qualified immunity defense as interpreted by the Supreme Court and Tenth Circuit.

17. Do you agree with the Supreme Court’s statement in *Bostock v. Clayton County*, 590 U.S. ____ (2020), that the Free Exercise Clause lies at the heart of a pluralistic society? If so, does that mean that the Free Exercise Clause legally requires that religious organizations and individuals should be free to act consistently with their beliefs in the public square?

Response: I am familiar with the *Bostock* case, and the majority opinion stated in part “[w]e are also deeply concerned with preserving the promise of the free exercise of religion enshrined in our Constitution; that guarantee lies at the heart of our pluralistic society.” *Id.* at 1754. If confirmed I would follow *Bostock* and all other precedent.

18. During your time as a state public defender, did the Government ever employ strategic communications firms in supporting their prosecutions? How would you have reacted if they did?

Response: I am not aware of prosecutors ever using strategic communications firms in supporting their prosecutions. If that occurred and I believed it was somehow improper, I would have researched the law in this area and made any appropriate motions on behalf of my client.

- 19. You have argued against increased penalties for a broad range of crimes including child abuse and sex crimes, advocated against the death penalty, and advocated for the broad release of convicted defendants from jail due to the COVID-19 pandemic. Given your advocacy, what crimes do you believe warrant jail time for a convicted defendant? Or, do you believe that no crime warrants a term of incarceration?**

Response: I have served on the board of the New Mexico Criminal Defense Lawyers Association. That group broadly opposed changes in New Mexico law that increased criminal penalties. I would like to emphasize again, prior positions that I took as an advocate or that were taken by an organization of which I was a member will not influence my work as a judge.

Congress has clearly specified that mandatory minimums are required pursuant to certain statutes. Congress has also specified the sentencing factors in 18 U.S.C. § 3553(a) that federal judges are to consider in sentencing any defendants who are found guilty of federal crimes, and those would be my only considerations should I be confirmed.

- 20. Please tell me how many of the below types of defendants you represented as clients:**

Response: As a state public defender, I represented many hundreds of clients. My large caseload makes it difficult for me to recall all of the representations.

a. Firearms traffickers;

Response: I estimate I have represented less than ten.

b. Felons in possession of a firearm;

Response: I estimate I have represented around one hundred.

c. Sex offenders in conjunction with sex crimes.

Response: I estimate I have represented around fifty.

- 21. During your years as a criminal-defense lawyer have you ever raised a Second Amendment defense on behalf of your clients?**

Response: I do not recall raising a Second Amendment defense to a criminal charge.

- 22. Do you agree with the following statement: Not everyone deserves a lawyer, there is no civil requirement for legal defense?**

Response: In *Gideon v. Wainwright* the Supreme Court held that the Constitution requires individuals accused of crimes to be provided with counsel. The Supreme Court has not held that a similar requirement exists for civil cases.

- 23. Do you think law firms should allow their paying clients to influence which pro bono clients they take?**

Response: I am not familiar with this issue or the ramifications of either allowing or disallowing paying clients to influence which pro bono clients a law firm takes.

- 24. As noted above, you don't represent governments at your firm. Should law firms undertake the pro bono prosecution of crimes?**

Response: I am not very familiar with this as an issue or its potential ramifications. I have never had a private law firm prosecute a case in which I was involved.

- 25. Is it possible for private parties—like law firms, retired prosecutors, or retired judges—to prosecute federal criminals in the absence of charges being actively pursued by federal authorities?**

Response: No.

- 26. The Federalist Society is an organization of conservatives and libertarians dedicated to the rule of law and legal reform. Would you hire a member of the Federalist Society to serve in your chambers as a law clerk?**

Response: Yes.

- 27. Should a judge stay discovery during the pendency of dispositive motions? Why or why not?**

Response: This issue would require an evaluation of case-specific considerations. There are cases, for example cases involving qualified immunity claims, in which discovery is normally stayed until dispositive motions are resolved.

- 28. In what ways, if any, has the judicial vacancy crisis in New Mexico over the past few years affected your clients?**

Response: It has taken longer to get both my criminal and civil cases resolved.

- 29. Is climate change real?**

Response: If confirmed, and if a case came before me that required me to evaluate claims regarding the existence of climate change, I would carefully review the facts of the case and faithfully apply Supreme Court and Tenth Circuit precedents.

- 30. Do sugary drinks contribute to obesity?**

Response: If confirmed, and if a case came before me that required me to evaluate claims regarding sugary drinks' contribution to obesity, I would carefully review the facts of the case and faithfully apply Supreme Court and Tenth Circuit precedents.

31. Can someone change his or her biological sex?

Response: If confirmed, and if a case came before me that required me to evaluate claims regarding individuals' biological sex, I would carefully review the facts of the case and faithfully apply Supreme Court and Tenth Circuit precedents.

32. Please explain, with detail, the process by which you became a district court nominee.

Response: I sent an initial application to the office of Senator Heinrich. After that initial application I was interviewed twice by Senator Heinrich and Senator Lujan's offices. I was then asked to send in a second application. I was then interviewed by people at the White House Counsel's Office. After that interview I was in contact with officials from the Office of Legal Policy and the Department of Justice. Then on April 19, 2021, my nomination was submitted to the Senate.

33. Have you had any conversations with individuals associated with the American Constitution Society, including but not limited to Russ Feingold, in connection with this or any other potential judicial nomination? If so, please explain the nature of those conversations.

Response: No.

34. Have you had any conversations with individuals associated with the Lawyers Committee for Civil and Human Rights, including but not limited to Vanita Gupta, in connection with this or any other potential judicial nomination. If so, please explain the nature of those conversations.

Response: No.

35. Have you had any conversations with individuals associated with the Open Society Foundations in connection with this or any other potential judicial nomination? If so, please explain the nature of those conversations.

Response: No.

36. Please explain with particularity the process by which you answered these questions.

Response: I received these questions from the Office of Legal Policy on June 2, 2021. I prepared draft answers by reviewing the questions and conducting research. After I returned my draft answers, I received feedback from the Office of Legal Policy. I then finalized and submitted my answers on June 7, 2021.

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37. Do these answers reflect your true and personal views?

Response: Yes.

**Nomination of Margaret Irene Strickland
to be United States District Judge for the District of New Mexico Questions
for the Record
Submitted June 2, 2021**

QUESTIONS FROM SENATOR COTTON

1. **Since becoming a legal adult, have you ever been arrested for or accused of committing a hate crime against any person?**

Response: No.

2. **Since becoming a legal adult, have you ever been arrested for or accused of committing a violent crime against any person?**

Response: No.

3. **Please describe with particularity the process by which you answered these questions and the written questions of the other members of the Committee.**

Response: I received these questions from the Office of Legal Policy on June 2, 2021. I prepared draft answers by reviewing the questions and conducting research. After I returned my draft answers, I received feedback from the Office of Legal Policy. I then finalized and submitted my answers on June 7, 2021.

4. **Did any individual outside of the United States federal government write or draft your answers to these questions or the written questions of the other members of the Committee? If so, please list each such individual who wrote or drafted your answers. If government officials assisted with writing or drafting your answers, please also identify the department or agency with which those officials are employed.**

Response: No.

SENATOR TED CRUZ
U.S. Senate Committee on the Judiciary

Questions for the Record for Ms. Margaret Irene Strickland to be United States District Judge for the District of New Mexico

1. **Describe how you would characterize your judicial philosophy, and identify which U.S. Supreme Court Justice's philosophy from Warren, Burger, Rehnquist, or Robert's Courts is most analogous with yours.**

Response: Because I have never been a judge, I have not had an opportunity to develop a judicial philosophy. If confirmed I would work to model the excellent trial court judges before whom I have appeared who demonstrated excellent temperament and fairness to all parties.

2. **Do you believe the meaning of the Constitution changes over time absent changes through the Article V amendment process?**

Response: Our Constitution is an enduring document. If confirmed as a judge, if I were called upon to rule on the meaning of a constitutional provision, I would follow Supreme Court and Tenth Circuit precedent.

3. **President Biden has created a commission to advise him on reforming the Supreme Court. Do you believe that Congress should increase, or decrease, the number of justices on the U.S. Supreme Court? Please explain.**

Response: As a judicial nominee it would not be proper for me to comment on the Supreme Court or its makeup.

4. **Do you personally own any firearms? If so, please list them.**

Response: Yes. My husband and I own a shotgun.

5. **Have you ever personally owned any firearms?**

Response: Yes, please see my answer to question four.

6. **Have you ever used a firearm? If so, when and under what circumstances?**

Response: Yes. When I was young, I fired a rifle with my father on several occasions. As an adult I have fired firearms at a range.

7. **Is the ability to own a firearm a personal civil right?**

Response: The Supreme Court in *District of Columbia v. Heller* ruled that the Second Amendment protects an individual right to bear arms.

8. **Is the criminal justice system systemically racist?**

Response: I would not use that term to describe our criminal justice system.

**Senator Josh Hawley
Questions for the Record**

**Margaret Strickland
Nominee, U.S. District Court for the District of New Mexico**

1. What role should the original public meaning of the Constitution’s text play in courts’ interpretation of its provisions?

Response: In some cases our Supreme Court has looked to the original public meaning of the Constitution’s text for interpretation, like in *Heller*. If I were confirmed and a case presenting a constitutional question came before me, I would review Tenth Circuit and Supreme Court cases to determine whether their precedents relied on the original public meaning or not. I would follow binding Supreme Court and Tenth Circuit precedent regardless of whether those courts had decided the case based on the Constitution’s original public meaning.

2. As a judge, how would you approach a case involving an issue of first impression?

Response: If I am confirmed as judge, when confronted with an issue of first impression on a statute, I would first look at the statutory text and use any canons of interpretation needed to interpret the text. I may also look to precedent from other courts that might be informative.

3. Can you discuss how you view the role of precedent in judicial decision making, and how you as a judge would approach cases involving precedents from the Supreme Court?

Response: Precedent is a cornerstone of our judicial system. Judges must follow Supreme Court precedents. If confirmed I would follow all Supreme Court precedent.

4. In your view, what is the difference in how you approach a case as a policy maker or an advocate as opposed to how you would as a judge deciding a case?

Response: Advocates are essentially given their positions by the clients whom they represent. As an advocate I have sought to make the best arguments I can for my clients based on the facts of their cases and the applicable law. It has been my responsibility to specifically advocate for the best results for my clients. Judges, on the other hand, deliberately approach cases from a neutral position and only allow the law and facts to determine their decisions.

- 5. Are there circumstances when you believe judges should consider the policy results of their decisions when deciding a case? When might those circumstances arise?**

Response: Judges do not set policy and should not consider policy results when deciding a case.

- 6. What is your understanding of the Supreme Court's precedents on substantive due process?**

Response: The Supreme Court has held that a substantive due process protects those fundamental rights and liberties which are, objectively "deeply rooted in this Nation's history and tradition" and "implicit in the concept of ordered liberty," such that "neither liberty nor justice would exist if they were sacrificed." *Washington v. Glucksberg*, 521 U.S. 702, 720-721 (1997).

In my practice, for example, the Supreme Court found the Bail Reform Act was constitutional because protected liberty concerns were given appropriate procedural protections. *United States v. Salerno*, 481 U.S. 739 (1987).

Senator Mike Lee
Questions for the Record
Margaret Irene Strickland, District of N.M.

1. How would you describe your judicial philosophy?

Response: Because I have never been a judge, I have not had an opportunity to develop a judicial philosophy. If confirmed I would work to model the excellent trial court judges before whom I have appeared who demonstrated excellent temperament and fairness to all parties.

2. What sources would you consult when deciding a case that turned on the interpretation of a federal statute?

Response: I would first look to the text of the statute. If the text is clear, no further interpretation is needed. If the text is ambiguous, I would use tools of statutory construction and consult Supreme Court and Tenth Circuit precedent.

3. What sources would you consult when deciding a case that turned on the interpretation of a constitutional provision?

Response: I would consult the Supreme Court and Tenth Circuit. It would be highly unusual to have to decide an issue of first impression regarding the Constitution, but in such a case I would first look at the text and then interpret the text using interpretive methods that the Supreme Court has used.

4. What role do the text and original meaning of a constitutional provision play when interpreting the Constitution?

Response: In some cases, our Supreme Court has looked to the original public meaning of the Constitution's text for interpretation, like in *Heller*. If I were confirmed I would review Tenth Circuit and Supreme Court cases to determine whether the precedent relied on original public meaning or not.

5. What are the constitutional requirements for standing?

Response: In *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61 (1992) our Supreme Court found three elements must be met for constitutional standing. First the plaintiff must have suffered an injury in fact--that is, an invasion of a legally protected interest which is (a) concrete and particularized, meaning that the injury must affect the plaintiff in a personal and individual way, and (b) actual or imminent, not conjectural or hypothetical, second there must be a causal connection between the injury and the conduct complained of--that is, the injury has to be fairly traceable to the challenged action of the defendant and not the result of the independent action of some third party not before the court, and third it must be likely, as opposed to merely speculative, that the injury will be redressed by a favorable decision.

6. **Do you believe there is a difference between “prudential” jurisdiction and Article III jurisdiction in the federal courts? If so, which jurisdictional requirements are prudential, and which are mandatory?**

Response: The Supreme Court has used the term prudential standing in the past, however that term’s accuracy was questioned by the Supreme Court in 2014. *Lexmark International, Inc. v. Static Control Components, Inc.*, 572 U.S. 118 (2014). I would be bound by *Lexmark* and Tenth Circuit precedent following *Lexmark*. See e.g. *Kerr v. Polis*, 930 F.3d 1190, 1194 n.3 (10th Cir. 2019) (“*Lexmark* made clear that the first two principles previously labelled as prudential standing are not independent jurisdictional hurdles. See *id.* at 128 n.4 (clarifying that the zone-of-interests test does ‘not implicate subject matter jurisdiction’ but is a question of whether plaintiff has a valid cause of action), 127 n.3 (generalized grievances are ‘barred for constitutional reasons, not ‘prudential’ ones’). If the last principle—the limitation on third-party standing—retains any potency at this stage of litigation, that inquiry is inextricably intertwined with the merits of the present case. See *infra*.”).

7. **How would you define the doctrine of administrative exhaustion?**

Response: A plaintiff must fully pursue all of the agency’s available remedies before bringing a suit in court.

8. **Do you believe Congress has implied powers beyond those enumerated in the Constitution? If so, what are those implied powers?**

Response: The Constitution grants Congress the powers that are necessary to implement the powers given to Congress in the “Necessary and Proper Clause” or “Elastic Clause” at the end of Article I, Section 8. The existence of this power has been affirmed by the Supreme Court in *McCulloch v. Maryland*, 17 U.S. 316 (1819). The power to establish a bank, enact the military draft, tax, borrow money, and establish a post office, for example, have been found to be within Congress’ implied powers.

9. **Where Congress enacts a law without reference to a specific Constitutional enumerated power, how would you evaluate the constitutionality of that law?**

Response: I would follow Supreme Court and Tenth Circuit precedent to determine the constitutionality of that law. The methods of evaluation the Supreme Court has used are laid out in cases such as *United States v. Lopez*, 514 U.S. 549 (1995) and *United States v. Morrison*, 529 U.S. 598 (2000) (regarding congressional powers under the Commerce Clause).

10. **Does the Constitution protect rights that are not expressly enumerated in the Constitution? Which rights?**

Response: Yes, the Supreme Court has held that the Constitution protects some rights that are not expressly enumerated. Two examples are the right to travel and right to privacy. *Saenz v. Roe*, 526 U.S. 489 (1999); *Griswold v. Connecticut*, 381 U.S. 479 (1965).

11. What rights are protected under substantive due process?

Response: The liberty interest protected by the Due Process clause has been found to protect many different rights, including the right to marry, the right to parent, and the right to use contraception. *Loving v. Virginia*, 388 U.S. 1 (1967), *Meyer v. Nebraska*, 262 U.S. 390 (1923), and *Griswold v. Connecticut*, 381 U.S. 479 (1965).

12. If you believe substantive due process protects some personal rights such as a right to abortion, but not economic rights such as those at stake in *Lochner v. New York*, on what basis do you distinguish these types of rights for constitutional purposes?

Response: Any personal beliefs I have about the scope of substantive due process would not be relevant if I were confirmed. If confirmed as a district court judge I will follow the precedent of the Supreme Court and the Tenth Circuit regarding what rights are protected by substantive due process.

13. What are the limits on Congress's power under the Commerce Clause?

Response: Our Supreme Court has found Congress has the power to regulate the channels of interstate commerce, regulate and protect the instrumentalities of interstate commerce, and regulate activity that substantially affects interstate commerce. *United States v. Lopez*, 514 U.S. 549 (1995).

14. What qualifies a particular group as a "suspect class," such that laws affecting that group must survive strict scrutiny?

Response: Under Supreme Court and Tenth Circuit precedents, race, alienage, national origin, and religion are "suspect classes" requiring strict scrutiny. *Edwards v. Valdez*, 789 F.2d 1477, 1482 (10th Cir. 1986).

15. How would you describe the role that checks and balances and separation of powers play in the Constitution's structure?

Response: The separation of powers created by our Constitution is foundational. In general terms, Congress alone has the power to make law. Courts interpret the laws as they apply to actual cases in controversy before the court. *Marbury v. Madison*, 5 U.S. 137, 177 (1803). The executive branch enforces the laws. This structure was meant by the framers of our Constitution to ensure no single branch of government is made all powerful.

- 16. How would you go about deciding a case in which one branch assumed an authority not granted it by the text of the Constitution?**

Response: Similar to my answer in number nine above, if I were to be confirmed and a case like this came before me, I would review Supreme Court and Tenth Circuit precedent to determine the constitutionality of any action by a branch of government. For example, if the case involved congressional powers under the Commerce Clause, I would look to cases like *United States v. Lopez*, 514 U.S. 549 (1995) and *United States v. Morrison*, 529 U.S. 598 (2000).

- 17. What role should empathy play in a judge's consideration of a case?**

Response: Judges are to follow the law without fear or favor and without consideration of their own personal feelings.

- 18. What's worse: Invalidating a law that is, in fact, constitutional, or upholding a law that is, in fact, unconstitutional?**

Response: Both of these scenarios should never occur.

- 19. From 1789 to 1857, the Supreme Court exercised its power of judicial review to strike down federal statutes as unconstitutional only twice. Since then, the invalidation of federal statutes by the Supreme Court has become significantly more common. What do you believe accounts for this change? What are the downsides to the aggressive exercise of judicial review? What are the downsides to judicial passivity?**

Response: As a trial court litigator, I have not studied the history of Supreme Court decisions. The areas in which I have practiced center heavily on the current state of the law.

- 20. How would you explain the difference between judicial review and judicial supremacy?**

Response: Judicial review is the Court's duty to review law and governmental actions to ensure they are constitutional. I am not familiar with the term "judicial supremacy." My research shows it is a term used by some to argue that the Supreme Court may have more power than other branches of government.

- 21. Abraham Lincoln explained his refusal to honor the Dred Scott decision by asserting that "If the policy of the Government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court . . . the people will have ceased to be their own rulers, having to that extent**

**practically resigned their Government into the hands of that eminent tribunal.”
How do you think elected officials should balance their independent obligation to follow the Constitution with the need to respect duly rendered judicial decisions?**

Response: Government officials must follow the law and the Constitution, which includes following judicial decisions regarding the law and Constitution.

- 22. In Federalist 78, Hamilton says that the courts are the least dangerous branch because they have neither force nor will, but only judgment. Explain why that’s important to keep in mind when judging.**

Response: Courts have the power of judgment, which relies upon the trust and respect of the rule of law. Courts must ensure their integrity by adherence to the rule of law.

- 23. How would you describe your approach to reading statutes—how much weight do you give to the plain meaning of the text? When we talk about the plain meaning of a statute, are we talking about the public understanding at the time of enactment, or does the meaning change as social norms and linguistic conventions evolve?**

Response: I would first look to the text of the statute. If the text is clear, no further interpretation is needed. If the text is ambiguous, I would use tools of statutory construction and consult Supreme Court and Tenth Circuit precedent.

- 24. As a district court judge, you would be bound by both Supreme Court precedent and prior circuit court precedent. What is the duty of a lower court judge when confronted with a case where the precedent in question does not seem to be rooted in constitutional text, history, or tradition and also does not appear to speak directly to the issue at hand? In applying a precedent that has questionable constitutional underpinnings, should a lower court judge extend the precedent to cover new cases, or limit its application where appropriate and reasonably possible?**

Response: Lower court judges must follow precedent of the higher courts even if the judge disagrees with such precedent. If there is a new case to which the precedent does not apply, the judge may – depending on the facts and circumstance of the case and the relevant caselaw – be able to distinguish that case.

- 25. Do you believe it is ever appropriate to look past jurisdictional issues if they prevent the court from correcting a serious injustice?**

Response: Judges may not rule on cases in which they lack jurisdiction.

26. **When sentencing an individual defendant in a criminal case, what role, if any, should the defendant’s group identity(ies) (e.g., race, gender, nationality, sexual orientation or gender identity) play in the judges’ sentencing analysis?**

Response: 18 U.S.C. § 3553(a) directs the Court to determine the sentence to be imposed by considering many factors, including “the nature and circumstances and the history and characteristics of the defendant.”

27. **In 2020, you stated that qualified immunity—a legal doctrine that offers law enforcement a high degree of protection from most lawsuits—“should not be a defense.” You clarified that it had no basis in statutory law, and was entirely the creation of judges. Were you to be confirmed, how would you apply the doctrine of qualified immunity in your capacity as a district judge?**

Response: I would apply the doctrine of qualified immunity as decided by the Supreme Court and Tenth Circuit. Any prior positions I have taken as an advocate or prior positions taken by organizations which I belonged to would have no influence on my considerations should I be confirmed as a judge.

28. **You have also publicly opposed the death penalty; how would you engage with capital punishment as a federal judge?**

Response: I would follow federal law regarding the death penalty. Any prior positions I have taken as an advocate or prior positions taken by organizations which I belonged to would have no influence on my considerations should I be confirmed as a judge.

29. **In a letter to a group of criminal defense lawyers, you “encourage[d] all members” to take “an implicit bias test to help uncover some of the stereotypes and biases that even ‘enlightened’ criminal defense attorneys have.” Do you think public servants (public defenders, judges, etc.) should be required to take an implicit bias test? If so, what should the consequences be for “failing” such a test?**

Response: In my capacity as the president of the New Mexico criminal defense lawyer association, I did urge other criminal defense lawyers to consider taking an implicit bias test, though taking such a test was in no way required for membership in that association. Whether or not government employees should be required to take any test is a policy matter for legislative bodies. I would note that such tests are not generally “pass” or “fail.”

**Questions for the Record from
Senator Thom Tillis for
Ms. Margaret Irene Strickland**

- 1. Do you believe that a judge's personal views are irrelevant when it comes to interpreting and applying the law?**

Response: Judges are to follow the law without consideration of their own personal views.

- 2. What is judicial activism? Do you consider judicial activism appropriate?**

Response: Judicial activism can mean different things. It can occur when a judge is unwilling to follow the law and instead decides a case based on their personal views. That would never be appropriate.

- 3. Do you believe impartiality is an aspiration or an expectation for a judge?**

Response: It is an expectation. Judges must be impartial.

- 4. Should a judge second-guess policy decisions by Congress or state legislative bodies to reach a desired outcome?**

Response: No. Judges are to apply the law as decided by Congress.

- 5. Does faithfully interpreting the law sometimes result in an undesirable outcome? How, as a judge, do you reconcile that?**

Response: Judges are to faithfully apply the law regardless of the outcome.

- 6. Should a judge interject his or her own politics or policy preferences when interpreting and applying the law?**

Response: No. A judge's policy preferences are not relevant to interpreting and applying the law.

- 7. What will you do if you are confirmed to ensure that Americans feel confident that their Second Amendment rights are protected?**

Response: If confirmed as a judge, I will fully and faithfully apply all Supreme Court precedent, including Second Amendment precedent in *District of Columbia v. Heller* and *McDonald v. City of Chicago*.

- 8. How would you evaluate a lawsuit challenging a Sheriff's policy of not processing handgun purchase permits? Should local officials be able to use a crisis, such as**

COVID-19 to limit someone's constitutional rights? In other words, does a pandemic limit someone's constitutional rights?

Response: In order to evaluate a suit in which a plaintiff alleges a violation of their constitutional right, I would first carefully review the plaintiff's pleadings in order to determine what rights the plaintiff seeks to enforce. I would then review Supreme Court and Tenth Circuit caselaw regarding the scope of these rights. I would apply all applicable precedent concerning the plaintiff's rights.

9. What process do you follow when considering qualified immunity cases, and under the law, when must the court grant qualified immunity to law enforcement personnel and departments?

Response: Qualified immunity is a fact-based inquiry, so I would first need to closely review the record of the case before me. Then I would review the current Supreme Court and Tenth Circuit precedent. If under those precedents an official's conduct does not violate a clearly established statutory or constitutional rights of which a reasonable person would have known, then the official is entitled to qualified immunity. *City of Escondido v. Emmons*, 139 S. Ct. 500, 503 (2019).

10. Do you believe that qualified immunity jurisprudence provides sufficient protection for law enforcement officers who must make split-second decisions when protecting public safety?

Response: As a nominee for district court judge, it would not be appropriate for me to comment on policy or Supreme Court precedent. If confirmed as a judge, I would faithfully apply all Supreme Court and Tenth Circuit precedent, including precedent on qualified immunity.

11. What do you believe should be the proper scope of qualified immunity protections for law enforcement?

Response: Please see my answer to number ten.

12. Throughout the past decade, the Supreme Court has repeatedly waded into the area of patent eligibility, producing a series of opinions in cases that have only muddled the standards for what is patent eligible. The current state of eligibility jurisprudence is in abysmal shambles. What are your thoughts on the Supreme Court's patent eligibility jurisprudence?

Response: The Supreme Court has set the standard for patent eligibility in *Alice Corp. v. CLS Bank Int'l*, 573 U.S. 208 (2014). If confirmed as a judge, and a patent eligibility case were to come before me, I would thoroughly review the claims of the patent before me and

consult all applicable Supreme Court, as well as relevant circuit precedent, and faithfully apply both to the case facts.

13. Do you believe the current jurisprudence provides the clarity and consistency needed to incentivize innovation? How would you apply the Supreme Court's ineligibility tests—laws of nature, natural phenomena, and abstract ideas—to cases before you?

Response: As a nominee for district court judge, it would be inappropriate for me to comment on Supreme Court and circuit court jurisprudence. If confirmed I would be bound to apply Supreme Court and relevant circuit precedent whether or not it was clear or consistent.



Anthony Chapa
Assistant Director (Ret.)
 United States Secret Service
Executive Director
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 Judson Independent School District
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Supervisory Federal Air Marshal (Ret.)
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Tina Nieto
Chief of Police
 Marina Police Department
Director Emeritus

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FOUNDED IN 1973
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May 1, 2021

The Honorable Charles E. Schumer
 Majority Leader
 United States Senate
 Washington, DC

The Honorable Mitch McConnell
 Minority Leader
 United States Senate
 Washington, DC

Dear Majority Leader Schumer and Minority Leader McConnell:

By way of introduction, the Hispanic American Police Command Officers Association (HAPCOA) is the oldest and largest association of Hispanic Command officers from law enforcement and criminal justice agencies throughout the United States.

HAPCOA wishes to convey our strong support of the nomination of Mr. David Chipman to serve as Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). Our organization believes that Mr. Chipman is uniquely qualified to lead ATF as he is experienced and committed to the mission of the Bureau. Additionally, by his support of affinity organizations such as HAPCOA and NOBLE, Mr. Chipman has shown that he is a strong supporter of diversity and inclusion which is important to not only HAPCOA, but to the men and women of ATF.

As you know, ATF has had only one director confirmed by the U.S. Senate since 2006, and that was in 2013. David is uniquely qualified to implement the law enforcement agenda as it relates to ATF, and he will be a committed leader for an agency that has primarily relied on interim directors for the past fifteen years.

David's significant professional experience and personal dedication to making this country a better, safer place for all make him an excellent candidate to serve as ATF's eighth permanent director.

We urge you to confirm David Chipman to be the next Director of ATF as soon as possible.

Sincerely,

Anthony Chapa

Anthony Chapa
 Executive Director

cc: Chief Teresa Ramon, National President
 Members, HAPCOA National Board



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Superintendent Richard N. Van Wickler, Ret.
New Hampshire, USA

Detective Sergeant Neil Woods, Ret.
Derbyshire, England, LEAP UK

Date: May 4, 2021

Re: ATF Director Nomination - David Chipman

Position: SUPPORT

To: The United States Senate Judiciary Committee

Members of the Committee,

As an organization of current and former police, prosecutors, and federal agents, the Law Enforcement Action Partnership is writing to express our support for the nomination of David Chipman as the Director of Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). We believe that Chipman's dedication to public service and experience combating violent crime makes him the right man for the job.

The Law Enforcement Action Partnership (LEAP) is a nonprofit group of police, prosecutors, judges, and other criminal justice professionals who speak from firsthand experience. Our mission is to make communities safer by focusing law enforcement resources on the greatest threats to public safety and addressing the root causes of crime.

As an agent, Chipman spent his career carrying out ATF's mission. He enforced firearms and explosives laws to protect communities from people perpetuating violence and criminal activities, investigated bombings and acts of terrorism, and combated the illegal trafficking of alcohol and tobacco products.

Due to his 25-year career at ATF, Chipman understands the ground-level work of ATF agents firsthand. In order for cases to succeed, ATF agents have to collaborate with state and local authorities. In the 1990s, David Chipman served as an investigative responder providing assistance to state and local authorities in the aftermath of significant bombings and arson. As a Certified Explosives Specialist, he investigated some of the most serious incidents of terrorism of the decade, including the World Trade Center Bombing in 1993 and Oklahoma City Bombing in 1995. He spent weeks

LawEnforcementActionPartnership.org

Formerly known as Law Enforcement Against Prohibition

combing the post blast debris and recovering evidence used later to convict the offenders.

In honor of his efforts to keep dangerous weapons out of communities, Chipman was awarded the Attorney General's Award for Outstanding Contributions to Community Partnerships for Public Safety. He served on the Special Response Team (SRT) - ATF's version of SWAT. He managed complex firearms trafficking cases, including busting organized criminal groups transporting guns to New York in exchange for illegal drugs in the Tidewater Virginia area.

Because of his commitment and experience, Chipman was promoted to multiple leadership positions at ATF, including Division Chief of the Office of Public and Governmental Affairs in 2012. As Division Chief, he managed ATF's external partnerships with agencies and improved collaboration with groups dedicated to preventing violent crime. In his supervisory roles, he managed hundreds of agents, partnered with dozens of communities, and was responsible for the execution of ATF's operational budget in all 25 field divisions.

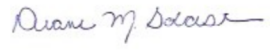
Since his retirement from the ATF in 2012, Chipman served two terms on the Firearms Committee of the International Association of Chiefs of Police. In addition, he has served as an expert advising community groups, policy makers, and organizations on gun violence prevention.

ATF has had only one director confirmed by the U.S. Senate since 2006. Chipman would be a committed leader for an agency that has primarily relied on interim directors for the past fifteen years.

In short, we believe that David Chipman could make a significant impact on the safety of our nation and communities as the Director of ATF. As professionals with experience in the criminal justice system, we know how important a committed, qualified leader is to an agency's ability to keep our communities safe.

Thank you for the opportunity to share our perspective in support of this important nomination.

Respectfully,

A handwritten signature in blue ink, reading "Diane M. Goldstein".

Lt. Diane Goldstein (Ret.)
Executive Director, Law Enforcement Action Partnership

May 7, 2021

The Honorable Dick Durbin
Chairman
The Honorable Chuck Grassley
Ranking Member

U.S. Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510



Chuck Wexler
Executive Director

Dear Chairman Durbin and Ranking Member Grassley,

I'm writing to express strong support for the nomination of David H. Chipman to serve as Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

I'm Executive Director of the Police Executive Research Forum (PERF), a Washington-based research organization that focuses on critical issues in policing and law enforcement.

I have known David for a decade. I first met him when as an ATF agent, he came to visit our office, and I was impressed with his knowledge of the complexities of gun violence. He struck me as a creative thinker and someone who cares deeply about making a difference. He became a member of PERF and a regular at our Town Hall meetings, offering solid information that helped inform our discussions.

David has enormous credibility as a 25-year veteran of ATF with on-the-ground experience. He helped recover bodies at the Oklahoma City bombing in 1995, and worked at the scene of the World Trade Center bombing in 1993. This real-world perspective has helped inform his extensive leadership on policy and management issues.

David has demonstrated a deep understanding of gun crime issues from the perspective of PERF's members, many of whom are local police chiefs and sheriffs. He is well known by our members, and I know he will work well with local law enforcement leaders as Director of ATF. He is thoughtful and hard-working.

I urge you to give careful consideration to David Chipman's strong record of success, and to move promptly to confirm his nomination to lead the ATF at this critically important time.

Respectfully,

Chuck Wexler
Executive Director

WE PROVIDE PROGRESS IN POLICING



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL
HARRISBURG, PA 17120

JOSH SHAPIRO
ATTORNEY GENERAL

16TH FLOOR
STRAWBERRY SQUARE
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May 18, 2021

The Honorable Charles Schumer
Majority Leader
United States Senate
322 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Richard Durbin
Chairman
Committee on the Judiciary
Washington, D.C. 20510

The Honorable A. Mitchell McConnell
Minority Leader
United States Senate
317 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Charles E. Grassley
Ranking Member
Committee on the Judiciary
Washington, D.C. 20510

Dear Senators:

We, the undersigned Attorneys General of our States, write to urge the Senate to expeditiously consider and confirm the nomination of David Chipman as Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). Mr. Chipman is an experienced law enforcement professional who will lead ATF with conviction and help protect communities across the country from gun violence.

As the chief law and law enforcement officers in our respective states and territories, many of us regularly work with ATF to combat violent criminals and gun trafficking in our communities. Our partnerships with ATF have proven invaluable in eliminating criminal organizations, fighting gun trafficking, and ensuring that the reasonable restrictions placed on gun possession are enforced without harming law-abiding citizens' Second Amendment rights.

Mr. Chipman understands the agency inside-and-out, having served there for 25 years, first as an investigator and later as a division chief. His distinguished career at ATF included investigating the 1993 World Trade Center attacks and the 1995 Oklahoma City bombing. He later received the Attorney General's Award for Outstanding Contributions to Community Partnerships for Public Safety for his work managing complex firearms trafficking cases that kept dangerous weapons out of the hands of criminals.

After retiring from ATF, Mr. Chipman continued to serve the public and combat gun violence as an adviser to policymakers, advocates, and community groups. He has leveraged his deep knowledge of illegal gun trafficking and the laws and strategies employed to stop it to fight this public health and public safety crisis that is killing and injuring our citizens.

May 18, 2021
Page Two

In short, David Chipman is uniquely qualified to lead ATF. He has deep experience at that agency, and he is ready to work with law enforcement, the communities most heavily impacted by violence, and others to make our nation safer while upholding Americans' Second Amendment rights. He embodies the very best of the law enforcement community, and we would be honored to partner with him in our joint efforts to put an end to gun violence. We are proud to support his nomination and encourage you to do the same, and we look forward to the opportunity to work with him in the coming years.

All the best,



JOSH SHAPIRO
Attorney General of Pennsylvania



ROB BONTA
Attorney General of California



PHIL WEISER
Attorney General of Colorado



WILLIAM TONG
Attorney General of Connecticut



KATHLEEN JENNINGS
Attorney General of Delaware



KARL RACINE
Attorney General of the District of
Columbia



CLARE CONNORS
Attorney General of Hawai'i



KWAME RAOUL
Attorney General of Illinois

May 18, 2021
Page Three

TOM MILLER
Attorney General of Iowa

BRIAN FROSH
Attorney General of Maryland

MAURA HEALEY
Attorney General of Massachusetts

AARON D. FORD
Attorney General of Nevada

LETITIA JAMES
Attorney General of New York

ELLEN F. ROSENBLUM
Attorney General of Oregon

PETER NERONHA
Attorney General of Rhode Island

THOMAS J. DONOVAN, JR.
Vermont Attorney General

MARK HERRING
Attorney General of Virginia

May 14, 2021

Majority Leader Chuck Schumer
Chairman Dick Durbin
U.S. Senate
Washington, D.C. 20510

Minority Leader Mitch McConnell
Ranking Member Chuck Grassley

Dear Majority Leader Schumer, Minority Leader McConnell, Chairman Durbin, and Ranking Member Grassley,

The undersigned gun violence prevention and allied organizations write today to express our strong support for the nomination of David Chipman as Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). At a time when gun violence is devastating far too many of our nation's communities, it is urgent that we have strong leadership at ATF to help stem the tide of this violence. As a decorated law enforcement professional, veteran ATF special agent, and gun safety expert, Chipman is uniquely qualified for this position and should be quickly confirmed.

More than 100 people are killed with guns in this country every day as a result of homicides, suicides, unintentional shootings, and interpersonal conflicts that become fatal due to easy access to guns. This past year has only further exemplified the country's need to address this public health crisis as shootings increased in many cities around the country, incidents of domestic violence increased, and there was an alarming surge in gun sales, all during a global pandemic. Now more than ever, this country is eager for effective leadership to address the gun violence devastating this country.

As the only federal agency dedicated to enforcing federal gun laws and providing regulatory oversight of the gun industry, ATF plays a significant role in addressing the nation's gun violence crisis. Despite the importance of the agency's mission, ATF has only had one Senate-confirmed Director since 2003 and has been relying on acting leadership since 2015. At this crucial moment in our nation's history, ATF needs a strong, experienced, and principled Director to lead the agency's vital work. David Chipman's decades of experience as a law enforcement professional and gun safety expert make him an ideal candidate for this position.

Throughout his 25-year career at ATF, Chipman worked on all aspects of the agency's mission, from investigating some of the most serious incidents of terrorism of the 1990s, including the

World Trade Center Bombing in 1993 and Oklahoma City Bombing in 1995, to investigating a series of racially motivated arsons that destroyed a number of predominantly Black houses of worship in Alabama, to managing complex interstate firearms trafficking cases. Chipman also has experience in leadership positions at ATF, including as Division Chief of the Office of Public and Governmental Affairs. In his supervisory roles, Chipman managed hundreds of agents, partnered with dozens of communities and was responsible for execution of ATF's operational budget in all 25 field divisions and an annual budget in excess of \$150 million.

More recently, Chipman has brought his extensive knowledge and experience to bear helping educate policymakers, advocates, community leaders, and the general public on a broad range of gun violence issues. He is a trusted national expert and has built a reputation as a smart, honest, and principled voice working to ensure that everyone in this country has the right to live in a community free from gun violence. His past experience and qualifications render him uniquely well-suited to lead ATF during this important time.

The undersigned organizations express our strong support for Chipman's nomination to serve as Director of ATF and urge his swift confirmation. Our country eagerly awaits the commitment, experience, and leadership that Chipman will bring to the agency.

Signed,

Alliance For Gun Responsibility
American Federation of Teachers
Arizonans for Gun Safety
Battle Born Progress
BPFNA-Bautistas por la Paz
Brady
Brighter Days for Justice
Bucks County Women's Advocacy Coalition
CeaseFirePA
Center for American Progress
Chi-Town GVP Summit
Coalition to Stop Gun Violence
Colorado Ceasefire
CommonSpirit Health
Community Justice Action Fund
CT Against Gun Violence
Delaware Coalition Against Gun Violence
Everytown for Gun Safety
Gettysburg for Gun Sense

Giffords
GPEC-ICHV
Gun Violence Prevention PAC
Guns Down America
Gunsense Vermont
Gun Sense Vermont Board
GunSenseUs
Honor with Action Coalition
Indivisible Northern Nevada
Indivisible West Suburban Action League, Illinois
Indivisible-EG and surrounding communities
Joint Action Committee
Junior Newtown Action Alliance
Lawrence County Action
Lehigh Valley Friends of CeaseFirePA
Maine Gun Safety Coalition
Marylanders to Prevent Gun Violence
Mothers Against Gun Violence
National Coalition Against Domestic Violence
National Council of Jewish Women
National Education Association
Newtown Action Alliance
North Carolinians Against Gun Violence
Not My Generation
Orange Ribbons For Gun Safety
People for a Safer Society
Protect Minnesota
Sandy Hook Promise
Squirrel Hill Stands Against Gun Violence
States United to Prevent Gun Violence
States United to Prevent Gun Violence Board
Stop Handgun Violence
Survivors Empowered
Sustain Equity Group
Temple Sinai (DC) Gun Violence Prevention Group
The Campaign to Keep Guns Off Campus
The ENOUGH Campaign
The United States Conference of Mayors
UUJusticePA
Violence Policy Center
WAVE Educational Fund
Woman's National Democratic Club (WNDC)



May 17, 2021

United States Senate
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Durbin, Ranking Member Grassley, and Committee Members:

Religious communities in the United States understand that gun violence in our country is an attack on human dignity. We have seen our houses of worship targeted in mass shootings, we have grieved with our members who mourn those lost to homicides and suicides, and we have expressed dismay at how easily conflicts turn deadly due to easy access to guns. We need principled leaders to address gun violence and that is why we write today to express our strong support for the nomination of David Chipman as Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). As a decorated law enforcement professional, veteran ATF special agent, and gun safety expert, Chipman is uniquely qualified for this position and should be quickly confirmed.

Faiths United to Prevent Gun Violence is a coalition of more than 50 faith-based organizations that together represent tens of millions of religious Americans in communities across the nation and in each of your states. We believe that God calls us to create a society with wise leadership. In Proverbs 11:14, we read that, "Where there is no guidance, a nation falls, but in an abundance of counselors there is safety." We believe that David Chipman will be a wise leader at ATF. Throughout his 25-year career at ATF, Chipman worked on all aspects of the agency's mission, from investigating some of the most serious incidents of terrorism of the 1990s, including the World Trade Center Bombing in 1993 and Oklahoma City Bombing in 1995, to investigating a series of racially motivated arsons that destroyed a number of predominantly Black houses of worship in Alabama. Chipman also has experience in leadership positions at ATF, including as Division Chief of the Office of Public and Governmental Affairs. In his supervisory roles, Chipman managed hundreds of agents, partnered with dozens of communities and was responsible for execution of ATF's operational budget in all 25 field divisions and an annual budget in excess of \$150 million.

Since his service at ATF, Chipman has worked on gun violence prevention efforts by educating policymakers, advocates, and community leaders. Faith communities can trust him because he has built a reputation as a smart, honest, and principled voice with a track record to prove it. We believe that David Chipman's leadership at ATF will help bring about a more just society where everyone is free to pursue their God-given potential.



We at Faiths United have placed our collective strength behind a vision of violence-free communities that is deeply rooted in our diverse religious traditions. Our faiths call us to create a safer world where we can participate in everyday activities like going to school, attending a concert, or praying in our houses of worship without the fear of violent death. We should not have to take it for granted that violence will erupt in our public spaces and communities. For too long, gun violence in our communities has been ignored and Congress has turned a deaf ear to the many voices clamoring for change. We believe it is a moral crisis when, in the midst of the continuous and tragic Covid-19 epidemic, our policy leaders are slow to act, if they act at all. Our faith traditions call us to a different vision. As people of faith, we are called by God to offer an alternative to the resigned acceptance of gun violence that is a symptom of a larger, societal culture of death that accepts violence as the norm and relies solely on guns for security.

We deeply feel the urgency of this moment and the pain of every life lost to gun violence. We believe Chipman is uniquely qualified to lead ATF and this is a uniquely important time for the U.S. Senate to confirm him to this position. ATF is the only federal agency charged both with enforcing federal gun laws and providing regulatory oversight of the gun industry, but has been relying on acting leadership since 2015 and only had one Senate-confirmed director since 2003. We need Senate-confirmed leadership at ATF and our faith communities are watching, praying, and taking action to see it happen.

Sincerely,

African American Ministers In Action
 BPFNA -- Bautistas por la Paz
 DC Area Interfaith GVP Network
 Disciples Center for Public Witness
 Episcopal Peace Fellowship
 Fellowship of Reconciliation
 Franciscan Action Network
 Global Justice Institute, Metropolitan Community Churches
 God Before Guns
 Jewish Women International
 Methodist Federation for Social Action
 National Council of Jewish Women
 Pax Christi USA
 Temple Micah, Washington, DC
 United Church of Christ, Justice and Local Church Ministries



United States Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

May 18, 2021

Dear Chairman Durbin, Ranking Member Grassley, and Committee Members:

The National Coalition Against Domestic Violence (NCADV) urges the Senate to confirm David Chipman (Chipman) as the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). Chipman a dedicated law enforcement professional and a man of great integrity.

The ATF is in dire need of stable leadership. It has only had one Senate-confirmed Director since 2003, and it has been led by an acting director for the past six years. The scope of the ATF's mandate and the critical role the ATF plays in safeguarding public safety necessitates a strong and experienced, Senate-confirmed Director. David Chipman is ideal for that role.

NCADV has worked closely with Chipman over the past several years and can attest to his deep devotion to upholding the rule of law. As a gun owner himself, Chipman is a strong defender of law-abiding Americans' 2nd Amendment rights. As a career law enforcement agent with thirty years of experience, he is also dedicated to protecting public safety by holding people who break the law accountable.

Chipman is uniquely qualified to lead the ATF. Having served in several different capacities within the ATF over the course of his twenty-five years on staff, he knows the agency well. The ATF is popularly known for its role in enforcing federal firearms laws, but its mandate goes well beyond that. During his tenure at the ATF, Chipman investigated terrorism cases such as the Oklahoma City Bombing and the World Trade Center Bombing. He also investigated a series of racially-motivated arson attacks against Black churches in Boligee, AL. He has a strong grounding in the ATF's anti-terrorism and explosives work.

He also has experiencing managing complex cases involving gun trafficking. One notable example was his management of a case that busted organized criminal groups trafficking guns from Tidewater, Virginia to New York in exchange for illegal drugs. Due

to his exemplary public service, Chipman was awarded the Attorney Generals Award for Outstanding Contributions to Community Partnerships for Safety.

Chipman has held a number of leadership positions at the ATF, including Division Chief of the Office of Public and Government Affairs in 2012. During his leadership tenure, he was responsible for executing the operational budget in all ATF field divisions. Chipman has experience working at all levels of the ATF, from field agent to leadership. He truly understands the inner workings of the agency, from bottom to top.

NCADV has worked closely with Chipman to close loopholes in Federal law that allow certain adjudicated domestic abusers to access firearms. He deeply understands the safety needs of survivors and has proved his commitment to protecting survivors in word and deed. We know that he will carry that commitment with him as he transitions to Director of the ATF.

NCADV very strongly supports David Chipman's confirmation to be the Director of ATF. He is a seasoned professional with experience in different roles of the ATF. He is a man of great personal integrity and a defender of law-abiding Americans' 2nd Amendment rights. He is a champion for survivors of domestic violence, and his confirmation would bring much-needed stability to the agency.

Sincerely,

The National Coalition Against Domestic Violence



NATIONAL ORGANIZATION OF BLACK LAW ENFORCEMENT EXECUTIVES

National President
LYNDA R. WILLIAMS
Deputy Assistant Director (Retired), U.S. Secret Service/
Professor Criminal Justice, Middle Tennessee State University

National Vice President
FREDERICK THOMAS
Captain Commander
East Union-Keene-Tenille Sheriff's Office

National Second Vice President
BRENDA GOSS ANDREWS
Deputy Chief of Police (Retired)
Detroit Police Department

Immediate Past President
CERESLYN A. DAVIS
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Dunham Police Department

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Chief of Police
Piedmont City Police Department

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New York Police Department

Financial Secretary
QUONELLA M. SPIRILLI
Public Safety Director
Franklin Township New Jersey

Sergeant-at-Arms
KEVIN GRANNVILLE
Major
Broward County Sheriff's Office

Parliamentarian
DR. ROSALYNNE M. FENNELL
Supervisory Special Agent (Retired)
Drug Enforcement Administration

Associate Members Representative
MICHELLE L. TEGE
Detective
New York Police Department

Region One Vice President
GERALD WELSON
Chief (Retired)
New York Police Department

Region Two Vice President
ETHEL A. THOMAS
Supervisor (Retired)
Transportation Security Administration

Region Three Vice President
ROBERT FORD
Assistant Chief
Lumpkin Police Department

Region Four Vice President
TIFFANY TINS
Chief of Police
Hocking College Police Department

Region Five Vice President
EDWIN DEHEW
Assistant Special Agent in Charge
U.S. Environmental Protection Agency

Region Six Vice President
ANTHONY APRIL
Captain
Alaska State Troopers

Federal Assistant to the National President
JEFFREY FORBES
Postal Inspector
U.S. Postal Inspection Service

Special Assistant to the National President
LOU E. DIXON
Principal Assistant Inspector (Retired)
U.S. Department of Transportation

Special Assistant to the National President
JOHN E. PEARSON
Director of Police Services
Delaware County Police Department

Special Assistant to the President for International Affairs
MELODY JACKSON
Special Agent in Charge (Retired)
Health and Human Services-Office of Inspector General

National Chaplain
REVEREND DR. BARBARA WILLIAMS HARRIS
Inspector-Chaplain
New York Police Department

May 17, 2021

DWAYNE CRAWFORD
Executive Director

The Honorable Charles E. Schumer
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Richard J. Durbin
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Mitchell McConnell
Minority Leader
United States Senate
Washington, DC 20510

The Honorable Charles E. Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Majority Leader Schumer, Minority Leader McConnell, Chairman Durbin, and Ranking Member Grassley:

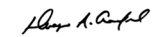
The National Organization of Black Law Enforcement Executives (NOBLE) formally acknowledges the work and commitment to service that has been exhibited by Mr. David Chipman.

Mr. Chipman has displayed the qualities of leadership, empathy, excellence, and persistence in supporting and defending the U.S. Constitution while ensuring equal protection and justice for all Americans. This has been exhibited in roles such as ATF Division Chief of the Office of Public and Governmental Affairs, Special Agent in Charge of the Field Assets and Resource Management Branch at ATF, and as a leading voice for gun violence prevention.

It is NOBLE's belief that Mr. Chipman will help to ensure the delivery of its mission which is to ensure equity in the administration of justice in the provision of public service to all communities, and to serve as the conscience of law enforcement by being committed to Justice by Action.

In closing, this correspondence acts as a formal endorsement of Mr. David Chipman as the next Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

Sincerely,


Dwayne A. Crawford
Executive Director

May 20, 2021

Majority Leader Chuck Schumer
Chairman Dick Durbin

Minority Leader Mitch McConnell
Ranking Member Chuck Grassley

U.S. Senate Washington, D.C. 20510

Dear Majority Leader Schumer, Minority Leader McConnell, Chairman Durbin, and Ranking Member Grassley,

We, the survivors of all forms of gun violence in America, are writing to express our strong support for the nomination of David Chipman as Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). At a time when gun sales are on the rise and shootings and fatal domestic violence incidents are increasing across the country, our nation deserves a proven leader to help address this growing public health crisis and ensure that more families don't suffer through the pain we live with every single day.

During his 25-year career at ATF, Mr. Chipman investigated acts of foreign and domestic terrorism, oversaw interstate firearms trafficking cases, managed hundreds of agents, and worked closely with the communities and families most impacted by violence.

Many of us know of Mr. Chipman's qualifications first-hand, since he has used his extensive knowledge and expertise to work with us as we strive to build safer American communities free of gun violence. Mr. Chipman's willingness to share his expertise, offer critical advice, and help support and amplify the importance of gun violence prevention has empowered survivor voices and, in the process, saved thousands of lives.

Simply put, David Chipman is uniquely qualified to oversee the only federal agency tasked with enforcing the nation's life-saving gun laws and regulating the firearms industry and we urge you to promptly confirm him to this critical position.

Signed,

Megan Ackerman, Los Angeles, California

Katherine Aker, Tujunga, California

Lynnette Alameddine, Saugus, Massachusetts

Martelle Ambrose, St. John's, Florida

Phil Andrew, Chicago , Illinois
Nancy Bacon, Maple Grove, Minnesota
Miyoshia Bailey, Chicago, Illinois
Lisa Balbone, Parkland , Florida
Pamela Barsam Brown, Boulder, Colorado
Amy Beer, Parkland, Florida
Cynthia Bejar, Hacienda Heights, California
Ariana Bejar-Nasseri, Hacienda Heights, California
Terri Betz, Sutherlin, Oregon
Jeri Bishop, Pine Mountain, Georgia
Michael Bishop, Pine Mountain, Georgia
Stephanie Bishop, Atlanta, Georgia
Esther Bloch, Chicago, Illinois
Nancy Bowman, Tucson, Arizona
David Bowman, MD, Tucson, Arizona
Shaundelle Brooks, Nashville, Tennessee
Aldane Brooks, Nashville, Tennessee
Susan Browder, Gainesville, Florida
Sharmaine Brown, Atlanta , Georgia
Amy Bruner, Cedar Rapids, Iowa
Sarah Burdine , Oklahoma City , Oklahoma
Valerie Burgest, Chicago, Illinois
Rafael Burgos, Chicago, Illinois
Milagros Burgos, Chicago, Illinois
Julie Butcher, La Crescenta, California
Thomas Campbell, Danbury, Connecticut
Alicia Campbell , Kittrell , North Carolina
Keren Carter, Concord, California
Ashley Cech, ASTORIA, New York
Heather Chapman, Parkland, Florida
Lauren Child, South Pasadena, California
Tia Christiansen, Northampton , Massachusetts
Abbey Clements, Danbury, Connecticut
Ashley Cohen, Myrtle Beach, South Carolina
Nicole Cook, Hollywood/Parkland , Florida
Marie Curtis, Oakhurst, New Jersey
Abede Dasilva, Nashville, Tennessee
Amber Dasilva, Nashville, Tennessee

Maria Davis, Chicago, Illinois
Deborah Davis, Hartford, Connecticut
Ryan Deitsch, Parkland, Florida
Judith DeNunzio, Beech Mountain, North Carolina
Hollye Dexter, Chatsworth, California
Carolyn Dixon, Jamaica , New York
Doreen Dodgen-Magee, Portland, Oregon
Tara Donnelly, Easton, Connecticut
Jane Dougherty, Littleton, Colorado
Mitchell Dworet, Coral Springs, Florida
Christine Evans, San Diego, California
Gail Finney, Davis, California
Jeff Foster, Parkland, Florida
Katie Fox, Crozet, Virginia
Mary Fryer, San Francisco, California
Carol Gaxiola, SAHUARITA, Arizona
Joanne Giardello, Benicia, California
Wayne Gilbert, Tiburon, California
Roxanna Green, Tucson , Arizona
Gwendolyn Green, Washington DC, District of Columbia
Shirell Gross, North Hollywood, California
Fred Guttenberg, Parkland, Florida
Holly Hall, Temecula, California
Rhonda HART, Texas City, Texas
Archer Heinzen, Alexandria, Virginia
Lisa Hendricks, Beaverton, Oregon
Craig Hexham, Traverse City, Michigan
Christian Heyne, Washington, District of Columbia
Pamela Hight, New York, New York
Geraldine Hills, Phoenix, Arizona
Dr Robert Hofland, Torrance, California
Charlene Hoverter , Ocean, New Jersey
Pastor Jackie Jackson , Wyoming , Ohio
Keenon James, Upper Marlboro, Maryland
Beth Jersey, Concord, California
Dolene John, Brooklyn, New York
Kinnon Karamo John, San Leandro, California
Lael Johnson, Los Angeles, California

Lamar Johnson, Chicago, Illinois
Lisette Johnson, Midlothian, Virginia
Lael Johnson, Los Angeles, California
Rachael Joseph, Minneapolis, Minnesota
Joshua Kadish, Reseda, California
Celeste Kanpurwala, Ann Arbor, Michigan
Seth Kaplan, Hudson, Massachusetts
Paul Kemp, Happy Valley, Oregon
Lee Keylock, Woodbridge, Connecticut
Randa Keysselitz, Arcadia, California
Alyssa Kilpatrick, Sierra Madre, California
Beverly King, Malone, New York
Bill Kingston, New Castle, New Hampshire
Stephen Kozachik, Tucson, Arizona
Kerry Kraemer, Lockport, Illinois
Edward Laurson, Denver, Colorado
Lisa LeBlanc, Houston, Texas
Lisa Litberg, Morton Grove, Illinois
Mia Livas Porter, Los Angeles, California
Don Lococo, Newtown, Connecticut
Carmen Lodato, Washington, District of Columbia
Mary Long, Chicago, Illinois
Jacinda Maatu, Bridgeport, Connecticut
Sara Macaluso, Los Angeles, California
Patricia Maisch, Tucson, Arizona
Sean Maisch, Los Angeles, California
Denise Marks, Valencia, Pennsylvania
Richard Martinez, Arroyo Grande, California
Rachel Maurice, Menifee, California
Julvonnia McDowell, Savannah, Georgia
Tina Meins, Riverside, California
Debby Miller, Davie, Florida
Ruby Millner, Brooklyn, New York
Hannah Miranda, Bethlehem, Connecticut
Robert Mokos, Burnsville, Minnesota
Cindy Montoya, Sierra Madre, California
Giselle Morch, Silver Spring, Maryland
Lisa Morgan, Loveland, Colorado

Jenny Morgan, Grand Prairie, Texas
Carolyn Morton, Opelika, Alabama
Brenda Moss, Lynchburg, Virginia
Peter Murchison, Ridgefield, Connecticut
Yvonne Murray, Menlo Park, California
Amy Newbery, Parkland, Florida
Emily Nottingham, Tucson, Arizona
Sean O'Daniel, Evansville, Indiana
Patricia Oliver, Coral Springs, Florida
Manuel Oliver, Parkland, Florida
Corey E. Olsen, Delafield, Wisconsin
Marc Orfanos, Thousand Oaks, California
Susan Orfanos, Thousand Oaks, California
Tymaeus Orfanos, Thousand Oaks, California
Deborah Parker, Tucson, Arizona
Sujata Paul-de Leede, Arlington, Virginia
Nicholas Payne, New Milford, Connecticut
Joan Peterson, Cloquet, Minnesota
Sandy Phillips, Long Beach, California
Lonnie Phillips, Long Beach, California
Chip Pryde, Flat Rock, North Carolina
Kate Ranta, Manchester-by-the-Sea, Massachusetts
Judi Richardson, South Portland, Maine
Jeanette Richardson, Newport News, Virginia
Wayne Richardson, South Portland, Maine
Haley Rinehart, Bowling Green, Kentucky
Rosa Rosenberg, Los Angeles, California
Liz Russell, Napa, California
Joseph Sakran, Fairfax, Virginia
Cha Ron Sattler-Leblanc, Pittsford, New York
April Schentrup, Parkland, Florida
Susan Schmidt-Orfanos, Thousand Oaks, California
Gail Schwartz, Parkland, Florida
Clare Senchyna, San Francisco, California
Bruce Simon, Tucson, Arizona
Pam Simon, Tucson, Arizona
Kristin Song, Guilford, Connecticut
Mike Song, Guilford, Connecticut

Jeremy Stein, Ridgefield, Connecticut
Manjula Stokes, Santa Cruz , California
Stephanie Stone, Byron, Georgia
Barbara Stowe, Greer, South Carolina
Cheryl Stumbo, Seattle, Washington
Tom Sullivan , Centennial , Colorado
Cathy Taylor, Midlothian, Texas
Carolyn Tuft, Salt Lake City, Utah
Michele Voigt, Greenwich, Connecticut
Mary Ward, Pullman, Washington
Leslie Washington, Cape Girardeau , Missouri
Bethany Webb, Huntington Beach, California
Angela Weber, Coral Springs, Florida
Debbie Weir, Duck, North Carolina
Jan Weisel, Woodinville, Washington
Jane Weiss, Snohomish, Washington
Stephanie Wells, Carlsbad, California
Stacey Wesch, Parkland, Florida
Brandon Wesch, St. Petersburg, Florida
Wendy Wheatcroft, San Diego, California
Brenda Whitney, Laguna Niguel, California
Jean Wiant, Glenolden, Pennsylvania
Elsie Wilkens, St Louis, Missouri
Brandon Wolf, Orlando, Florida
María José Wright, Pinecrest , Florida
Frederick Wright, Miami, Florida
Abbie Youkilis, Cincinnati, Ohio
Missy Zeitsoff, Santa Barbara, California



776 Boylston Street, Suite E10G, Boston, MA 02199 (617) 238-7083 operationlipstick.org
 Operation LIPSTICK is a program of Citizens for Safety, a 501(c)(3) nonprofit

May 12, 2021

The Honorable Chuck Schumer
 Majority Leader
 US Senate
 Washington, DC 20510

The Honorable Mitch McConnell
 Minority Leader
 US Senate
 Washington, DC 20510

Dear Majority Leader Schumer and Minority Leader McConnell:

I am writing to state our unequivocal support of David Chipman to serve as Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives. I have worked closely with David for two decades as the founder and managing director of Citizens for Safety (CFS), a 501(c)(3) nonprofit dedicated to reducing firearms trafficking without impeding the rights of law-abiding gun owners.

As a member of CFS' Board of Directors, David identified strategic opportunities to disrupt the flow of crime guns into America's cities. David was the chief architect of our groundbreaking Operation LIPSTICK, Ladies Involved in Putting a Stop to Inner-City Killing. LIPSTICK addresses a significant yet often overlooked source of crime guns—women straw purchasers. Operation LIPSTICK gives women the education, leadership training, and tools to refuse to be used to put guns in the wrong hands. LIPSTICK is a testament to David's results-oriented focus. Former Boston District Attorney Dan Conley credits LIPSTICK with a 30% reduction in gun crimes by women.

David consistently contributed his time, expertise and network to expand LIPSTICK's education, intervention and prevention model. In 2016, he helped secure the support of Congresswoman Jackie Speier to bring LIPSTICK to California, where the program was translated into Spanish. At the California launch, David introduced one of the most popular and eye-opening segments of the curriculum—interactive role plays between "unsuspecting female straw purchasers" and interrogating ATF agents. In Philadelphia, where LIPSTICK was successfully deployed in alliance with Attorney General Josh Shapiro, 94% of workshop participants showed an increased awareness of straw purchasing as a felony, and 100% signed pledges vowing not to straw purchase, smuggle or hide guns for people who can't get guns legally. Through his media connections, David sounded the alarm about straw purchasing and reframed the national discourse about gun violence solutions to include practical strategies aimed at women. In 2018, David amassed a diverse coalition that included 1000+ LIPSTICK youth from Boston and Harlem to support the March for Our Lives in Washington, DC.

David has a longstanding legacy of developing and supporting systems to reduce the number of crime guns on our streets. With David at the helm of the ATF, those of us living and working in communities impacted by gun trafficking will experience, perhaps for the first time in a generation, a new era of community safety resulting from smart, effective gun violence prevention policy. We urge the Senate to confirm David Chipman. Thank you.

Nancy Robinson
 Managing Director
 Operation LIPSTICK

May 19, 2021

The Honorable Chuck Schumer
Majority Leader
US Senate
Washington, DC 20510

The Honorable Richard Durbin
Chairman, Senate Judiciary Committee
US Senate
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
US Senate
Washington, DC 20510

The Honorable Chuck Grassley
Ranking Member, Senate Judiciary Committee
US Senate
Washington, DC 20510

Dear Majority Leader Schumer, Minority Leader McConnell, Chairman Durbin, and Ranking Member Grassley:

We are writing in support of the nomination of David Chipman to serve as Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF).

As former ATF special agents we are very familiar with the important role that ATF plays in enhancing public safety, preventing violent crime, and keeping communities safe. ATF would greatly benefit from a Director with David's experience, knowledge and in-depth understanding to lead the agency.

David Chipman is uniquely qualified to lead and has successfully done so in public service, the private sector and the not-for-profit spheres. David is a dedicated public safety professional with more than 30 years of experience in protecting the public from violent crime. His long and varied career ranges from being a special agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), to deploying high tech gunshot detection systems in cities and advocating for common sense solutions to gun violence all over the country. As a father, public servant, gun owner, decorated law enforcement officer and gun safety expert, David has spent his career serving the public, combating violent crime, and striving to make our nation and our communities safer every day.

David's education also makes him exceptionally well suited to serve as ATF Director. In 2005 David was selected to attend the John's Hopkins University's Police Executive Leadership Program whose curriculum focused specifically on leading public safety organizations and David earned a Master of Science degree. That effort was also a milestone for ATF because David was the first special agent ever to attend the program and he proved to be a superior student, even while maintaining his headquarters assignment responsibilities.

David's academic achievement served the Bureau well. Following his graduation David was promoted to multiple leadership positions within the Bureau including Division Chief of the Office of Public and Governmental Affairs in 2012. In his various leadership roles, David managed hundreds of agents, partnered with dozens of communities and was responsible for execution of the operational budget in all of ATF's 25 field divisions, with an additional annual budget in excess of \$150 million.

ATF has had only one director confirmed by the U.S. Senate since 2006, in 2013. David is uniquely qualified to implement President Biden's law enforcement agenda as it relates to ATF, and he will be a committed leader for an agency that has struggled with interim directors for the past **fifteen** years.

We close by reiterating that David's significant professional experience and personal dedication to making this country a safer place for all Americans that make him an excellent candidate to serve as ATF's eighth permanent director.

We urge you to swiftly confirm David Chipman to be the next Director of ATF.

Sincerely,

John Risenhoover
ATF Special Agent (ret.)
Palm City, Florida

Mark D. Jones
ATF Special Agent (ret.)
Chicago, IL

James Yurgealitis
ATF Special Agent (ret.)
Baltimore, MD

Wayne L. Dixie Jr.
ATF Special Agent (ret.)
Charlotte, North Carolina

Benjamin R. Hayes
ATF Special Agent (ret.)
Damascus, Maryland

William T. Earle

“Enjoy the Journey”
Hume, Virginia

May 20, 2021

The Honorable Chuck Schumer
Majority Leader
US Senate
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
US Senate
Washington, DC 20510

The Honorable Richard Durbin
Chairman, Senate Judiciary Committee
US Senate
Washington, DC 20510

The Honorable Chuck Grassley
Ranking Member, Senate Judiciary Committee
US Senate
Washington, DC 20510

Dear Majority Leader Schumer, Minority Leader McConnell, Chairman Durbin, and
Ranking Member Grassley:

I'm writing to strongly support and recommend the confirmation of Mr. David Chipman as director of ATF. I am retired from ATF after 31 years of service. The last seven years of that career as Assistant Director, Management and CFO. I have also served the beverage alcohol industry for over 12 years as the president of the National Association of Beverage Importers.

I know David and his wife Tara well. In fact, David worked for me during my time as CFO. He will bring to the ATF Directors position not only broad experience as a law enforcement officer but also knowledge and insights of a resource management

professional. In the CFOs office David had ongoing responsibilities for monitoring and projecting budgets and reporting to Congress, OMB and the public. I can't tell you how significant this is for a law enforcement agency. In fact, during my seven years as CFO ATF achieved seven clean, unqualified audit opinions. David was a key part of that accomplishment. Few gun carrying LEOs have that kind of experience in any federal agency.

David's work and life experiences have prepared him well for this executive position. He has demonstrated in every job he's held a discipline for judgements based on facts, fairness and accountability. In my experience when David was at the table, I knew I could rely on crisp and focused analysis tightly aligned to the topic.

Federal law enforcement officers have been in the maelstrom of national events. Whether it be 911, Waco, Oklahoma City or church bombings.... David has shown the leadership and courage to serve the national interest with distinction and honor. ATF deserves a confirmed Director who is cut from the cloth of the women and men who dedicate their careers to serving America. David Chipman is that person.

Sincerely yours,

A handwritten signature in black ink, reading "William T. Earle". The signature is written in a cursive, flowing style with a large initial 'W' and a prominent 'E'.

William T Earle

April 26, 2021

The Honorable Chuck Schumer
Majority Leader
US Senate
Washington, DC 20510

The Honorable Richard Durbin
Chairman, Senate Judiciary Committee
US Senate
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
US Senate
Washington, DC 20510

The Honorable Chuck Grassley
Ranking Member, Senate Judiciary Committee
US Senate
Washington, DC 20510

Dear Majority Leader Schumer, Minority Leader McConnell, Chairman Durbin, and Ranking Member Grassley:

I am writing concerning the nomination of David Chipman to the position of Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

Prior to my current role as General Counsel for over 30 U.S. companies, I had the honor of serving as a Special Agent for both the Federal Bureau of Investigation (FBI) and for ATF. In addition, I served a one-year detail with the Civil Rights Division of the U.S. Department of Justice investigating new evidence that surfaced in regards to the assassination of Dr. Martin Luther King, Jr.

During my time with ATF and the FBI, I worked closely with several very talented Directors and agents. It was during my time on the Field Management Staff at ATF Headquarters that I had the opportunity to work on a daily basis with David Chipman.

David is, without question, one of the most professional, intelligent and driven individuals that I have ever known. The knowledge and experience he has accumulated during his career have given him clear insight and understanding of the complex and often difficult issues pertaining to firearms in this country.

It is my distinct pleasure to recommend David to you as the next Director of ATF without any reservations whatsoever. Both his professional and his personal work ethic are beyond reproach, to the point of when I think of the word "integrity", I think of David.

ATF has many dedicated, professional employees who do their best to serve and protect our citizens every day. The American public, the agency, and its employees all deserve and truly need a strong and talented leader if we are to succeed in our fight against violent crime. David Chipman is just such a leader, and I urge you to confirm him as the next Director of ATF at your earliest opportunity.

Respectfully,

A handwritten signature in blue ink, appearing to read "Brad Farnsworth", with a stylized flourish at the end.

Brad Farnsworth
General Counsel
The Bretz Companies
2955 Stockyard Road
Missoula, MT 59808

601



DAVID MAGNUSSON
CHIEF OF POLICE
VILLAGE OF EL PORTAL POLICE DEPARTMENT
500 NORTHEAST 87TH STREET
EL PORTAL, FLORIDA 33138-3517
POLICECHIEF@VILLAGEOFELPORTAL.ORG
OFFICE: (305) 795-7873
CELL: (786) 301-9014



23 April 2021

The Honorable Chuck Schumer
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, DC 20510

Dear Majority Leader Schumer and Minority Leader McConnell:

Good day gentlemen. I am Chief David Magnusson. I have been in law enforcement for 36 years; first spending thirty years with the City of Miami, later, as Police Chief of the Havelock Police Department, in North Carolina, and currently as Police Chief for the El Portal Police Department in South Florida (just outside the city limits of Miami). I proudly write this letter in support of the nomination of David Chipman to serve as Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF).

During the last five years, I have known Mr. Chipman as a fellow Firearms Committee colleague with the International Association of Chiefs of Police (IACP). We served on the same sub-committee which focused on recent developments as they applied to law enforcement such as red-flag laws, ghost guns, 3D guns, mass shootings, to name a few. This particular sub-committee was very fluid and demanding as were our debates regarding our approach to such issues.

Mr. Chipman's expertise, coming after a 25-year career with ATF much of which was in leadership roles combined with his post-retirement advisory roles with organizations that were at the forefront of gun violence prevention, allowed this IACP sub-committee (and subsequently the entire Firearms Committee) to excel. True headway was achieved regarding gun violence and the steps needed to quell it.

I mention this because of Mr. Chipman's strive to make improvements in areas where they are desperately needed. His suggestions, comments, and retorts were always well-thought out and right on the money. As importantly, his respect and admiration for opposing points of view within the committee were evident. Everybody, regardless of point of view, awaited his opinion and listened carefully to his thoughts. That sir, is true leadership.



DAVID MAGNUSSON
 CHIEF OF POLICE
 VILLAGE OF EL PORTAL POLICE DEPARTMENT
 500 NORTHEAST 87TH STREET
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Conversely, there is much more to Mr. Chipman that I learned of during our discussions over a variety of issues surrounding violent crime prevention, public safety enhancement, and making safe communities a priority. Mr. Chipman investigated the 1993 World Trade Center Bombing and the Oklahoma City bombing two years later. Furthermore, he investigated racially motivated arsons that targeted churches in Alabama in 1996. Apart from his immense investigative side, he was also tactically sound serving on the ATF's Special Response Team (SRT). This sort of well-rounded stature certainly factored in his ascension to Division Chief of the Office of Public and Governmental Affairs in 2012.

Senators, the word "interim" usually indicates temporary. Yet, the ATF has been filling their top leadership (director) position with "interim" directors since 2006. The one exception came in 2013 with U.S. Senate confirmation. As it relates to ATF, David Chipman is inimitably qualified to implement President Biden's law enforcement agenda with United States confirmation.

In its mission statement, the ATF looks to protect communities from violent criminals, criminal organizations, the illegal use and trafficking of firearms, the illegal use and storage of explosives, acts of arson and bombings, acts of terrorism, and the illegal diversion of alcohol and tobacco products.

David Chipman's substantial professional experience and his personal commitment to making this nation a safer place for all, makes him an outstanding candidate to serve as ATF's eight *permanent* Director. He is the perfect person to bring the aforementioned mission statement to fruition and keep it there.

I urge you to confirm David Chipman to be the next director of ATF as soon as possible. This glorious nation can only benefit from the the quality leadership, Mr. Chipman would provide in leading highly esteemed law enforcement agency.

Very Respectfully,

David Magnusson

603



DAVID MAGNUSSON
CHIEF OF POLICE
VILLAGE OF EL PORTAL POLICE DEPARTMENT
500 NORTHEAST 87TH STREET
EL PORTAL, FLORIDA 33138-3517
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CELL: (786) 301-9014



Thank you,

Chief David Magnusson

27 April 2021

The Honorable Chuck Schumer
Majority Leader
US Senate
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
US Senate
Washington, DC 20510

Dear Majority Leader Schumer and Minority Leader McConnell:

My name is Scott M. Knight – Chief of Police (Ret.) – Chaska, Minnesota. I am writing in support of Mr. David Chipman to serve as the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). As the former Police Chief of the City of Chaska, and from my professional affiliations, I am very aware of the important work and role the ATF performs and carries out in providing protection for our Nation and the support of public safety and law enforcement. I know that Mr. Chipman is uniquely positioned and qualified to lead the ATF given his background, vast experience, and knowledge. Indeed, his qualifications and experience are unparalleled. He is most solidly positioned to serve as the Director of the ATF.

My career in law enforcement covered a span of 44-years; 1976 - 2020. Twenty of those years were as the Chaska Chief of Police. I am a past president of the Minnesota Chiefs of Police Association (MCPA) and was honored by the MCPA for my work concerning gun violence and public policy. I served as the Chair of the International Association of Chiefs of Police (IACP) Firearms Committee for seven-years. Mr. Chipman served and worked on this committee with me. I was a member of the IACP Executive Committee for two two-year terms. In the year 2010 the Director of the ATF appointed me to serve on the Bureau's Executive Committee of the National Integrated Ballistic Information Network (NIBIN). My professional and personal experience and collaboration with Mr. Chipman provides me with the opportunity to wholeheartedly endorse him.

Mr. Chipman had a very accomplished 25-year career with the ATF. His resume is extensive. He knows the Bureau intimately; all aspects of its mission, its field work, its interagency (Federal and State) collaborations, its inner-operations, and its challenges. Much of his work as an ATF agent was spent in the field in many capacities. He has many professional law enforcement officers in his network and close contacts. He is a decorated law enforcement professional and gun safety subject matter expert. He is known and respected in both public and private sector

circles. In all Mr. Chipman has over 30-years of experience and knowledge concerning national public safety needs and appropriate response applications.

The ATF has been led by interim directors for the past 15-years. The ATF's mission, its employees, the public and law enforcement agencies across the nation need a confirmed ATF Bureau Director. Mr. Chipman is absolutely the right person at this critical time. His significant professional experience and stellar personal character combine to position him, as an unquestionably qualified leader, to serve our Nation, the U.S. Congress and President Biden's administration.

Most sincerely,

Chief Scott M. Knight – (Ret.)
Chaska, Minnesota

606

May 20, 2021

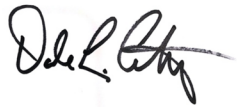
The Honorable Richard Durbin
Chairman, Senate Judiciary Committee
US Senate
Washington, DC 20510

The Honorable Chuck Grassley
Ranking Member, Senate Judiciary Committee
US Senate
Washington, DC 20510

Dear Chairman Durbin and Ranking Member Grassley,

Thank you for the important work you undertake to ensure the viewpoints of all Americans are heard and considered during Presidential nominee confirmation hearings. Soon you will be considering the nomination of David Chipman to serve as the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I am writing to share with you a letter I recently sent to Senator Susan Collins regarding my knowledge of David Chipman during the years we served together as Special Agents at ATF. I hope you find this information is a useful contribution to an informed and productive hearing.

Sincerely,

A handwritten signature in black ink, appearing to read "Dale L. Armstrong", with a stylized flourish at the end.

Dale Armstrong
Resident of Maine

Attachment; Letter to Senator Susan Collins, May 5, 2021

May 5, 2021

U.S. Senator Susan Collins
413 Dirksen Senate Office Building
Washington, DC 20510

Dear Senator Collins,

My name is Dale Armstrong and I am a resident of Maine as well as a retired Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) special agent with 29 years of service in Federal law enforcement. During my career I served as the Resident Agent in Charge of ATF in Maine as well as the Assistant Special Agent in Charge of ATF for all of the New England states. I also served as the President of the Federal Executive Board of Southern Maine for a few years during which time you were gracious enough to attend our annual Federal Employee Awards Ceremony. I am writing today to ask you to support David Chipman, President Biden's nominee to serve as the Director of ATF.

I have known David Chipman for 20 years and consider him both a colleague and friend. I have worked with him professionally for many years and have always found him to be a thoughtful leader who is committed to the job and acts with integrity. I also know David outside the workplace and have met with him from time to time during his many trips to Maine to visit his parents who also reside here.

ATF needs an appointed director. I cannot imagine a situation where for years at a time a large city police department would be left to operate without a confirmed leader, and yet that is frequently the situation at ATF. This has an adverse impact on operations and morale, and makes it difficult for the agency to have clear direction. David's nomination is also unique in that ATF has never had a special agent appointed by the president to be the agency's Director. The confirmation of David Chipman as Director would significantly improve both the operations and morale of ATF, and give the agency the leadership it badly needs.

I realize that since retiring from ATF, David has worked for two gun violence prevention organizations, Everytown For Gun Safety and Giffords. David cares tremendously about keeping communities safer from gun violence, but I know that some view this chapter of his career as being political. If you would like to know how David Chipman would serve as the ATF Director I believe that one of the best predictors of future behavior is past behavior and David's 25 years of service as an ATF agent during which he acted fairly and enforced the laws evenly and impartially are evidence of how he would serve as the Director of ATF. As for claims that Dave is an anti-gun, I know this is simply untrue. David himself is a gun owner, and would not deny law-abiding citizens from also exercising that right.

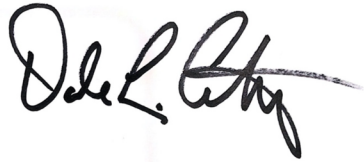
As you know a great number of Mainers, including myself, are gun owners. I have handguns, a shotgun, and an AR-15 rifle. Mainers are a very responsible group with some of the lowest violent crime rates in the country year after year. That said, there are a few things in Maine that focused ATF enforcement under the direction of a confirmed Director Chipman would benefit from. Maine is a source state for the

purchase of guns that are later recovered in violent crimes in Massachusetts, Connecticut, New York, and Pennsylvania. David would ensure that ATF effectively uses crime gun trace data and the National Integrated Ballistics Identification Network (NIBIN) as well as existing Federal laws to go after those who come to Maine and obtain firearms for the purpose of selling them to violent gangs and prohibited persons. Additionally, one of the leading causes of homicide in Maine is domestic violence and this often involves a firearm. David would ensure ATF effectively uses National Insta-Check System (NICS) data to rapidly identify those persons with a prior domestic violence conviction or an existing domestic violence restraining order who attempt to purchase a firearm so that ATF and local law enforcement may intercede before another tragic event unfolds. Finally, Maine has locations where local law enforcement could use additional resources to support their efforts in dealing with armed crime. David would ensure ATF agents in Maine had the resources to continue their support and partnerships with the Lewiston Police Department and Penobscot County Sheriff's Office where Federal task force operations work as a force multiplier.

I have always had a great respect for your bipartisan and practical nature, and you have done so much for Maine and the country. I hope that this letter gives you reason to support David Chipman's confirmation as ATF Director.

Thank you for your time and attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Dale L. Armstrong". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Dale Armstrong
26 Vines Road
Saco, ME. 04072

204 West Walnut Street
Alexandria, Virginia 22301
May 3, 2021

The Honorable Chuck Schumer
Majority Leader
United States Senate
Washington, D.C. 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, D.C. 20510

Dear Majority Leader Schumer and Minority Leader McConnell:

I am pleased to add my personal endorsement of David Chipman to serve as Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). President Biden has made an outstanding decision in nominating Mr. Chipman to this post and I strongly urge you to confirm this nominee as quickly as possible.

I served as executive director of the International Association of Chiefs of Police (IACP) from 1989 to 2011. At the Association, I had the opportunity to work regularly with many ATF directors and officials and learned a great deal about the organization, its mission and the many challenges it faces. ATF has a well-deserved reputation for being an important and welcome asset to state and local law enforcement. Bureau officials have always put a high premium on the value of close working partnerships developed with law enforcement and, I believe, this perspective has contributed greatly to the success ATF has achieved.

At IACP, we had the pleasure of having Mr. Chipman work in our fellowship program where he demonstrated a strong understanding of the federal, state and local relationship and proved to be truly an experienced law enforcement professional with a deep appreciation for and understanding of the laws that direct ATF's operations with respect to firearms and explosives. He also was an active participant on the Association's Firearms Committee.

You have his employment record before you so you know about Mr. Chipman's extraordinary work history. With over 30 years of professional law enforcement experience, Mr. Chipman has distinguished himself as an investigator, supervisor, and manager covering virtually every facet of ATF's operations. He has been involved in such high profile cases as the 1993 World Trade Center bombing and the 1995 bombing in Oklahoma City. Clearly, he is eminently qualified to take over the helm of this important federal law enforcement organization.

Let me be clear that in this endorsement I am speaking for myself only and not representing the views of the IACP. Nonetheless, it is my very strong belief that David Chipman has the right stuff for this job and will provide excellent leadership as Director of ATF.

Sincerely,

Dan Rosenblatt

May 20, 2021

The Honorable Chuck Schumer
Majority Leader
US Senate
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
US Senate
Washington, DC 20510

Dear Majority Leader Schumer and Minority Leader McConnell:

I am writing in support of the nomination of David Chipman to serve as Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). My name is Danielle Eason, I worked for David as an intern for ATF in a field office located in Flint, Michigan. ATF would benefit greatly with a Director that has David's experience, leadership, and knowledge at the helm.

I've had the pleasure of remaining in contact with him for over twenty years. David has always led by example with honesty, integrity, and dedication. His broad geographical field experience, in combination with his approachability, gained the respect of all his colleagues. We served in one of the most dangerous cities in the country, yet the atmosphere in the office was positive, supportive, and focused on the agency's goals and priorities. Beyond the internship, David has continued to provide mentorship throughout my federal career. His advice has positively impacted my career and contributed towards my growth mindset. He has attained many achievements, more importantly, he has always treated everyone with dignity and respect.

David is a dedicated law enforcement professional with over 30 years' experience in public safety and continued to serve his country beyond his federal career. His exemplary actions and leadership during our nation's worst acts of terrorism provided stability during a time of uncertainty. David Chipman is uniquely qualified and will provide strong committed leadership for the ATF, which has been without a director for the past fifteen years. The ATF needs a Director to lead and support the Agency's mission against violent crimes. As a father, public servant, gun owner, decorated law enforcement professional and gun safety expert, David has spent his career striving to make our nation and our communities safer every day.

Thank you for your excellent leadership in the Senate. I urge you to confirm David Chipman to become the next Director of ATF. David's significant professional experience and personal dedication to making this country a better, safer place for all, qualifies him to serve as ATF's eighth permanent director.

Sincerely,

Danielle Easen

611

David M. Kennedy
331 Adelphi Street
Brooklyn, NY 11238

May 4, 2021

The Honorable Chuck Schumer
Majority Leader
US Senate
Washington, DC 20510
By email -

The Honorable Mitch McConnell
Minority Leader
US Senate
Washington, DC 20510
By email - senator@mcconnell.senate.gov

Dear Majority Leader Schumer and Minority Leader McConnell:

I am writing in strong support of the nomination of David Chipman to serve as Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF).

I have known and worked closely with David since the mid-1990s, when our paths crossed as part of the work of the Boston Gun Project, a DOJ-funded effort to address youth homicide and gun violence at the peak of the national crack epidemic. I was then working out of the Program for Criminal Justice Policy and Management at the Kennedy School of Government, Harvard University. That work produced two fundamentally new lines of thinking and action around gun violence. One was the approach now known as "focused deterrence," which has emerged as the leading evidence-based intervention around community violence (Senator McConnell, this is the strategy we are bringing to Louisville under the leadership of Russell Coleman, whom I know you know well). The other was a new understanding and focus on illegal firearms trafficking and diversion, which for the first time identified clear pathways by which guns were being moved from the legal market into illicit markets and the hands of violent criminals, and identified clear law enforcement opportunities to address those pathways without compromising legal gun ownership. That work was picked up by the Department of the Treasury, which then housed ATF, and David was a core part of the team that built the national Youth Crime Gun Interdiction Initiative to address this critical issue (Senator Schumer, I worked closely with staff in your office as this new information emerged, and your recognition of and advocacy around the issue was extremely important to that process).

David's commitment to and work in launching YCGII was frankly heroic, as have been the other parts of his extraordinary career in countering foreign and domestic terrorism, racial violence, organized firearms trafficking, playing key strategic and executive roles at ATF, and since leaving government service continuing to do public service with some of the most important organizations supporting law enforcement and public policy around gun violence. He has literally dedicated his life to public safety and taken personal responsibility for making sure the public has it, from the street level of face-to-face individual incidents to the highest levels of institutional development, policy, and strategy. I cannot think of anyone better qualified and suited to lead ATF, and I urge you to support his confirmation as director.

Sincerely,

David M. Kennedy

May 1, 2021

The Honorable Chuck Schumer
Majority Leader
US Senate
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
US Senate
Washington, DC 20510

Dear Majority Leader Schumer and Minority Leader McConnell:

I am writing on behalf and in support of David Chipman and his qualifications to serve as the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). For background, I am a retired thirty-year veteran of the ATF and finished my career as the Deputy Assistant Director. It is my strong opinion that the agency, and the men and women of ATF, would benefit greatly with David serving as their Director.

David has a long and storied career within ATF and is uniquely qualified to serve as its Director along with the experience ability to do so. I have personally known David since he started as an agent in Detroit over 30 years ago and he remains the same person today as he was then; ethical, trustworthy, honest, compassionate and has a team-first mentality. I really can't say enough about David and how well suited he is for the ATF Director position. I believe David is more than qualified to serve as the Director for the following reasons:

- In terms of David's business acumen, David was instrumental in initiating accountability measures within various ATF Field Divisions. These measures were based off the COMPSTAT model and techniques used by local police departments to reduce violent crime. David's participation was an important element that enabled the Los Angeles Field Division of ATF to increase the number of investigations against violent street gang members in Southern California.
- David investigated a series of racially motivated arsons that destroyed a number of predominantly Black houses of worship in Boligee, Alabama, an investigation that ultimately brought the perpetrators to justice.
- David has experience investigating illegal firearms trafficking and was recognized by the U.S. Attorney General's Award for Outstanding Contributions to Community Partnerships for Public Safety. In this case David investigated firearms traffickers trading guns for narcotics.
- David served on the International Association of Chiefs of Police (IACP) Firearms Committee for two terms. These committee memberships are coveted positions within the IACP and his lengthy participation is reflective of the value he brought to

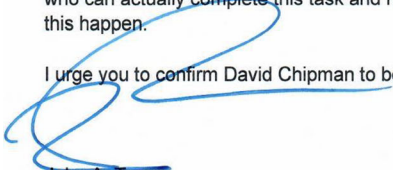
that committee. I consider David a subject matter expert in firearms policies, laws and regulations.

- Lastly, David has experience with enforcement issues and situations from his years on the ATF tactical team. David's background will assist him in any use of force issues that could arrive during his tenure.

Furthermore, David was one of the most highly respected senior managers within ATF. He used his compassion and work ethic for the job as his personal brand to lead others. His ability to motivate comes from the respect he garnered during his many years of developing relationships, as he has not only "talked the talk" but "walked the walk" within ATF. In today's vernacular of management styles, David would be considered a Servant-Leader.

In closing, it is my opinion that the ATF Director should serve both ATF employees and the public equally by keeping them safe from harm and violent crime. David is one of those few who can actually complete this task and has the wherewithal to develop a viable plan to make this happen.

I urge you to confirm David Chipman to be the next Director of ATF as soon as possible.


John A. Torres
Deputy Assistant Director (Ret.)
ATF



May 19, 2021

The Honorable Chuck Schumer
Majority Leader
US Senate
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
US Senate
Washington, DC 20510

Dear Majority Leader Schumer and Minority Leader McConnell:

I am writing in support of the nomination of David Chipman to serve as Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). As a retired veteran police sergeant and as a Black woman, I am very familiar with the important role that ATF plays in enhancing public safety and preventing violent crime. I am certain that ATF would benefit greatly with a Director that has David's experience and knowledge at the helm.

I met David in 2013 when we were both working with Everytown for Gun Safety committed to keeping bullets out of people. We went on to admire each other's work in the gun safety arena and became friends while continuing to admire the work to which we each devoted ourselves.

David Chipman is uniquely qualified to lead ATF, and he is experienced and committed to the mission of ATF. He is a dedicated law enforcement professional – as am I - with over 30 years' experience in public safety, including as a special agent with the ATF. As a father, public servant, gun owner, decorated law enforcement professional and gun safety expert, David has spent his career serving the public, combating violent crime, and striving to make our nation and our communities safer every day.

ATF has had only one director confirmed by the U.S. Senate since 2006, and that was in 2013. David is uniquely qualified to implement President Biden's law enforcement agenda as it relates to ATF. Without a doubt, he will be a committed leader for an agency that has primarily relied on interim directors for the past fifteen years.

Certainly, by this time you must know of David's stellar and lauded record during his 25-year tenure with ATF. But what I know for a fact is that since I first met him in 2013, he has served as an expert advising organizations at the forefront of gun violence prevention. David has advised policymakers, gun violence prevention advocates, and community groups on gun violence prevention issues and provided expert testimony before Congress on firearms legislation. In addition, David served two terms on the Firearms Committee of the IACP.

David's significant professional experience and personal dedication to making our country a better, safer place for all make him an excellent candidate to serve as ATF's eighth permanent director. I urge you to confirm David Chipman to be the next Director of ATF as soon as possible.

Judith Heilman
Judith Heilman
Executive Director



NATIONAL BLACK POLICE ASSOCIATION

1809 Azalea Lane Laverock, PA 19038 Email: Itww288@gmail.com Telephone: (215) 416-2848

April 22, 2021

The Honorable Charles Schumer
Majority Leader
US Senate
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
US Senate
Washington, DC 20510

Dear Majority Leader Schumer and Minority Leader McConnell:

The National Black Police Association was started in 1972, in St. Louis Missouri, where 13 black officers met, who came from various areas which discriminated against African-Americans. The organization was chartered in the State of Illinois. The National Black Police Association is currently subdivided into three Regions throughout the United States. It is an honor to write in support of the nomination of David Chipman to serve as Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). As Chairperson of the National Black Police Association, a lieutenant with over 30 years of law enforcement experience in the Philadelphia Police Department, and the son of a former Philadelphia Police Commissioner, I am very familiar with the important role that ATF plays in enhancing public safety, preventing violent crime, and keeping communities safe. ATF would benefit greatly with a Director that has David's experience and knowledge at the helm.

The NBPA became familiar with David through his work at Giffords, and more specifically, with the Region 3 President (Major Sabrina Tapp-Harper) of the National Black Police Association. Major Tapp-Harper Commanded a Domestic Violence Unit at the Sheriff's Office in Baltimore and the gun seizures resulting from protective order service were significant, but also began a partnership, resulting in several projects with David, that have continued over the years. According to Major Tapp-Harper, David personally checked in with her after every major incident that occurred in this country, just to see if he could offer any support to the Sheriff's Office or the NBPA. That is sincere dedication and commitment. David Chipman is uniquely qualified to lead ATF, and he is experienced and committed to the mission of ATF, because he not only has integrity, he is full of integrity. David Chipman is a dedicated law enforcement professional with over 30 years experience in public safety, including as a special agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). As a father, public servant, gun owner, decorated law enforcement professional and gun safety expert, David has spent his career serving the public, combating violent crime, and striving to make our nation and our communities safer every day. As an agent, David spent his career in service of ATF's unique mission of enforcing firearms and



NATIONAL BLACK POLICE ASSOCIATION

1809 Azalea Lane Laverock, PA 19038 Email: Itww288@gmail.com Telephone: (215) 416-2848

explosives laws that protect communities from people perpetuating violence and criminal activities, investigating acts of arson, bombings, and terrorism, and combating the illegal trafficking of alcohol and tobacco products.

ATF has had only one director confirmed by the U.S. Senate since 2006, and that was in 2013.

David is uniquely qualified to implement President Biden's law enforcement agenda as it relates to ATF, and he will be a committed leader for an agency that has primarily relied on interim directors for the past fifteen years.

Throughout his 25-year career at ATF, David served as an investigative responder providing assistance to state and local authorities in the aftermath of significant bombings and arsons. As a Certified Explosives Specialist, David investigated some of the most serious incidents of terrorism of the decade, including the World Trade Center Bombing in 1993 and Oklahoma City Bombing in 1995. In 1996, David also investigated a series of racially motivated arsons that destroyed a number of predominantly Black houses of worship in Boligee, Alabama, an investigation that ultimately brought the perpetrators to justice.

David served on the Special Response Team (SRT), ATF's version of SWAT. He managed complex firearms trafficking cases, including busting organized criminal groups involving the transportation of guns to New York in exchange for illegal drugs in the Tidewater Virginia area. In honor of his efforts to keep dangerous weapons out of communities, David was awarded the Attorney General's Award for Outstanding Contributions to Community Partnerships for Public Safety.

David was promoted to multiple leadership positions at ATF, including Division Chief of the Office of Public and Governmental Affairs in 2012. In his supervisory roles, David managed hundreds of agents, partnered with dozens of communities and was responsible for execution of ATF's operational budget in all 25 field divisions and an annual budget in excess of \$150 million.

Since his retirement from the ATF in 2012, David has served as an expert advising organizations at the forefront of gun violence prevention. In that capacity, David has advised policymakers, gun violence prevention advocates, and community groups on gun violence prevention issues and provided expert testimony before Congress on firearms legislation. In addition, David served two terms on the Firearms Committee of the International Association of Chiefs of Police.

In today's climate, it is imperative that we have leaders that do not just do the right thing, but leaders who make things right

David's significant professional experience and personal dedication to making this country a better, safer place for all make him an excellent candidate to serve as ATF's eighth permanent director.

I urge you to confirm David Chipman to be the next Director of ATF as soon as possible.

Respectfully Submitted,

Willie L. Williams III

Willie L. Williams III

National Chairperson, NBPA



May 19, 2021

The Honorable Chuck Schumer
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, DC 20510

Dear Majority Leader Schumer and Minority Leader McConnell:

As co-chairs and on behalf of Prosecutors Against Gun Violence (PAGV), a non-partisan coalition of 48 prosecutors serving over 60 million Americans in 26 states across the country, we write to you today to request the Senate's swift consideration and confirmation of President Biden's nominee to be Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Mr. David Chipman.

Since it was formed in 2014, PAGV has held a dozen national forums on a range of topics, from gun crimes committed in the home, to safe storage, to illegal firearms trafficking, to mass shootings. PAGV has issued a nationwide blueprint on removing guns from domestic abusers and a first-of-its-kind report, *Mass Shooting Resource Guide For Prosecutors: How to Prevent, Protect, and Prosecute*. Our organization has filed amicus briefs in several important cases, including those pertaining to ghost guns and gun licensing. During the Obama/Biden Administration, a PAGV representative made a presentation on the role of state and local leadership on gun violence prevention at an event convened by the White House. Our members also bring their substantial expertise to bear in advocating for legislation and policy objectives at the city, county, state and federal levels.

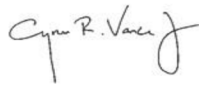
As members of law enforcement, we see firsthand how the country is being devastated by the epidemic of gun violence in the jurisdictions in which we serve, including the recent mass shootings in Indianapolis and Boulder. At this very moment, ATF needs a highly capable leader, and with 25 years of experience at ATF, David Chipman is that person.

We first met Mr. Chipman in November 2017, when he gave a presentation to a group of around thirty prosecutors and police chiefs at a PAGV legislative summit in Washington, D.C. Mr. Chipman expertly educated our group on the topic of silencers and armor-piercing bullets. Two years later, as PAGV planned a summit on the topic of mass shootings, multiple gun safety experts recommended that we

invite Mr. Chipman to speak again about the types of weapons used in the Route 91 music festival massacre. While he was unable to attend our summit, we were impressed to learn of the depth of his knowledge in this space.

Mr. Chipman is a nationally recognized firearms expert that law enforcement leaders trust to give them advice and counsel in difficult moments. It is clear from his career in law enforcement and combatting gun violence that he has the expertise necessary to excel as ATF's Director. We wholeheartedly support his nomination to this important public safety role.

Sincerely,



Cyrus R. Vance, Jr.
New York County District Attorney
Co-chair, Prosecutors Against Gun Violence
Violence



Michael N. Feuer
Los Angeles City Attorney
Co-chair, Prosecutors Against Gun
Violence

ProsecutorsAGV.org | @ProsecutorsAGV

April 23, 2021

The Honorable Chuck Schumer
Majority Leader
US Senate
Washington, DC 20510

The Honorable Richard Durbin
Chairman, Senate Judiciary Committee
US Senate
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
US Senate
Washington, DC 20510

The Honorable Chuck Grassley
Ranking Member, Senate Judiciary Committee
US Senate
Washington, DC 205

Dear Majority Leader Schumer, Minority Leader McConnell, Chairman Durbin, and Ranking Member Grassley:

I am writing in support of nominating a Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), a critically important position in light of the rising levels of firearm related violence that we are experiencing in our country today.

I am particularly supportive of the fact the current nominee before is you is a former career Special Agent with ATF. As former ATF Special Agents, we are very familiar with the important role that ATF plays in enhancing public safety, preventing violent crime, and keeping communities safe. A Director with such experience and knowledge would be very beneficial.

David Chipman certainly has that experience. As a career Special Agent with ATF, he spent over two decades serving and protecting the public from the most violent of criminals who relied upon firearms and explosives as the principal tools of their illicit trades.

Having served as an ATF Special Agent and having been assigned a tour as ATF's primary liaison to Congress, I am well aware that the Senate has the sole power to accept or reject presidential appointees. I am also keenly aware, that Senators and their constituents may have concerns about the nominees for various positions and that their concerns need to be vetted.

The Country needs a Senate confirmed ATF Director, and I hope that you and your colleagues will act with urgency to give the current nominee David Chipman a fair and thorough evaluation.

Sincerely,



Pete Gagliardi
Retired Special Agent in Charge, ATF New York

May 17, 2021

The Honorable Chuck Schumer
Majority Leader
US Senate
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
US Senate
Washington, DC 20510

Dear Majority Leader Schumer and Minority Leader McConnell:

My name is Phyllis Root-Fraidenburg. I retired from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) in 2013 as an investigative analyst. I am writing in support of the nomination of David Chipman to serve as Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives. David Chipman was the Resident Agent in Charge at the Flint Field Office, and during that time I worked for David as an investigative assistant. I know that David Chipman is uniquely qualified to lead ATF. He has the leadership and management skills and experience to address the politically sensitive firearms-related issues the country faces today.

With David Chipman in charge of the Flint Field Office, we were successful in enforcing firearms and explosives laws. Under David's leadership we were able to better protect the community and residents we served by combating violent crime.

David Chipman had the respect of his employees and other members of the law enforcement community. David is an excellent communicator and an even better listener. He is open, approachable and supportive. David is confident and instills that confidence in his staff. He imparts his knowledge and experience and gives you the tools to do your job.

I was fortunate to be David's investigative assistant. We had a close working relationship. I felt he had confidence in my ability and respected my years of experience. Our office had a conflict-free environment. I was always treated with dignity and as an essential member of team. While working for David, my position was due to be upgraded from a GS 7 to GS 9, he encouraged me to apply for the new position of investigative analyst. His encouragement and confidence in my ability helped me to move into the investigative analyst position and have a fulfilling career with ATF.

In 2008, I was selected as an Outstanding Administrative Support Employee of the Year. David was in headquarters at that time, but he prepared the text that was read during the presentation of my award. It was an honor that David remembered my role in the Flint Field Office and that he played a part in that award.

I have the deepest respect for David Chipman, and I believe he is uniquely qualified to lead ATF. David Chipman is a person of integrity, dedication and professionalism. As the director, he has the capacity to make the country a safer and better place for all. It is an honor and a privilege to support David Chipman in this nomination. I urge you to confirm David Chipman as the new director of ATF.

Respectfully yours,

Phyllis Root-Fraidenburg



AMERICAN UNIVERSITY

WASHINGTON, DC

DEPARTMENT OF JUSTICE, LAW AND CRIMINOLOGY
SCHOOL OF PUBLIC AFFAIRS

May 12, 2021

The Honorable Chuck Schumer
Majority Leader
US Senate
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
US Senate
Washington, DC 20510

Dear Majority Leader Schumer and Minority Leader McConnell:

Please accept my enthusiastic support for the nomination of David Chipman to serve as the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I have dedicated 50 years of my life to the improvement of the United States criminal justice system, the last 25 of those as Director of Research for the International Association of Chiefs of Police (IACP). From my half century of learning about the complex workings of our justice system, I view David as the perfect nominee to both sustain ATF's incredibly important mission and help it refine that mission to meet emerging 21st Century challenges.

I had the pleasure of working closely with David during his tenure as a Visiting Police Fellow at the IACP. Working collaboratively with him on any number of critical policing and justice research and policy efforts, I found David to be a thoughtful, innovative and creative police leader. His contributions to our work without doubt helped IACP formulate smart, viable and impactful recommendations to the policing field. Most importantly, I found David to have the highest standard for decency, morality, and ethics. A constant during his fellowship was a demonstrated drive to do what was right— for policing, the justice system and the communities they serve.

In summary, David brings three critical assets to the job: 1) his vast knowledge of the ATF from a long and successful career as an ATF special agent, 2) his work with organizations like IACP and more recently at Giffords afford him a broad view of firearm violence in the U.S. and globally, and 3) his passion for constant improvement both personally and professionally. As I tell my policing students in my current role at American University, we need a new culture of leaders in policing that can honor the past, value constancy, embrace change and above all- see how the world is changing and help policing move to the future with great success. David Chipman is that kind of leader and I urge you to confirm him.

Sincerely,

John R. Firman
Professor of Practice
American University
School of Public Affairs
Department of Justice, Law and Criminology
4400 Massachusetts Avenue, NW
Washington, DC 20016

May 14, 2021

The Honorable Chuck Schumer
Majority Leader
US Senate
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
US Senate
Washington, DC 20510

Dear Majority Leader Schumer and Minority Leader McConnell:

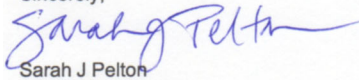
I am writing in support of the nomination of David Chipman to serve as Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). I worked with David from 1999 to 2002 in the Detroit Field Division as Group Supervisors managing a team of Special Agents. He was a colleague and leader whom I admired because his management style was well respected by the agents, his peers, the support staff, as well as the supervisors within ATF and numerous other law enforcement agencies throughout Michigan.

I can vouch specifically to his professionalism, leadership qualities and commitment to the mission of ATF. David Chipman is a dedicated law enforcement professional with over 30 years experience in public safety, including as a special agent with the ATF. As a father, public servant, gun owner, decorated law enforcement professional and gun safety expert, David has spent his career serving the public, combating violent crime, and striving to make our nation and our communities safer every day.

David is uniquely qualified to implement President Biden's law enforcement agenda as it relates to ATF, and he will be a committed leader for an agency that has primarily relied on interim directors for the past fifteen years.

David's significant professional experience and personal dedication to making this country a better, safer place for all make him an excellent candidate to serve as ATF's eighth permanent director. I urge you to confirm David Chipman to be the next Director of ATF as soon as possible.

Sincerely,



Sarah J. Pelton
Retired ATF Special Agent
1990-2014



SHERIFF DAVID J. MAHONEY
DANE COUNTY SHERIFF'S OFFICE

CHRISTOPHER J. NYGAARD, Chief Deputy
 (608) 284-6167



DAVID R. DOHNAL
 Captain, Administrative Services
 (608) 284-6175

TIM R. SCHUETZ
 Captain, Support Services
 (608) 284-6186

KERRY W. PORTER
 Captain, Security Services
 (608) 284-6165

JANICE L. TETZLAFF
 Captain, Field Services
 (608) 284-6670

May 1, 2021

The Honorable Chuck Schumer
 Majority Leader
 US Senate
 Washington, DC 20510

The Honorable Mitch McConnell
 Minority Leader
 US Senate
 Washington, DC 20510

Dear Majority Leader Schumer and Minority Leader McConnell:

I am writing in support of the nomination of David Chipman to serve as Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF).

I serve as the Sheriff of Dane County, Wisconsin, one of the most populated counties throughout the state. I have been a professional law enforcement officer for 41 years, and am intimately familiar with the importance of enforcing gun laws and how gun violence deeply affects community and policing. To that end, I am very familiar with the important role that ATF plays in enhancing public safety, preventing violent crime, and keeping communities safe. ATF would benefit greatly with a Director such as Mr. Chipman.

Mr. Chipman possesses over 30 years' experience in public safety, including as an ATF special agent. He spent nearly his entire career in service of ATF's unique mission of enforcing firearms and explosives laws that protect communities from people perpetuating violence and criminal activities, investigating acts of arson, bombings, and terrorism, and combating the illegal trafficking of alcohol and tobacco products. He did this by serving in a variety of roles at ATF.

Perhaps no role was more significant than Mr. Chipman's service as an investigative responder providing assistance to state and local authorities in the aftermath of significant bombings and

Public Safety Building, 115 W. Doty Street, Madison, Wisconsin 53703 • (608) 284-6800
www.danesheriff.com



SHERIFF DAVID J. MAHONEY
DANE COUNTY SHERIFF'S OFFICE

CHRISTOPHER J. NYGAARD, Chief Deputy
 (608) 284-6167



DAVID R. DOHNAL
 Captain, Administrative Services
 (608) 284-6175

TIM R. SCHUETZ
 Captain, Support Services
 (608) 284-6186

KERRY W. PORTER
 Captain, Security Services
 (608) 284-6155

JANICE L. TETZLAFF
 Captain, Field Services
 (608) 284-6870

arsons. Mr. Chipman investigated some of the most serious incidents of terrorism of the decade, including the World Trade Center Bombing in 1993 and Oklahoma City Bombing in 1995. In 1996, David also investigated a series of racially motivated arsons that destroyed a number of predominantly Black houses of worship in Boligee, Alabama, an investigation that ultimately brought the perpetrators to justice.

Mr. Chipman also served on the Special Response Team (SRT), ATF's version of SWAT. He managed complex firearms trafficking cases, including busting organized criminal groups involving the transportation of guns to New York in exchange for illegal drugs in the Tidewater Virginia area. Mr. Chipman was awarded the Attorney General's Award for Outstanding Contributions to Community Partnerships for Public Safety.

In addition to these impressive credentials in the field, Mr. Chipman also has notable managerial experience. While at the ATF, Mr. Chipman was promoted to multiple leadership positions, including Division Chief of the Office of Public and Governmental Affairs in 2012. Mr. Chipman managed hundreds of agents, partnered with dozens of communities and was responsible for execution of ATF's operational budget in all 25 field divisions and an annual budget in excess of \$150 million.

Undoubtedly, Mr. Chipman's background and experience demonstrate his superior qualifications to serve as the ATF Director. He is someone that state and local law enforcement will be able to work with and look to as we promote public safety in our communities.

I urge the Senate to confirm Mr. Chipman to serve as the next Director of ATF.

Sincerely,

David J. Mahoney
 Sheriff
 Dane County, Wisconsin

Public Safety Building, 115 W. Doty Street, Madison, Wisconsin 53703 • (608) 284-6800
www.danesheriff.com

ADMINISTRATION FAX (608) 284-6163 • SUPPORT SERVICES FAX (608) 284-6156 • SECURITY SERVICES FAX (608) 284-6050 • FIELD SERVICES FAX (608) 284-6858

May 18, 2021

The Honorable Chuck Schumer
Majority Leader
US Senate
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
US Senate
Washington, DC 20510

Dear Majority Leader Schumer and Minority Leader McConnell,

I am a retired Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) and worked under David Chipman from January, 2000, to July, 2001 while he was the Resident Agent in Charge (RAC) of the ATF Flint, Michigan, Field Office. After a 28½ year career in law enforcement, I cannot think of another person more qualified or deserving to be appointed ATF Director than David. There are a scant few people I've met during my career who "check all the boxes": experience, intelligence, temperament, humility, common sense, strength in their conviction while not being a tyrant or ego maniac, and strong enough to voice and defend those convictions regardless of adversity or how loudly some protest. Some people check some of the boxes, David checks all of them.

While working for David I was impressed in so many ways, on so many days, not by the important decisions he made during critical times, but by the small things he did all the time. I greatly appreciate, wholly respect, and do not take for granted the critical, time-sensitive decisions he made while under the immense pressure of the moment. But that was his job. That is why he was the RAC. That is what he was supposed to do, and he did it. What impressed me the most was the little things he did, repeatedly, that I now believe are the foundation for him "batting 1000" on the greater, more critical decisions he made, and for which he was always correct. Those include:

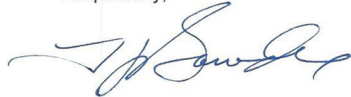
- Never getting rattled and always maintaining his composure and professionalism.
- Seeking out advice or insight for matters he may not have been familiar with at the time, and seeking contrary opinions than his to ensure he fully understood every aspect of that matter.
- Working closely with everyone around him, including subordinates, other law enforcement, Prosecutors, and the United States Attorney Office, to ensure his plans were well thought through and legally sound.
- David always got the most out of his people, even those who didn't want to give it. David regularly reduced the workload demands of his more productive Agents by removing their menial work requirements. That allowed the productive workers to be more productive. David often completed that menial work himself, and other times

- shifted that work to less productive Agents, which in turn made them more productive. David's management practices will ensure ATF gets the most out of its people.
- During that time and the years following, I never saw David do anything even remotely questionable, either ethically, professionally, or legally, while carrying out his duties. David reinforced the importance of doing the right things the right way.

During his tenure in Flint David continually pushed himself and his Agents to not be complacent. David continually looked how to improve and develop new/unique law enforcement strategies to implement, proactively and reactively, to combat decades of violent crime that plagued the city and its residents. Many of Flint's residents were trapped between warring groups actively engaging in drive-by shootings, daily prowling one block to the next, with citizens caught in the middle. Under David's watch, he actively coordinated the working relationship with the Michigan Department of Corrections (DOC), State/Local/County law enforcement, ATF, and the State Prosecutor and U.S Attorney Office expanding ATF and law enforcements involvement in Operation Night Hawk. In the decades since his promotion and departure, David's initial efforts proved to be the foundation that resulted in a Department of Corrections Agent being permanently assigned as a law enforcement liaison, imbedded in the Flint Police Department, working closely with ATF. The working protocols he implemented then (which started by David inviting a DOC Officer to lunch, buying him a sandwich, and asking what ATF could do to help) remained active through the years following his departure, and are still paying dividends helping Flint citizens today.

I know David is not going to be a popular nominee with several very vocal groups. I know those groups will viciously attack every aspect of him in their attempt to villainize and neutralize him because of his position on some gun laws. (Positions that are not laws and cannot be enforced at this time.) Because of that I chose not to focus on David's obvious outstanding career, his overwhelming attributes, qualifications, commendations, experience, intelligence, education, etc. – I'm sure many others are already compiling that information. Instead, having worked under his direct supervision, I chose to concentrate on those things that form my opinion of him. Very simply: David is the best boss I ever had. Ever. I also believe, because of all the "big things" and "little things" in this letter, that David Chipman is the best person most qualified to be ATF Director. I urge you to confirm David as soon as possible.

Respectfully,



Todd J. Bowden
(Retired) ATF Special Agent

629

Wanda Lee Bossa
2618 Trio Falls
Drive Loveland,
CO 80538

May 18, 2021

The Honorable Chuck
Schumer Majority Leader
US Senate Washington, DC
20510

The Honorable Mitch
McConnell Minority Leader
US Senate Washington, DC
20510

Dear Majority Leader Schumer and Minority Leader McConnell:

My name is Wanda Lee Bossa. I retired after 37 years of federal service within the Department of Justice. During my tenure I worked at the Justice Management Division, U.S. Marshals Service, and was a Division Chief for the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I am also a veteran who proudly served within the U.S. Army.

The purpose of this letter is to extend my support for the nomination of David Chipman to serve as Director of the Bureau of ATF. I began working for David Chipman in October 2009, in Washington, DC ATF headquarters, at which time he was a Special Agent in Charge (SAC) who had been assigned to oversee several areas, to include the Asset Forfeiture and Seized Property Division. David Chipman brings a wealth of knowledge and experience, with an unsurpassable level of commitment to excellence and leadership.

Months prior to working for David Chipman, I was a U.S. Marshals Service Program Manager who was assigned to assist ATF in the formulation of policies and procedures for the Asset Forfeiture program. Upon David Chipman's arrival to headquarters, he not only requested an in-depth briefing of ATF's asset forfeiture program, but made a

personal commitment to attain an extensive working knowledge of the intricacies of the program, at both the bureau and department level. He worked tirelessly to build a strong working relationship with each of the various Department of Justice components, while ensuring that ATF met all respective Attorney General guidelines.

David Chipman served as a paramount role model, and mentored me to be an effective and efficient leader. He believed that every day was an opportunity to learn, to build, to execute and establish an even stronger tomorrow. David Chipman was tenacious and had a strong sense of pride in every project he was assigned, and he instilled the same approach on his staff. He cared deeply about his employees, the overall morale and invested greatly in their successes by providing an unyielding level of guidance and support. David Chipman spent countless hours working with his employees and provided in-depth training to ensure that each employee had the essential tools and understanding required to support the law enforcement community throughout the country, while providing a stellar customer service to the general public.

David Chipman is overwhelmingly qualified to lead ATF and has an unparalleled commitment to ATF's mission. He spent his career at ATF enforcing firearms and explosives laws, investigating acts of arson, bombings, terrorism, and combating the illegal trafficking of Alcohol and Tobacco products. David Chipman is not only a husband, a father or public servant, but has dedicated well over 30 years of his life as a law enforcement official enforcing the laws in place to protect our communities from violence and criminal activities, while placing his own life in jeopardy on a daily basis.

David Chipman is greatly qualified to implement President Biden's law enforcement agenda as it relates to ATF and I strongly believe he will be an extremely committed leader. His notable professional law enforcement experience and the tenacity he has demonstrated throughout his career in making our communities and our country safer for everyone, makes him an invaluable candidate to serve as ATF's eighth permanent director. I, without hesitation support the nomination and highly recommend you confirm David Chipman to be the next Director of ATF.

Respectfully,

Wanda Lee Bossa



April 29, 2021

The Honorable Chuck Schumer
Majority Leader
US Senate
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
US Senate
Washington, DC 20510

Dear Majority Leader Schumer and Minority Leader McConnell:

I am writing in support of the nomination of David Chipman to serve as Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). As the President of WIFLE Foundation, Inc., I am very familiar with the important role that ATF plays in enhancing public safety, preventing violent crime, and keeping communities safe and believe ATF would benefit greatly with a Director that has Mr. Chapman's experience and knowledge at the helm.

David Chipman is a dedicated law enforcement professional with over 30 years experience in public safety, including as a special agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). As a decorated law enforcement professional and gun safety expert, Mr. Chapman has spent his career serving the public, combating violent crime, and striving to make our nation and our communities safer every day. Mr Chapman's career at ATF focused on the unique mission of enforcing firearms and explosives laws that protect communities from people perpetuating violence and criminal activities, investigating acts of arson, bombings, and terrorism, and combating the illegal trafficking of alcohol and tobacco products. Throughout his 25-year career at ATF, he provided assistance to state and local authorities in the aftermath of significant bombings and arsons. As a Certified Explosives Specialist, he investigated some of the most serious incidents of terrorism of the decade, including the World Trade Center Bombing in 1993 and Oklahoma City Bombing in 1995. In 1996, he investigated a series of racially motivated arsons that destroyed a number of predominantly Black houses of worship in Boligee, Alabama, an investigation that ultimately brought the perpetrators to justice. In his supervisory roles, Mr. Chapman managed hundreds of agents, partnered with dozens of communities and was responsible for execution of ATF's operational budget in all 25 field divisions and an annual budget in excess of \$150 million. Since his retirement from the ATF in 2012, David has served as an expert advising organizations at the forefront of gun violence prevention. In that capacity, he advised policymakers, gun violence prevention advocates, and community groups on gun violence prevention issues and provided expert testimony before Congress on firearms legislation. In addition, he served two terms on the Firearms Committee of the International Association of Chiefs of Police.

WIFLE FOUNDATION, INC.
2200 Wilson Blvd. Suite 102, PMB-204 Arlington, VA 22201
Phone: (301) 805-2180 | Web: www.WIFLE.org
Email: WIFLE@comcast.net



ATF has had only one director confirmed by the U.S. Senate since 2006, and that was in 2013. David Chapman is qualified to implement President Biden's law enforcement agenda as it relates to ATF, and he will be a committed leader for an agency that has primarily relied on interim directors for the past fifteen years. His significant professional experience and personal dedication to making this country a better, safer place for all make him an excellent candidate to serve as ATF's permanent director.

Sincerely,

A handwritten signature in black ink that reads "Catherine W. Sanz".

Catherine W. Sanz
President,
WIFLE Foundation, Inc.

MIKE THOMPSON 5TH DISTRICT, CALIFORNIA COMMITTEE ON WAYS AND MEANS SUBCOMMITTEE ON SELECT REVENUE MEASURES CHAIRMAN SUBCOMMITTEE ON HEALTH	 CONGRESS OF THE UNITED STATES HOUSE OF REPRESENTATIVES WASHINGTON, DC 20515	DISTRICT OFFICES: 2721 NAPA VALLEY CORPORATE DRIVE NAPA, CA 94558 (707) 226-9898 420 VIRGINIA STREET, SUITE 1C VALLEJO, CA 94590 (707) 645-1888 2300 COUNTY CENTER DRIVE, SUITE A100 SANTA ROSA, CA 95403 (707) 542-7182 CAPITOL OFFICE: 406 CANNON HOUSE OFFICE BUILDING WASHINGTON, DC 20515 (202) 225-3311 WEB: http://mikethompson.house.gov
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May 24, 2021

The Honorable Chuck Schumer
Majority Leader
322 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Mitch McConnell
Minority Leader
317 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Dick Durbin
Chair, Senate Judiciary Committee
711 Hart Senate Building
Washington, D.C. 20510

The Honorable Chuck Grassley
Ranking Member, Senate Judiciary Committee
135 Hart Senate Building
Washington, D.C. 20510

Dear Majority Leader Schumer, Minority Leader McConnell, Chairman Durbin, and Ranking Member Grassley:

We write to you in support of the nomination of David Chipman to serve as Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). As members of the House Gun Violence Prevention Task Force, we are dedicated to keeping our communities safe from the public health crisis of gun violence. While our nation battled a once-in-a-generation pandemic, gun violence worsened across the country in 2020. And already this year, we have seen devastating mass shootings in Indianapolis, Boulder, Atlanta, and dozens of other communities. If we want to keep Americans safe from gun violence, we need a strong, experienced director at the helm of ATF leading the charge.

David Chipman spent more than two decades as a law enforcement professional at ATF. David is a father, public servant, gun owner, and gun safety expert with experience serving the public, combating violent crime, and striving to make our nation and our communities safer every day. During his tenure at ATF, David disrupted firearms trafficking operations in Virginia that were supplying illegal guns to New York City. David also served as a member of ATF's version of SWAT and was named the Special Agent in Charge of ATF's Firearms Programs. His work as an investigative responder allowed him to provide assistance to state and local authorities faced with the most significant bombings and arsons, including the World Trade Center Bombing in 1993 and Oklahoma City Bombing in 1995. In 1996, David investigated a series of arsons that destroyed a number of predominantly Black churches in Boligee, Alabama in an effort that ultimately brought the perpetrators to justice. Because of his valiant service as an agent, David was promoted to leadership positions within ATF, including Division Chief of the Office of Public and Governmental Affairs in 2012.

If he should be confirmed to serve as ATF's next director, David will bring a unique perspective to the agency after having served as an expert advising organizations at the forefront of gun violence prevention. Since his retirement from ATF, David has advised policymakers including the House Gun Violence Prevention Task Force, community groups, and gun violence prevention advocates on firearms issues. David has also provided expert testimony before Congress on firearms legislation. In doing so, he earned the praise of law enforcement officers across the country and was even appointed as a member of the International Association of Chiefs of Police's Firearms Committee after helping them establish national gun violence prevention priorities in 2011.

Too often, our communities bear witness to the terrible tragedies that occur when people use guns to harm themselves or others. As policymakers, we know that a comprehensive, multi-agency approach is the best solution to eradicate a public health crisis like gun violence, and it is clear that ATF must play a central role. David Chipman's experience and expertise make him an excellent choice to effectively lead ATF in this effort. After six years without a Senate-confirmed director, we urge you to prioritize David's confirmation in order to provide ATF with steady leadership during this turbulent time.

Sincerely,



MIKE THOMPSON
Chair



DONALD S. BEYER JR.
Member



MADELEINE DEAN
Deputy Whip



JOE NEGUSE
Vice Chair



ELEANOR HOLMES
Member



GRACE F. NAPOLITANO
Vice Chair



THOMAS R. SUOZZI
Member

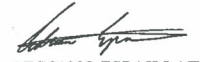


JOSEPH D. MORELLE
Member

/s/
DINA TITUS
Member


JUAN VARGAS
Member

/s/
MIKE QUIGLEY
Member


ADRIANO ESPAILLAT
Member

/s/
JAHANA HAYES
Deputy Whip

/s/
KATHY MANNING
Member


SUZANNE BONAMICI
Member


JASON CROW
Vice Chair


JAKE AUCHINCLOSS
Member

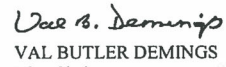
/s/
STEVEN HORSFORD
Member


TED DEUTCH
Chief Whip


DEBBIE WASSERMAN SCHULTZ
Member


BONNIE WATSON COLEMAN
Member


DWIGHT EVANS
Member


VAL BUTLER DEMINGS
Vice Chair

/s/
ED PERLMUTTER
Vice Chair

/s/
ROBERT C. "BOBBY" SCOTT
Vice Chair


ANTHONY G. BROWN
Member


MARK DESAULNIER
Member


SYLVIA R. GARCIA
Member

/s/
ROBIN L. KELLY
Vice Chair


DIANA DEGETTE
Member


COLIN ALLRED
Member

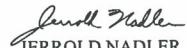

DARREN SOTO
Member

/s/
JARED HUFFMAN
Member


LUCY MCBATH
Vice Chair

/s/
DORIS MATSUI
Member


ANNA G. ESHOO
Member


JERROLD NADLER
Member

/s/
JAMIE RASKIN
Member


DAVID N. CICILLINE
Vice Chair

/s/
DANNY K. DAVIS
Member

/s/
A. DONALD MCEACHIN
Member

/s/
ED CASE
Member


JENNIFER WEXTON
Member


DAVID E. PRICE
Vice Chair


MARC A. VEASEY
Deputy Whip


DAVID J. TRONE
Member


KATHLEEN M. RICE
Vice Chair


GWEN MOORE
Member

/s/
GRACE MENG
Member

/s/
ZOE LOFGREN
Member


RO KHANNA
Member


NIKEMA WILLIAMS
Member

/s/
NANETTE DIAZ BARRAGÁN
Member


SHARICE L. DAVIDS
Member


BRENDA L. LAWRENCE
Member


JAN SCHAKOWSKY
Member

/s/
MIKIE SHERRILL
Member

/s/
SARA JACOBS
Member


SALUD O. CARBAJAL
Member

/s/
LUCILLE ROYBAL-ALLARD
Member

/s/
TOM MALINOWSKI
Member

/s/
ALAN LOWENTHAL
Member

/s/
BRADLEY S. SCHNEIDER
Member

/s/
JACKIE SPEIER
Vice Chair


ALMA S. ADAMS, PH.D.
Member


PRAMILA JAYAPAL
Member


MARIE NEWMAN
Member


ANDY LEVIN
Member

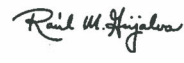

CHARLIE CRIST
Member


JOE COURTNEY
Member


MARY GAY SCANLON
Member


SCOTT PETERS
Member


BRIAN HIGGINS
Member


RAUL GRIJALVA
Member


FREDERICA S. WILSON
Member


LISA BLUNT ROCHESTER
Member


JULIA BROWNLEY
Member


ROSA L. DELAURO
Member

/s/
ANDY KIM
Member


HALEY STEVENS
Member



May 24, 2021

Senator Richard J. Durbin
Chairman
US Senate Judiciary Committee
Washington DC 20515

Senator Charles Grassley
Ranking Member
US Senate Judiciary Committee
Washington DC 20515

Dear Chairman Durbin and Ranking Member Grassley:

As co-chairs and on behalf of Prosecutors Against Gun Violence (PAGV), a non-partisan coalition of 48 prosecutors serving over 60 million Americans in 26 states across the country, we write to you today to request the Senate's swift consideration and confirmation of President Biden's nominee to be Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Mr. David Chipman.

Since it was formed in 2014, PAGV has held a dozen national forums on a range of topics, from gun crimes committed in the home, to safe storage, to illegal firearms trafficking, to mass shootings. PAGV has issued a nationwide blueprint on removing guns from domestic abusers and a first-of-its-kind report, *Mass Shooting Resource Guide For Prosecutors: How to Prevent, Protect, and Prosecute*. Our organization has filed amicus briefs in several important cases, including those pertaining to ghost guns and gun licensing. During the Obama/Biden Administration, a PAGV representative made a presentation on the role of state and local leadership on gun violence prevention at an event convened by the White House. Our members also bring their substantial expertise to bear in advocating for legislation and policy objectives at the city, county, state and federal levels.

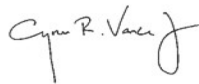
As members of law enforcement, we see firsthand how the country is being devastated by the epidemic of gun violence in the jurisdictions in which we serve, including the recent mass shootings in Indianapolis and Boulder. At this very moment, ATF needs a highly capable leader, and with 25 years of experience at ATF, David Chipman is that person.

We first met Mr. Chipman in November 2017, when he gave a presentation to a group of around thirty prosecutors and police chiefs at a PAGV legislative summit in Washington, D.C. Mr. Chipman expertly educated our group on the topic of silencers and armor-piercing bullets. Two years later, as PAGV planned a summit on the topic of mass shootings, multiple gun safety experts recommended that we

invite Mr. Chipman to speak again about the types of weapons used in the Route 91 music festival massacre. While he was unable to attend our summit, we were impressed to learn of the depth of his knowledge in this space.

Mr. Chipman is a nationally recognized firearms expert that law enforcement leaders trust to give them advice and counsel in difficult moments. It is clear from his career in law enforcement and combatting gun violence that he has the expertise necessary to excel as ATF's Director. We wholeheartedly support his nomination to this important public safety role.

Sincerely,



Cyrus R. Vance, Jr.
New York County District Attorney
Co-chair, Prosecutors Against Gun Violence
Violence



Michael N. Feuer
Los Angeles City Attorney
Co-chair, Prosecutors Against Gun
Violence

ProsecutorsAGV.org | @ProsecutorsAGV

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Paul Helmke

413 South Madison Street

Bloomington, IN 47403

May 24, 2021

Committee on the Judiciary

United States Senate

Washington, D.C. 20510

Re: David Chipman / Bureau of Alcohol, Tobacco, Firearms and Explosives

Dear Senators:

I am very happy to support the nomination of David Chipman to head the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

David and I served together on the Firearms Committee for the International Association of Chiefs of Police (IACP) for a number of years. Whether David was still working with the ATF, or in the private sector, or with groups interested in reducing gun violence, he played an active and productive role on the committee. His 25-year background at the ATF helped give his comments, observations and suggestions a great deal of credibility with the police chiefs and others from around the country interested in studying, responding to and reducing crimes involving firearms.

I got to know David best when I was still living and working in the DC area till the end of 2012 and I was able to attend in-person meetings with him and the other committee members, but I still appreciated his work and input while joining meetings by phone over the following six years. As I recall, his insights on the dangers posed by silencers, armor-piercing ammunition, and "ghost guns", as well as the procedures followed and challenges faced by the ATF were just some of his important contributions to the committee work and discussions.

I felt that David's advice and input was always well-reasoned, well-expressed, and based on direct real-world experience. He never demonstrated any partisan or ideological biases on any of the issues we discussed; his sole interest was in looking for realistic, constitutional and evidence-based ways to make things safer for the law enforcement community and the public at large.

My 30-plus years of involvement in public safety issues, as mayor of Fort Wayne, IN for 12 years (which included heading the crime and public safety committees for both the National League of Cities and the U.S. Conference of Mayors before I served on the NLC Board of Directors and became President of the USCM), private sector work on law enforcement interoperability issues after 9/11, a five-year term as President & CEO of the Brady Campaign and Brady Center to Prevent Gun Violence in DC, service on the Board of the National Police Foundation as well as the IACP Firearms Committee, and now as a professor teaching classes in law and public affairs at Indiana University's O'Neill School of Public and Environmental Affairs, have made me very aware of the importance of the ATF and their need for an experienced, dedicated and hard-working Director.

My years in partisan politics - I was elected to my three-terms as mayor on the Republican ticket, served as the head of the national Republican Mayors and Local Officials group (which made me an ex officio member of the Republican National Committee), and was the Republican nominee for U.S. Senate in Indiana in 1998 – make me very aware of the importance of having someone as head of ATF who can work in a nonpartisan matter with elected and appointed governmental and law enforcement officials at all levels to seek bipartisan solutions to the problems of gun violence in our nation.

I am very confident that David Chipman would provide ATF with this experienced, dedicated, and nonpartisan leadership on these public safety issues that are vital to all of our communities. I urge you to support his nomination to be the new Director of the ATF.

If you would like any further information from me, please feel free to contact me at wpaulhelmke@gmail.com or by phone at 260-466-5066 (cell).

Thank you for considering my comments.

Sincerely,

/s/

Paul Helmke



May 25, 2001

The Honorable Richard J. Durbin
Chairman
US Senate Judiciary Committee
Washington, D.C. 20510

Dear Senator Durbin,

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) plays a critical role in ensuring the safety of residents throughout cities across America by stopping illegal guns from entering our communities, investigating the trafficking of illegal guns, and regulating the gun industry to root out bad actors. In 2020, we experienced historic levels of gun violence in our cities, surging gun sales, and an escalating crisis with the rise in popularity of illegal ghost guns. The ATF has had only one Senate-confirmed director since 2006, and he served from 2013 to 2015. At this moment, mayors need a strong leader at the ATF to work in tandem with us to curb gun violence in our cities. The undersigned mayors urge the Senate to confirm David Chipman as Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives.

David Chipman is a dedicated law enforcement professional with over 30 years experience in public safety, including as a special agent with the ATF. As a father, public servant, gun owner, decorated law enforcement professional and gun safety expert, he has spent his career serving the public, combating violent crime, and striving to make our nation and our communities safer every day.

Throughout his 25-year career at ATF, Chipman served as an investigative responder providing assistance to state and local authorities in the aftermath of significant bombings and arsons. As a Certified Explosives Specialist, he investigated some of the most serious incidents of terrorism of the decade, including the World Trade Center Bombing in 1993 and Oklahoma City Bombing in 1995. In 1996, he also investigated a series of racially motivated arsons that destroyed a number of predominantly Black houses of worship in Boligee, Alabama, an investigation that ultimately brought the perpetrators to justice.

Chipman was promoted to multiple leadership positions at ATF, including Division Chief of the Office of Public and Governmental Affairs in 2012. In his supervisory roles, David managed hundreds of agents, partnered with dozens of communities and was responsible for the execution of ATF's operational budget in all 25 field divisions and an annual budget in excess of \$150 million.

Chipman is uniquely qualified to lead the ATF, and he will be a committed leader for an agency that has primarily relied on interim directors for the past fifteen years. As mayors elected to ensure the safety of our residents, his confirmation will benefit our efforts to curb the rising rates of gun violence and continued trafficking of illegal guns. For these reasons, we respectfully urge the Senate to confirm David Chipman as the Director of the ATF.

Sincerely,

Randall Woodfin Mayor of Birmingham, AL	Pat Furey Mayor of Torrance, CA	Lindsey Horvath Mayor of West Hollywood, CA
Sam Weaver Mayor of Boulder, CO	Rebecca Tooley Mayor of Coconut Creek, FL	Dan Gelber Mayor of Miami Beach, FL
Daniella Levine Cava Mayor of Miami-Dade County, FL	Rick Kriseman Mayor of St. Petersburg, FL	Van Johnson Mayor of Savannah, GA
Anthony S. Ford Mayor of Stockbridge, GA	Greg Fischer Mayor of Louisville, KY	David Narkewicz Mayor of Northampton, MA
Brandon M. Scott Mayor of Baltimore, MD	Patrick Wojahn Mayor of College Park, MD	Jeffrey Salvin Mayor of Somerset, MD
Chokwe A. Lumumba Mayor of Jackson, MS	Nancy Kaboolian Mayor of Ardsley, NY	Nicola Armacost Mayor of Hastings-on-Hudson, NY
Steven Noble Mayor of Kingston, NY	Noam Bramson Mayor of New Rochelle, NY	Bruce Tucker Mayor of Piermont, NY
Peter Scherer Mayor of Pleasantville, NY	Steve Schewel Mayor of Durham, NC	Dontario Hardy Mayor of Kinston, NC
TJ Cawley Mayor of Morrisville, NC	Jackie Sergeant Mayor of Oxford, NC	Nan Whaley Mayor of Dayton, OH
Wade Kapszukiewicz Mayor of Toledo, OH	Dwan B. Walker Mayor of Aliquippa, PA	Sal Panto, Jr. Mayor of Easton, PA
David Burton Mayor of Malvern, PA	James Kenney Mayor of Philadelphia, PA	William Peduto Mayor of Pittsburgh, PA

Patsy Rhett
Mayor of Bowman, SC

Stephen Benjamin
Mayor of Columbia, SC

Jim Strickland
Mayor of Memphis, TN

Satya Rhodes-Conway
Mayor of Madison, WI

April 23, 2021

The Honorable Richard J. Durbin
Chairman, Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Charles E. Grassley
Ranking Member, Committee on the Judiciary
United States Senate
152 Dirksen Senate Office Building
Washington, DC 20510

Re: Nomination of Tiffany P. Cunningham to the United States Court of
Appeals for the Federal Circuit

Dear Chairman Durbin and Ranking Member Grassley:

We write to express our enthusiastic support for the nomination of Tiffany P. Cunningham to serve as a judge on the United States Court of Appeals for the Federal Circuit. As an intellectual property litigator with almost 20 years of experience practicing before federal district courts, the International Trade Commission, and the Federal Circuit, Tiffany will not only bring depth of experience as a trial and appellate advocate, she will also bring her own unique perspective as a former Federal Circuit clerk who understands the rich history of this institution.

As former judicial clerks for the Honorable Timothy B. Dyk, we represent a range of backgrounds, careers, geographies, politics, and approaches to the law. We know Tiffany in different ways: some of us clerked with Tiffany, some of us have had the pleasure of being her co-counsel, while others have litigated against her. Some of us know her only through Judge Dyk's law clerk gatherings or through her well-deserved acclaim as a superb litigator. All of us are certain that she will be a wonderful judge.

Like all of us, early in her legal career Tiffany spent a year as a clerk to Judge Dyk, gaining invaluable legal research and writing skills. Tiffany never took that experience for granted. She grew up in Michigan, where her mother was a teacher and her father worked in the automobile industry. She was the first in her family to go to law school. Her work ethic, fierce intelligence, and collegial nature has led her to excel in almost every context and environment where she has found herself.

As an undergraduate at the Massachusetts Institute of Technology, Tiffany graduated Phi Beta Kappa with an S.B. in Chemical Engineering, while minoring in French and being an active member of Tau Beta Pi. At Harvard Law School, Tiffany excelled academically, but she still found time to serve on the Board of Student Advisers, teaching research and legal writing to first-year law students, many of whom were also first-generation lawyers. Tiffany saw herself as a mentor to fellow aspiring lawyers even then, guiding groups of students through their first legal memos, their first moot court arguments, and their first experiences as scholars and thinkers in a thriving legal community. We know that Tiffany would serve as a compassionate and dedicated mentor to her future judicial clerks, just as Judge Dyk has been to all of us.

Tiffany's own experience as a judicial clerk was a formative experience. For one special year, she had a perspective on the inner workings of a unique institution—an institution with a history of collegiality where judges all work in the same building and can simply walk down the hall to the next chambers to debate their cases and build consensus; an institution that takes seriously its guardianship of patent law and innovation in this country; and an institution that values civil debate and fidelity to the law. Tiffany would continue in the tradition of the many great jurists who have served on the Federal Circuit and would add much-welcomed diversity.

After her clerkship, Tiffany practiced law at Kirkland & Ellis LLP, and then at Perkins Coie LLP, where she handles all phases of litigation, including trial and appeal. Tiffany relishes going to trial. Even under pressure, she is known as a partner who problem-solves collaboratively and remains fair-minded and level. She solicits ideas and perspectives from all team members and approaches her arguments from all sides. As a mentor, she gives credit to others and cares for her associates, staff, and paralegals. Throughout her practice, Tiffany has tackled some of the most challenging legal issues, over the span of two decades that have seen significant changes in the patent law landscape. For several years, Tiffany has served on various firm committees, including joining the Perkins Coie LLP Executive Committee in 2020. Tiffany is also an outspoken advocate for diversity in the law and has chaired her local diversity committee for years.

As members of the Judge Dyk clerk family, we can confidently say that Tiffany has the talents and temperament to be an outstanding judge on the Federal Circuit. We urge the Senate Judiciary Committee to advance Tiffany P. Cunningham's nomination to the full Senate and confirm her to the Federal Circuit.

Respectfully submitted,

Former Law Clerks of Judge Timothy B. Dyk*

*Institutional affiliations are provided for identification purposes only.

Dennis J. Abdelnour, 2007–2008 Honigman LLP	Ruthanne M. Deutsch, 2004–2005 Deutsch Hunt PLLC
Christopher T. Abernethy, 2010–2011 Irell & Manella LLP	Laura E. Dolbow, 2017–2018, Covington & Burling LLP
Brittany Amadi, 2011–2012 Wilmer Cutler Pickering Hale and Dorr LLP	Laura L. Donoghue, 2001–2002
Jonathan Wells Andron, 2005–2006	Christopher Dryer, 2012–2013 Fish & Richardson PC
Mark Bellermaun, 2001–2002 Brake Hughes Bellermaun LLP	Michael Eisenberg, 2002–2003 Steptoe & Johnson LLP
David J. Bender, 2014–2015 Covington & Burling LLP	Samuel F. Ernst, 2002–2003 Golden Gate University School of Law
Mel Bostwick, 2007–2008 Orrick	Aaron Frumkin, 2015–2016 United States Attorney’s Office for the Central District of California
Hannah Brennan 2013–2014 Hagens Berman Sobol Shapiro LLP	Sharonmoyee Goswami, 2013–2014 Cravath, Swaine & Moore LLP
Stanley H. Chen, 2014–2015 Ghost Management Group LLC	Troy Grabow, 2000–2001 Pax Labs, Inc.
Tun-Jen Chiang, 2004–2005 George Mason University Antonin Scalia Law School	Jeffrey T. Han, 2009–2010 Vinson & Elkins, LLP
Varu Chilakamarri, 2005–2006 United States Department of Justice	Jessica R. Hauser, 2006–2007
Marta Chlistunoff, 2018–2019 Williams & Connolly LLP	Patrick Hughes, 2010–2011
David J. Cho, 2019–2020 Covington & Burling LLP	Nicholas F. Joseph, 2002–2003 Kauff Laton Miller LLP
Abby Collella, 2017–2018 Orrick	Nathan Judish, 2000–2001 United States Department of Justice
John L. Cuddihy, 2000–2001 Scientific Games Corporation	Elissa Knoff, 2014–2015 IPD Analytics
Stephanie N. DeBrow, 2010–2011 Norton Rose Fulbright US LLP	Sanjiv Laud, 2013–2014 Jones Day

- Haninah Levine, 2012–2013
United States Department of the Interior
- Christopher James Marth, 2018–2019
Perkins Coie LLC
- Matthaeus Martino-Weinhardt, 2018–2019
Durie Tangri LLP
- Lidiya Mishchenko, 2019–2020
Duke Law School
- Alexandra H. Moss, 2013–2014
Electronic Frontier Foundation
- Jennifer Librach Nall, 2008–2009
Baker Botts LLP
- Lisa L. Ouellette, 2011–2012
Stanford Law School
- Ajeet Pai, 2008–2009
- Adam Pan, 2019–2020
Williams & Connolly LLP
- Greg Reilly, 2006–2007
Illinois Tech Chicago-Kent College of Law
- Katherine E. Rhoades, 2018–2019
Bartlit Beck LLP
- Oliver J. Richards, 2015–2016
Fish & Richardson
- Jessica Palmer Ryen, 2012–2013
Williams & Connolly LLP
- Giovanni Saarman González, 2016–2017
- Zachary E. Shapiro, 2017–2018
Yale Law School
- Anthony H. Sheh, 2016–2017
Williams & Connolly LLP
- Cristopher A. Suarez, 2012–2013
Steptoe & Johnson LLP
- Janice L. Ta, 2010–2011
Perkins Coie LLC
- Brett J. Thompson, 2011–2012
Baker Botts LLP
- Alexander Trzeciak, 2016–2017
Covington & Burling LLP
- Michael A. Valek, 2003–2004
Patent Trial and Appeal Board
- Scott Weidenfeller, 2003–2004
Patent Trial and Appeal Board
- David P. Yin, 2015–2016
Wilmer Cutler Pickering Hale and Dorr LLP
- Jimmy J. Zhuang, 2016–2017

April 26, 2021

The Honorable Richard J. Durbin
Chairman, Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Charles E. Grassley
Ranking Member, Committee on the Judiciary
United States Senate
152 Dirksen Senate Office Building
Washington, DC 20510

Re: Nomination of Tiffany Cunningham to Federal Circuit

Dear Chairman Durbin and Ranking Member Grassley:

We write to express our enthusiastic support for the nomination of Tiffany Cunningham to the United States Court of Appeals for the Federal Circuit. We believe she will be an outstanding judge.

In 2001-02, we clerked, with Tiffany, at the Federal Circuit. Now nearly two decades later, we represent a broad range of backgrounds, careers, politics, and approaches to the law. While we may have a range of points of view about many things, we are in complete agreement about Tiffany.

All of us know Tiffany from our time together at the Federal Circuit. Many of us know her from other places, too, like MIT, Harvard Law School, Kirkland & Ellis, Perkins Coie, and the Leadership Council on Legal Diversity. For almost twenty years (and in some cases, longer), we have had the pleasure and privilege to study and work alongside Tiffany.

From our personal experience with Tiffany, we confidently confirm that she has the talent and temperament to be an appellate judge. As we have seen firsthand, she excels at the law. She is also fair, fair-minded, and above all, kind. She has integrity and humility. She is a leader and mentor, and we have personally witnessed her work ethic and commitment to excellence.

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Letter Re: Nomination of Tiffany Cunningham to Federal Circuit
Page 2

Each of us is confident that Tiffany will serve the bench, the profession, and the nation with distinction. The nation needs more judges like Tiffany. We unconditionally support and urge the Senate to confirm Tiffany's nomination to the United States Court of Appeals for the Federal Circuit.

Respectfully submitted, *

/s/
Mark R.W. Bellermann
Principal
Brake Hughes Bellermann LLP
Clerk for Judge Dyk, 2001-02

/s/
Jessamyn Berniker
Co-Chair of the
Patent Litigation Group
Williams & Connolly LLP
Clerk for Judge Gajarsa, 2001-02

/s/
Elizabeth Rogers Brannen
Managing Partner
Stris & Maher LLP
Clerk for Judge Gajarsa, 2001-02

/s/
Tina Chappell
Clerk for Judge Rader, 2001-02

/s/
Ahmed J. Davis
Principal and National Diversity Chair
Fish & Richardson P.C.
Clerk for Judge Michel, 2001-02

/s/
Laura L. Donoghue
Clerk for Judge Dyk, 2001-02

/s/
John N. Kandara
Clerk for Judge Bryson, 2001-02

/s/
David Berl
Co-Chair of the
Patent Litigation Group
Williams & Connolly LLP
Clerk for Judge Schall, 2001-02

/s/
Jacqueline Wright Bonilla
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
Clerk for Judge Rader, 2000-02

/s/
Jasemine Choy Chambers
Deputy Administrator for Policy and
International Affairs (Retired)
U.S. Patent and Trademark Office
Clerk for Judge Rader, 2001-02

/s/
Kathi Cover
Clerk for Judge Prost, 2001-02

/s/
Eric W. Dittmann
Global Vice Chair of IP & Partner,
Paul Hastings LLP
Clerk for Judge Lourie, 2000-02

/s/
Charles Haisch
Clerk for Judge Bryson, 2001-02

/s/
Brian M. Kramer
Partner, Morrison & Foerster LLP
Clerk for Judge Linn, 2001-03

Letter Re: Nomination of Tiffany Cunningham to Federal Circuit
Page 2

/s/

Jeffrey Lefstin
Professor of Law
University of California Hastings
College of the Law
Clerk for Judge Clevenger, 2001-03

/s/

Dean Munyon
Director
Kowert, Hood, Munyon, Rankin &
Goetzel PC
Clerk for Judge Bryson, 2001-02

/s/

Lynne E. Pettigrew
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
Clerk for Judge Plager, 1999-2010

/s/

Phil Poirier
Clerk for Judge Linn, 2001-04

/s/

Eric M. Solovy
Clerk for Judge Newman, 2001-02

/s/

Mark Strickland
Clerk for Judge Linn, 2001-02

/s/

Greg R. Vetter
Associate Dean for Academic Affairs
HIPLA Professor of Law
Co-Director - Institute for Intellectual
Property & Information Law (IPIL)
University of Houston Law Center
Clerk for Judge Gajarsa, 2001-02

/s/

Carl Minzner
Professor of Law
Fordham Law School
Clerk for Judge Clevenger, 2001-02

/s/

Ed Naidich
Head of Appellate Practice & Partner
Mei & Mark LLP
Clerk for Judge Schall, 2001-02

/s/

Matthew Phillips
Founding Partner
Laurence & Phillips IP Law LLP
Clerk for Judge Lourie, 2001-03

/s/

W. Chad Shear
Principal, Fish & Richardson P.C.
Clerk for Chief Judge Mayer, 2001-03

/s/

Jonathan R. Spivey
Shareholder, Polsinelli, PC
Clerk for Chief Judge Mayer, 2001-03

/s/

Lore Unt
Clerk to Chief Judge Mayer, 2000-01
Clerk to Judge Archer, 2001-02

/s/

Malan D. Rampton
Clerk for Judge Rader, 2001-02

* We sign in our individual capacities; affiliations are listed for identification purposes only.

May 3, 2021

The Honorable Richard J. Durbin
Chairman, Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Charles E. Grassley
Ranking Member, Committee on the Judiciary
United States Senate
152 Dirksen Senate Office Building
Washington, DC 20510

Re: Nomination of Tiffany P. Cunningham to the United States Court
of Appeals for the Federal Circuit

Dear Chairman Durbin and Ranking Member Grassley:

We write to express our enthusiastic support for the nomination of Tiffany P. Cunningham to the United States Court of Appeals for the Federal Circuit. As former law clerks of the Federal Circuit, we believe that Ms. Cunningham has the qualifications and the character to serve with distinction as a judge of that court.

The business of the Federal Circuit is unique among federal courts of appeals. With near-exclusive jurisdiction over patent cases, the Federal Circuit wields much influence over the country's innovation economy, from inventors and small businesses to large international corporations. America's military veterans depend on the court for its oversight of Veterans Affairs and the Court of Appeals for Veterans Claims. And the court touches on many other important public issues such as vaccines and international trade.

As you may know, Ms. Cunningham spent the first year of her legal career after Harvard Law School serving as a law clerk to Judge Timothy B. Dyk of the Federal Circuit. She has spent most of her career since then practicing within the court's areas of jurisdiction—in patent litigation, the International Trade Commission, and the United States Patent and Trademark Office.

We too served as law clerks at the Federal Circuit—some with Ms. Cunningham, others at different times or for different judges. Some of us know

Ms. Cunningham personally, others from professional circles, and others simply by her stellar reputation. We now hail from states across the nation, both political parties, and a variety of positions in business, private law practice, government, and academia.¹

All of us agree that Ms. Cunningham is an excellent choice for Federal Circuit judge. Ms. Cunningham's clerkship at the court and her career in private practice well qualify her to perform the court's unique and important work. Those of us who know Ms. Cunningham personally believe she has the character—kind, collegial, inquisitive, and fair-minded—to serve with distinction and honor. As an added bonus, Ms. Cunningham would bring welcome diversity to the court as the first Black judge in its nearly forty-year history.

In sum, we believe Tiffany P. Cunningham has the qualifications and character to be an excellent judge of the Federal Circuit. We urge your committee to advance her nomination to the full Senate for confirmation.

Sincerely yours,

Former Law Clerks of the U.S. Court of
Appeals for the Federal Circuit

¹ Please note that we sign this letter in our personal capacities. Our professional affiliations are listed for identification purposes only.

Sanjiv P. Laud
Jones Day

Brian Dean Abramson
Vaccine Program Counsel

James Robert Bender
Patterson + Sheridan LLP

Christopher Y. Chan
Lazada Southeast Asia Pte Ltd

Andrew Dufresne
Perkins Coie LLP

Julie Goldemberg
Morgan, Lewis & Bockius

Neal Hannan
Fastly, Inc.

Rachel Hughey
Merchant & Gould

Daniel Kazhdan
Associate Solicitor, USPTO

Brian M. Kramer
Morrison & Foerster LLP

Kat Li
McKool Smith

Alexandra H. Moss
Electronic Frontier Foundation

Jennifer Phend Nock
Rothwell, Figg, Ernst & Manbeck, P.C.

Kevin Parton
Verizon

Michelle E. Armond
Armond Wilson LLP

Michelle Ankenbrand

Carolyn Chachkin
Office of General Counsel
U.S. Surface Transportation Board

Ruthanne Deutsch
Deutsch Hunt PLLC

Stanley Fisher
Williams & Connolly LLP

Sharonmoyee Goswami
Cravath, Swaine & Moore LLP

Katherine A. Helm
Dechert LLP

Dmitry Karshtedt
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School

Daniel J. Klein
Paul, Weiss, Rifkind, Wharton & Garrison
LLP

David Krinsky
Williams & Connolly LLP

J. Preston Long
Finnegan, Henderson, Farabow, Garrett &
Dunner LLP

W. Joss Nichols
Samsara Inc.

Kristen Osenga
University of Richmond School of Law

Pauline Pelletier
Sterne Kessler Goldstein & Fox PLLC

Christine Ranney
Gibson, Dunn & Crutcher LLP

Anu Sawkar

R. Andrew Schwentker
Fish & Richardson P.C.

Louis Tompros
WilmerHale

Jennifer H. Wu
Paul, Weiss, Rifkind, Wharton & Garrison
LLP

Timothy Chen Saulsbury
Durie Tangri LLP

Leslie Schmidt
Kirkland & Ellis LLP

Eman Sojoodi

Sarah R. Wasserman Rajec
William & Mary Law School



May 5, 2021

2020-21 Officers

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The Honorable Dick Durbin
Chairman
Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Bldg
Washington, DC 20510

The Honorable Charles L. Grassley
Ranking Member
Committee on the Judiciary
United States Senate
152 Dirksen Senate Office Bldg
Washington, DC 20510

**Re: Nomination of Tiffany P. Cunningham to the United States
Court of Appeals for the Federal Circuit**

Dear Chairman Durbin and Ranking Member Grassley:

The Intellectual Property Law Association of Chicago (IPLAC) is pleased to submit this letter in support of President Biden's nomination of Tiffany P. Cunningham as Circuit Judge on the United States Court of Appeals for the Federal Circuit. IPLAC believes strongly that Ms. Cunningham's professional experience shows that she is qualified to serve in that capacity and would make an excellent addition to the Federal Circuit.

Founded in 1884 in Chicago, Illinois, IPLAC is the country's oldest bar association devoted exclusively to intellectual property matters. IPLAC has nearly 1,000 members, including attorneys in private and corporate practices in the areas of copyrights, patents, trademarks and trade secrets. IPLAC members include attorneys representing clients before federal courts throughout the United States, as well as before the U.S. Patent and Trademark Office, the U.S. Copyright Office and the International Trade Commission.

IPLAC is acquainted with Ms. Cunningham as she has been practicing as a patent litigator in Chicago for almost twenty years. We believe her experience as a Federal Circuit clerk, and extensive private practice in IP litigation, including patent litigation, make her well suited for the Federal Circuit. Ms. Cunningham received an undergraduate degree in Chemical Engineering from MIT and a law degree from Harvard Law School.

The Honorable Dick Durbin
The Honorable Charles L. Grassley
May 5, 2021
Page 2

After receiving her J.D., she was a law clerk for the Honorable Timothy Dyk of the U.S. Court of Appeals for the Federal Circuit.

Ms. Cunningham is currently a partner at the law firm of Perkins Coie, residing in their Chicago office and serving on the firm's executive committee. Before that, she practiced law at Kirkland & Ellis in Chicago, rising from associate to partner. Her practice focuses on patent litigation and appellate advocacy. She has served as trial and appellate counsel for Fortune 500 companies, small enterprises and individuals in complex patent and trade secret disputes in federal courts, the ITC and the Federal Circuit. She has represented both plaintiffs and defendants. Her nearly twenty years in private practice include litigation experience over a wide variety of technologies such as chemicals, pharmaceuticals, biotechnology, computer science, automotive and mechanical technologies.

For her outstanding achievements, Ms. Cunningham has received professional recognition over the years. Most recently, she was listed in "The Best Lawyers in America 2021: Patent Litigation," selected to Illinois "Super Lawyers" list 2016-2021 by *Super Lawyers*, and recognized as one of Chicago's Notable Women in Law by *Crain's Chicago Business*, 2020.

Ms. Cunningham is bright and articulate and can draw from her real world experience, when appropriate, while adjudicating from the bench.

For all the above reasons, IPLAC is delighted to support Ms. Cunningham – we have full faith in her ability to adjudicate cases impartially and carefully. If you have any further questions, please do not hesitate to contact me at my email address listed below.

Sincerely,



Marc V. Richards
President
Intellectual Property Law Association of Chicago
mrichards@brinksgilson.com

National Council of Jewish Women
2055 L St NW Suite 650
Washington, DC 20036

T: 202. 296. 2588



National Council of Jewish Women

May 10, 2021

United States Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Durbin, Ranking Member Grassley, and Committee Members:

On behalf of the 180,000 advocates of National Council of Jewish Women (NCJW), I write to express our support for the nomination of Tiffany Cunningham to the US Court of Appeals for the Federal Circuit.

The Federal Circuit renders decisions that impact the day-to-day lives of millions of people by determining which cases involving patents, answering big questions of online security and privacy in a digital age, and addressing ethical questions pertaining to developing new biotechnologies. Yet, only a handful of judges on the Federal Circuit have technical backgrounds.

Tiffany Cunningham's 20-year history of patent law, combined with her training as a chemical engineer, uniquely qualify her for a lifetime appointment to the Federal Circuit. She is a registered patent attorney before the US Patent and Trademark office with years of experience in patent and intellectual property law. She has litigated everything from trade secrets in the biotechnology and pharmaceutical industries to consumer products cases to technology such as computer network security and online streaming platforms. Cunningham would bring a critical perspective as a trained engineer to a court that deals with issues of technology, science, and medicine.

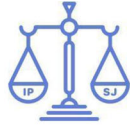
Jewish teachings discuss the importance of appointing judges who are well-prepared for their role, going so far as to say that an ill-prepared judge lacking thorough knowledge is akin to one of the greatest sins. Given her background and decades of experience, Tiffany Cunningham could not be better prepared or more qualified for the role of a federal judge on the US Court of Appeals for the Federal Circuit.

NCJW urges you to support the nomination of Tiffany Cunningham to the US Court of Appeals for the Federal Circuit.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jody Rabhan".

Jody Rabhan
Chief Policy Officer
National Council of Jewish Women



INSTITUTE FOR
**Intellectual Property
& Social Justice**

The Honorable Dick Durbin
Chair
Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, D.C., 20510

The Honorable Chuck Grassley
Ranking Member
Senate Committee on the Judiciary
152 Dirksen Senate Office Building
Washington, D.C., 20510

**Re: Letter in Support of Tiffany Cunningham for the
United States Court of Appeals for the Federal Circuit**

May 20, 2021

Dear Chairman Durbin and Ranking Member Grassley:

The Institute for Intellectual Property and Social Justice (IIPSJ) writes to express its support for President Biden's nomination of Ms. Tiffany Cunningham to serve on the United States Court of Appeals for the Federal Circuit (CAFC).

IIPSJ is a non-profit organization established to promote social justice in the field of intellectual property law and practice. IIPSJ works to pursue the social justice promise of intellectual property law by promoting core principles of equitable access, inclusion, and empowerment throughout the IP ecosystem. IIPSJ's work includes scholarly examination of IP law from a social justice perspective; advocacy for social justice in the shaping and implementation of IP law and policy; initiatives to increase the diversity of the IP bar; and programs which promote greater awareness and understanding of IP protection, particularly among historically and currently disadvantaged and underserved groups.

As one of the nation's 13 federal appellate courts, the CAFC is a specialized court with exclusive appellate jurisdiction over patent appeals.¹ If confirmed, Ms. Cunningham would become the first Black judge to sit on the Court. From the evaluation of complex antitrust laws to the treatment of vaccine patents, her historic confirmation would bring invaluable experience and diversity of perspective to a court at the very center of the national innovation infrastructure.

Ms. Cunningham's nomination affirms the proposition that credentialed expertise and race and gender diversity are not mutually exclusive goals. A registered patent attorney and a patent litigation partner in the Chicago, Illinois office of the nationally renowned IP law firm of Perkins Coie LLP, Ms. Cunningham has received the American Bar Association's highest evaluation rating of "Well Qualified"² for appointment to the CAFC. She has practiced with Perkins Coie since 2014, and previously practiced with the firm of Kirkland & Ellis LLP. Ms. Cunningham received her J.D. degree from Harvard Law School in 2001 and her Bachelor of Science in chemical engineering from the Massachusetts Institute of

¹ United States Courts, Court Role and Structure,
<https://www.uscourts.gov/about-federal-courts/court-role-and-structure>.

² American Bar Association Rating Chart,
https://www.americanbar.org/content/dam/aba/administrative/government_affairs_office/webratingchart-117.pdf

Technology in 1998 and enjoys the further distinction of having served as a law clerk to the Honorable Timothy B. Dyk on the CAFC from 2001 to 2002. Ms. Cunningham has been involved in numerous litigations regarding computer science, pharmaceutical, engineering, and technology matters³ and is a registered patent attorney with the U.S. Patent and Trademark Office.⁴

As a member of the CAFC, Ms. Cunningham's contribution to the work of the Court will reflect not only the experience and insight of one of the nation's leading patent litigation attorneys but will also enhance the diversity of professional and intellectual perspective essential to judicial oversight of a contemporary and globally competitive IP system. The Midwest situs and litigation emphasis of her patent practice incorporates the further benefits of regional inclusivity and juridical sensitivity important to the shaping of the federal bench.

Hegemony in global innovation is directly dependent upon a wellspring of variegated human experience and inspiration. President Biden's nomination of Tiffany Cunningham to the Court of Appeals for the Federal Circuit manifests a major step in ensuring the Court's continued vitality as the penultimate judicial forum in the American innovation ecosystem. A federal judiciary which draws exhaustively from the uniquely diverse talent pool of the American patent bar is one well-equipped to address the complex issues and challenges presented by our continuously evolving technological society. For these reasons, the Institute for Intellectual Property and Social Justice enthusiastically supports Ms. Cunningham's nomination to serve on the United States Court of Appeals for the Federal Circuit.

We look forward to the opportunity to work with the Senate Judiciary Committee to ensure her swift confirmation to the Court. Please feel free to contact Kim Tignor, Executive Director, at Kim.Tignor@IIPSJ.org should you have any questions.

Sincerely,

Lateef Mtima
Founder and Director
Institute for Intellectual Property & Social Justice

Kim Tignor
Executive Director
Institute for Intellectual Property & Social Justice

³Warren Woessner, Biden's Nominee to the Fed. Cir. Is Perkins Coie Litigator, <https://www.natlawreview.com/article/biden-s-nominee-to-fed-cir-perkins-coie-litigator>; Perkins Coie, Tiffany P. Cunningham, <https://www.perkinscoie.com/en/professionals/tiffany-p-cunningham.html>.
⁴ Perkins Coie, Tiffany P. Cunningham, <https://www.perkinscoie.com/en/professionals/tiffany-p-cunningham.html>.



**American Federation of Government
Employees**

National Citizenship and Immigration Services
Council 119
C/O Local 0235 - AFGE
P. O. Box 4091
Sunnyside, NY 11104



25 May 2021

The Honorable Charles E. Schumer
Majority Leader
United States Senate
Washington, D.C. 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, D.C. 20510

The Honorable Richard J. Durbin
Chairman, Committee on the Judiciary
United States Senate
Washington, D.C. 20510

The Honorable Charles E. Grassley
Ranking Member, Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Subject: Letter in Support of Ur Mendoza Jaddou, nominee for Director, US Citizenship and Immigration Services, Department of Homeland Security

Dear Majority Leader Schumer, Minority Leader McConnell, Chairman Durbin and Ranking Member Grassley:

I am writing to express our Union's support for Ms. Ur Mendoza Jaddou, President Biden's nominee for Director of U.S. Citizenship and Immigration Services (USCIS). The National Citizenship and Immigration Services Council 119 represents over thirteen thousand federal employees who work at USCIS offices throughout the United States and abroad.

Ms. Jaddou has a long and distinguished career of service to our country. She has ably served the Congress of the United States as counsel and subject matter expert on immigration law and policy, and she has held the important position of Chief Counsel for USCIS – the agency she has been nominated to lead. With her experience, Ms. Jaddou is well-acquainted with the significant financial and operational challenges facing the Agency and understands the critical importance of accountability to the American people and their representatives in Congress. We are confident that she will be a strong partner to our Union as we work together to support the brave men and women who are charged with carrying out the noble mission of ensuring America's promise to millions of lawful immigrants and residents while safeguarding our national security.

We urge the Judiciary Committee to move swiftly to process Ms. Jaddou's nomination and the Senate to confirm her.

Respectfully submitted,

Danielle Spooner

Danielle Spooner
Council President



May 25, 2021

The Honorable Dick Durbin
Chairman, Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, DC 205150

The Honorable Chuck Grassley
Ranking Member, Senate Judiciary Committee
135 Hart Senate Office Building
Washington, D.C. 20510

RE: Letter of Support for Nominee Ur Jaddou for Director of Citizenship and Immigration Services

Dear Chairman Durbin and Ranking Member Grassley,

On behalf of the Coalition for Humane Immigrant Rights (CHIRLA), a statewide membership immigrant rights organization based in California with national impact, I write in strong support of Ur Jaddou, President Joe Biden's nominee, to serve as Director of the United States Citizenship and Immigration Services (USCIS), which oversees lawful immigration to the United States and administers immigration benefits. A fair, dedicated advocate for equal justice with a deep understanding of immigrant rights, Ms. Jaddou brings a breadth of experience in immigration law and policy. We firmly believe that her leadership will help USCIS overcome the challenges created by the Trump Administration such as the policies and practices that resulted in an unprecedented backlog and financial hardships.

Most recently, Ms. Jaddou was the Director of DHS Watch, a project of the organization, America's Voice, where she scrutinized the Trump Administration policies, many of which failed to adhere to basic principles of good governance, transparency, and accountability. Crucially at a time when the agency is in dire



need of a reboot, she also brings extensive knowledge of the USCIS having formerly served as Chief Counsel from July 2014 to January 2017 where she provided legal counsel to the agency and interacted with the DHS General Counsel and other immigration component counsel. Finally, her many years on Capitol Hill, including her role as Chief Counsel to the House Immigration Subcommittee from 2007 to 2011, ideally position her for dealing with the oversight and other functions of Congress.

While President Biden has reversed some of Trump's restrictive immigration policies, the urgency to address existing barriers at USCIS are still there. For example, the green card, visa and naturalization backlogs, with some wait times having reached years. These backlogs hinder millions of Americans the opportunity to access different avenues of legal immigration and immigration services in an accessible and timely manner. Additionally, the recent threat of increased fees, the now rescinded revision of the USCIS test in 2020 and more introduced great uncertainty into the naturalization process. With many policy changes being made and others reverting back, there is a dire need for USCIS to reestablish a culture of trust and transparency among the immigrant community.

The nomination of Ms. Jaddou to lead USCIS is a positive step forward as she is exceptionally qualified for this position. She understands the enormous challenges we face with an outdated immigration system, brings a deep familiarity of the USCIS and a vision that the agency desperately needs after seeing its morale slowly sapped over the course of the last four years.

We are confident that Ms. Jaddou's decades of experience will help to address these challenges and help successfully transform the administration of immigration services. Her track record demonstrates that she will work with all the key stakeholders towards achieving this goal.

It is time for USCIS to once again show that the United States carries the torch of liberty and welcome for immigrant families. Therefore, we ask that this Committee and the full U.S. Senate act without delay towards a swift



confirmation of Ur Jaddou as Director of the United States Citizenship and Immigration Services (USCIS). If you have any questions please contact Luz Castro, National Policy Advocate, at lcastro@chirla.org and Carl Bergquist, Policy Counsel, at cbergquist@chirla.org.

Sincerely,

Luz Castro
National Policy Advocate
Coalition for Humane Immigrant Rights (CHIRLA)



H-2B**WORKFORCE COALITION****Protecting American Workers Through a Stable and Reliable Seasonal Workforce**www.h2bworkforcecoalition.com**Brian Crawford, Co-Chair**
American Hotel &
Lodging Association**Laurie Flanagan, Co-Chair**
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National Association of Landscape
Professionals**Gregg Hartley, Co-Chair**
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American Hotel and Lodging Association

American Horse Council

AmericanHort

American Seafood Jobs Alliance

Federation of Employers and Workers of
America

Forest Resources Association

Golf Course Superintendents Association
of AmericaMackinac Island Convention & Visitors
BureauNational Association of Landscape
ProfessionalsOutdoor Amusement Business
Association

Seasonal Employment Alliance

U.S. Chamber of Commerce

May 25, 2021

The Honorable Dick Durbin
Chairman, Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, DC 205150The Honorable Chuck Grassley
Ranking Member, Senate Judiciary Committee
135 Hart Senate Office Building
Washington, D.C. 20510

Dear Chairman Durbin and Ranking Member Grassley,

As representatives of an array of organizations, businesses, academic institutions, industries, and individuals across the country directly impacted by the successes-- or failures-- of the Department of Homeland Security's (DHS) U.S. Citizenship and Immigration Services (USCIS), we write in strong support of President Biden's nominee for USCIS Director, Ur Jaddou. USCIS is in urgent need of a confirmed director at the helm who is knowledgeable about immigration law and policy through both a legal and administrative lens, has management experience, and the ability to judiciously provide leadership and direction based on the law and fairness. We are confident that Ms. Jaddou's vast relevant experience and skills in the immigration field, and her record of level-headedness, integrity, and utmost respect for the law, fully qualify her to successfully serve as the next USCIS Director.

Ms. Jaddou has approximately 20 years of experience with the issues and opportunities that our immigration laws and policies present, and has spent her career working to improve accountability and transparency to the public. She served for nine years as a senior congressional staffer—first as Senior Counsel to Representative Zoe Lofgren from 2002-2007 handling immigration, homeland security, and foreign affairs matters, among others, and then as Chief Counsel for the House Immigration Subcommittee from 2007-2011, managing its staff on immigration and homeland security activities, including legislative efforts and congressional oversight over administrative agencies implementing federal laws. Her experience as a congressional staffer will undoubtedly enable her to more quickly understand and appreciate the importance of transparency to Congress, and to more clearly communicate with, and respond to, Congressional inquiries and oversight of USCIS.

Building upon her substantive knowledge and managerial skills developed on the Hill, Ms. Jaddou has a unique understanding of the interplay between the legislative and executive branch. In 2012-2014, she served as the Deputy Assistant Secretary in the Department of State's Bureau of Legislative Affairs and was responsible for responses to Congressional matters relating to- among others- immigration and foreign affairs matters. She then served as USCIS' Chief Counsel from 2014-2017, where she was charged with managing all legal matters for USCIS, engaging with and leading a staff of almost 300 attorneys, and collaborating with USCIS senior leadership, DHS, other Executive Departments and the White House on immigration legal matters. In this role, she learned how to balance implementing the law as Congress intends with operational feasibility considerations. This experience uniquely qualifies Ms. Jaddou to provide the steadfast leadership that USCIS so desperately needs to stabilize its recent financial challenges, improve customer service, and to reduce USCIS' significant backlogs by facilitating consistency in adjudication and naturalization services.

Beyond being an immigration legal expert, Ms. Jaddou is also an excellent teacher. Upon meeting with her, you will learn that she has deservedly earned a reputation for being uncannily talented in simplifying complex immigration legal concepts, no matter the listener; she facilitates the understanding of technical legal concepts and can, when necessary, help inform policy making in a clear way. She has served as an Adjunct Professor of Law at American University Washington College of Law, teaching law students about business immigration law, and has continued serving as a national authority in the immigration legal and policy arena.

Most recently, Ms. Jaddou served as the Biden-Harris Transition Department of Homeland Security Agency Review Team Leader, where she developed an appreciation of the important interplay that occurs between DHS's components. Through this role, she also had the rare opportunity to have a bird's eye view of USCIS' operations, structure, personnel, and its policies, enabling her to further hone her knowledge of immigration law and policy, as well as to engage with USCIS' partners' workforce and various stakeholders who she will need to work with if confirmed as Director to best achieve the mission.

If confirmed, Ms. Jaddou, the daughter of immigrants, a woman of color who has exemplified the power and promise of the American Dream, will come into the USCIS Director role fully equipped to not only implement the immigration laws that Congress has enacted, but to do so with an informed, balanced, compassionate and fact-based approach that will fulfill Congress' intent and best serve the public interest. We strongly support her swift confirmation.

Sincerely,

The H-2B Workforce Coalition



May 25, 2021

The Honorable Dick Durbin
Chairman, Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, DC 205150

The Honorable Chuck Grassley
Ranking Member, Senate Judiciary Committee
135 Hart Senate Office Building
Washington, D.C. 20510

Dear Chairman Durbin and Ranking Member Grassley,

On behalf of the National Partnership for New Americans, a national coalition of 43 statewide organizations dedicated to the integration and inclusion of immigrants and refugees, we write to strongly support the confirmation of Ur Jaddou as the Director of the U.S. Citizenship and Immigration Services (USCIS).

USCIS is a federal agency that is in critical need of leadership, especially now as it seeks to implement the laws of the United States, ensure its financial solvency, and implement new forms of relief such as Temporary Protected Status (TPS) for Venezuelans, Haitians, and Burmese, all while dealing with the incessant issue of backlogs and processing delays of immigration applications. Ms. Jaddou is particularly adept at identifying the concerns and solutions at USCIS and is the leader needed by the agency at this moment.

Ms. Jaddou brings decades of experience, totalling approximately 20 years in immigration law and policy. Her most recent governmental position was as USCIS' Chief Counsel, where she managed the agency on legal matters, led a staff of approximately 300 attorneys, and coordinated with USCIS and Department of Homeland Security leadership, executive agencies, and the White House. Before then, she served as the Deputy Assistant Secretary in the Department of State's Bureau of Legislative Affairs. Previous to her leadership positions within the executive branch, she served as Senior Counsel to Representative Zoe Lofgren, among other Congressional offices, and then Chief Counsel for the House Immigration Subcommittee, underscoring the need for coordination and transparency between Congress and USCIS. Her brilliant experience and nuanced, insightful, and comprehensive expertise will make her an effective and visionary Director at USCIS.



NPNA member organizations offer immigration legal services, including assistance and legal representation for applicants for citizenship, permanent residency, Deferred Action for Childhood Arrivals, TPS, and asylum and other humanitarian-based benefits to USCIS, informing them first-hand of the issues faced by USCIS, and, subsequently, immigrants and refugees applying for benefits for which they are eligible. The NPNA network also knows of Ms. Jaddou through her work over the last few years to expand access to citizenship and Congressional advocacy to ensure USCIS stability and prevent mass staff furloughs and a shutdown of agency operations last year.

As USCIS strives to improve its operations while enhancing efficiency and fairness in its adjudication of applications, the NPNA network is ready for leadership by Ms. Jaddou. As the daughter of immigrants and a woman of color, she represents a reflective leadership that our network, communities, and nation as a whole can aspire to.

Ms. Jaddou's decades of experience and expertise make her uniquely suited for confronting and overcoming the challenges at USCIS, establishing transparency between the agency and Congress and the public, and implementing Congressional intent. For these reasons, we strongly urge the swift confirmation of Ms. Jaddou to the Director of USCIS position.

If you have any questions, please contact Diego Iñiguez-López, Policy and Campaigns Manager for NPNA at diego@partnershipfornewamericans.org.

Sincerely,

National Partnership for New Americans

May 25, 2021

The Honorable Dick Durbin
Chairman, Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, D.C. 205150

The Honorable Chuck Grassley
Ranking Member, Senate Judiciary Committee
135 Hart Senate Office Building
Washington, D.C. 20510

Dear Chairman Durbin and Ranking Member Grassley,

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of technical legal concepts and can, when necessary, help inform policy making in a clear way. She has served as an Adjunct Professor of Law at American University Washington College of Law, teaching law students about business immigration law, and has continued serving as a national authority in the immigration legal and policy arena.

Most recently, Ms. Jaddou served as the Biden-Harris Transition Department of Homeland Security Agency Review Team Leader, where she developed an appreciation of the important interplay that occurs between DHS's components. Through this role, she also had the rare opportunity to have a bird's eye view of USCIS' operations, structure, personnel, and its policies, enabling her to further hone her knowledge of immigration law and policy, as well as to engage with USCIS' partners' workforce and various stakeholders who she will need to work with if confirmed as Director to best achieve the mission.

If confirmed, Ms. Jaddou, the daughter of immigrants, a woman of color who has exemplified the power and promise of the American Dream, will come into the USCIS Director role fully equipped to not only implement the immigration laws that Congress has enacted, but to do so with an informed, balanced, compassionate and fact-based approach that will fulfill Congress' intent and best serve the public interest. We strongly support her swift confirmation.

Sincerely,

National Organizations

African Diaspora for Good Governance
 America's Voice
 Asian & Pacific Islander American Health Forum (APIAHF)
 Asian Americans Advancing Justice | AAJC
 Bend the Arc: Jewish Action
 CASA
 Casa de Esperanza: National Latin@ Network
 CASA in Action
 Center for Gender & Refugee Studies
 Community Change Action
 Corazon Latino
 Disciples Immigration Legal Counsel
 Disciples Refugee & Immigration Ministries
 Empowering Pacific Islander Communities (EPIC)
 Families Belong Together
 FWD.us
 Hispanic Federation
 Immigration Hub
 Justice for Migrant Women
 Lights for Liberty
 Muslim Advocates
 NALEO Educational Fund
 National Domestic Workers Alliance
 National Education Association
 National Immigration Forum
 National Immigration Law Center

National Partnership for New Americans (NPNA)
 Northeastern University Immigrant Justice Clinic
 People For the American Name
 Presidents' Alliance on Higher Education and Immigration
 Service Employees International Union (SEIU)
 Sisters of "Saint Francis, Rochester, Minnesota
 The Leadership Conference on Civil and Human Rights
 UFW Foundation
 UndocuBlack Network
 UnidosUS
 United Farm Workers (UFW)
 United Stateless
 United We Dream Network
 Voice for Refugee Action Fund
 Wheaton Franciscans Justice, Peace and Integrity of Creation Office
 Women's Alliance for Theology, Ethics, and Ritual (WATER)

State Organizations

Aldea - The People's Justice Center
 Church Women United in New York State
 Coalition for Humane Immigrant Rights (CHIRLA)
 Illinois Coalition for Immigrant and Refugee Rights
 La Comunidad, Inc.
 Northwest Immigrant Rights Project
 Ohio Immigrant Alliance
 OneAmerica
 Sisters of St. Joseph of Carondelet, L.A.
 Wind of the Spirit Immigrant Resource Center
 Yemeni American Merchants Association

Local Organizations

580 Cafe/Wesley Foundation Serving UCLA
 Alianza Sacramento
 Border Crit Institute
 Campaign for Immigrant Detention Reform (CIDR)
 Caroline House
 Emerald Isle Immigration Center
 Friends of Broward Detainees
 Greater New York Labor-Religion Coalition
 International Institute of St. Louis
 La Union Del Pueblo Entero
 Lowcountry Immigration Coalition
 Social Justice Coalition, Central Lutheran Church, Portland, Or.
 St John of God Church

Dear Senate Judiciary Committee:

On behalf of the Presidents' Alliance on Higher Education and Immigration, we write to express our strong support for the nomination of Ur Jaddou for Director of the U.S. Department of Homeland Security's (DHS) U.S. Citizenship and Immigration Services (USCIS). Based on Ms. Jaddou's extensive professional experiences, far-ranging expertise, and her thoughtful collaborations with immigration stakeholders, including the Presidents' Alliance, we know Ms. Jaddou is eminently qualified in immigration policy and will lead USCIS in the right direction throughout this new administration's tenure. Consequently, we urge that the Senate Judiciary Committee act to confirm her as quickly as possible.

The nonprofit, nonpartisan Presidents' Alliance brings college and university leaders together around the immigration issues that impact our students, campuses, communities, and nation. We work to advance just immigration policies and practices at federal, state and institutional levels that are consistent with our heritage as a nation of immigrants and the academic values of equity and openness. We now are over 500 members strong, presidents and chancellors of public and private colleges and universities, serving over 5 million students in 43 states, D.C., and Puerto Rico.

Ms. Jaddou has approximately two decades of experience with the issues surrounding immigration policy. Her extensive experience includes participating in the Presidents' Alliance's Legal Advisory Council (LAC), where she provided technical and legal feedback to immigration priorities, documents, and recommendations from the Presidents' Alliance (participation on the Council did not constitute endorsement of the Alliance priorities). Ms. Jaddou has worked as a professor at American University's Washington College of Law. Ms. Jaddou's first-hand familiarity with the intersection of higher education and immigration means that her nomination is critical in reopening pathways of communication between DHS and the higher education community.

Additionally, Ms. Jaddou collaborated with Representative Zoe Lofgren and the House Immigration Subcommittee, so she is well-versed in working with Congress to pursue equitable policies in the administration of our nation's immigration laws. Furthermore, Ms. Jaddou's managerial experience will enable her to oversee and run USCIS effectively. Her experience in executive work includes her former position as Deputy Assistant Secretary of the Department of State's Bureau of Legislative Affairs and her later tenure as USCIS' Chief Counsel, both of which indicate her prowess in managing departments and implementing immigration law and policy.

Ms. Jaddou is exceptionally qualified to lead USCIS under this new administration, and her confirmation will enable USCIS to face the challenges before it in 2021. As an excellent manager, educator, and daughter of immigrants, Ms. Jaddou will draw upon her vast experience to implement our nation's immigration laws and policies fairly and effectively. We strongly support her nomination and ask that you confirm her as quickly as possible.

Sincerely,

Miram Feldblum, Ph.D.
Executive Director
Presidents' Alliance on Higher Education and Immigration



TRUMAN NATIONAL SECURITY PROJECT

PO Box 34102
Washington, DC 20043

CALL: 202.216.9723
FAX: 202.682.1818

www.trumanproject.org

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Alvin Loshak
Merrill Lynch

Sally Painter
Blue Star Strategies

Matthew Spence
Guggenheim Partners

Jenna Ben-Yehuda
President and CEO
Truman Center for National Policy
Truman National Security Project

May 25, 2021

The Honorable Richard Durbin
Chairman, Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, DC 205150

The Honorable Charles Grassley
Ranking Member, Senate Judiciary Committee
135 Hart Senate Office Building
Washington, D.C. 20510

Dear Chairman Durbin and Ranking Member Grassley,

I am writing to express Truman's support for President Biden's nomination of Ur Jaddou to be confirmed as Director of US Citizenship and Immigration Services (USCIS).

At Truman, we bring together national security leaders who understand that an Engaged America is stronger than America Alone. We are committed to making the national security establishment more representative of America's diversity, and to demonstrating the links between the challenges we face at home and abroad. Through our activities and publications, we demonstrate the connections between domestic and foreign policy imperatives; just as the problems of climate change, economic inequality, and disinformation are transnational, so are the solutions. We identify, train, and position leaders across America who share this worldview. We take diversity seriously. Truman is committed to developing a national security workforce representative of our country. Our demographics, like our approaches, reflect that commitment.

Immigrants and refugees strengthen our national security, and adopting pro-migration measures also strengthens the global standing of the United States. This means we need a better functioning system that allows us to grow and thrive economically and socially while helping stabilize conflicts and address threats around the world that seek to exploit the breaks in our current immigration system. Our goal is simple: more orderly immigration systems; fewer people displaced by force. A proactive immigration strategy would illuminate that choice migration can be regularized through better management, and forced migration reduced by addressing upstream failures, like violence and armed conflict, endemic poverty and economic insecurity, and climate change. Our approach must reflect the ways we live and work in the 21st century, uphold core values and human dignity, and meet our goals and aspirations to welcome and include immigrants who are critical to the United States' continued growth and dynamism.

Gifts to the Truman National Security Project, a 501(c)(4), are not tax deductible either as a charitable contribution or as a business expense under section 162e of the Internal Revenue Code, due to lobbying and political activities engaged in by the Truman National Security Project.

We believe that Ur Jaddou is the right person to address these challenges and help return USCIS to efficiency and effectiveness. Ms. Jaddou has a long history with the agency. She knows it well from the perspective of the stakeholder - as a former immigration attorney, the agency work force - as the agency's former General Counsel, and as a partner in her many other roles. Moreover, Ms. Jaddou has spent her career working to improve accountability and transparency to the public and will look to restore the agency's focus on certainty, and customer service, helping the immigration system regain much needed workflows and predictability. The agency has been left in a difficult position by the previous administration, underfunded for the role it must serve, internal structures gutted, and staff morale at an all time low. USCIS needs Senate-confirmed leadership to ensure stability and reduce current backlogs currently facing, and help the United States re-emerge as a leader on migration issues on the global stage.

Respectfully submitted,



Jenna Ben-Yehuda
President and CEO

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CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA

NEIL L. BRADLEY
EXECUTIVE VICE PRESIDENT &
CHIEF POLICY OFFICER

1615 H STREET, NW
WASHINGTON, DC 20062
(202) 463-5310

May 26, 2021

The Honorable Dick Durbin
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Chuck Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Chairman Durbin and Ranking Member Grassley:

The U.S. Chamber of Commerce supports the nomination of Ur Mendoza Jaddou to be the Director of U.S. Citizenship and Immigration Services (USCIS). Given her prior experience at USCIS, Ms. Jaddou is strongly qualified to serve as the agency's director.

From 2014 to 2017, Ms. Jaddou served as the Chief Counsel for USCIS. As the individual responsible for managing all legal matters pertaining to the agency, she was charged with coordinating the efforts of roughly 300 staff attorneys within USCIS. In this role, her duties required her to work and collaborate with not only with the senior leadership within USCIS, but also the leadership of the U.S. Department of Homeland Security, other executive branch departments, the White House, and Congress. Prior to her time at USCIS, she served as a Deputy Assistant Secretary for the U.S. Department of State's Bureau of Legislative Affairs. She has also served as the Chief Counsel on the House Judiciary Committee's Immigration Subcommittee.

Ms. Jaddou has significant experience working on immigration policy and she is very familiar with the operations of USCIS. Ms. Jaddou's knowledge and experience would be indispensable in providing the critical leadership needed to stabilize the agency's financial challenges, reduce its significant processing backlogs, and provide stakeholders with more consistency throughout the various adjudications processes it conducts every day. Throughout Ms. Jaddou's public service, she has shown a keen understanding of how USCIS operations affect businesses across various industries. The Chamber is confident that she would continue to consider the views of the American business community on the issues that are critically important to the ability of many companies to meet their current and future workforce needs.

The Chamber believes that Ms. Jaddou would serve the public well as the Director of USCIS. We thank the Committee for scheduling her May 26 hearing.

Sincerely,



Neil L. Bradley

cc: Members of the Committee on the Judiciary



Anthony Chapa
Assistant Director (Ret.)
 United States Secret Service
Executive Director

2019-21 Elected National Board

Teresa Ramon
Chief of Police
 Judson Independent School District
National President

Stephen Noguera
Special Agent/Professor NCIS Chair
 Naval Criminal Investigative Service
1st Vice President

Don Tijerina
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 Southside Independent School District
2nd Vice President

Ivan Acosta
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 Bexar County Sheriff's Office
4th Vice President

Manny Ovalle
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 Department of Homeland Security
Immediate Past-President

Tina Nieto
Chief of Police
 Marina Police Department
Director Emeritus

HAPCOA
FOUNDED IN 1973
 501.3c TAX EXEMPT
 EIN: 95-3998895

May 7, 2021

The Honorable Richard J. Durbin
 Chairman
 Committee on the Judiciary
 United States Senate
 Washington, DC

The Honorable Charles E. Grassley
 Ranking Member
 Committee on the Judiciary
 United States Senate
 Washington, DC

Dear Chairman Durbin, and Ranking Member Grassley:

The Hispanic American Police Command Officers Association (HAPCOA) wishes to support and recommend the nomination of Ms. Anne Milgram to the position of Administrator of the Drug Enforcement Administration (DEA) within the US Department of Justice.

HAPCOA is the oldest and largest association of Hispanic American command officers from law enforcement and criminal justice agencies at the municipal, county, state, school, university and federal levels.

HAPCOA's mission is to "empower the future of law enforcement" by assisting law enforcement, criminal justice and community organizations nationwide in their efforts to recruit, train, mentor and promote qualified Hispanic American men and women committed to a career in the criminal justice arena and to the communities in which they serve and protect.

HAPCOA believes that Ms. Anne Milgram is exceptionally qualified to be DEA Administrator. Ms. Milgram's extensive prosecutorial and law enforcement experience combined with her innovative criminal justice reform work – makes her well-suited to lead the Drug Enforcement Administration.

Sincerely,

Anthony Chapa

Anthony Chapa
 Executive Director

cc: Chief Teresa Ramon, National President
 Members, HAPCOA National Board

May 7, 2021

The Honorable Dick Durbin
Chairman
The Honorable Chuck Grassley
Ranking Member

U.S. Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510



Chuck Wexler
Executive Director

Dear Chairman Durbin and Ranking Member Grassley,

I'm writing to express strong support for the nomination of Anne Milgram to serve as Administrator of the Drug Enforcement Administration.

I'm Executive Director of the Police Executive Research Forum (PERF), a Washington-based research organization that focuses on critical issues in policing and law enforcement.

I met Ms. Milgram more than a decade ago, when as New Jersey Attorney General, she distinguished herself and made an impression on me by naming Scott Thomson to lead the Camden, NJ Police Department. Chief Thomson was already on PERF's radar screen as a rising star in policing, and he later served as President of PERF. The Milgram-Thomson partnership was very successful. As Ms. Milgram noted, "Under Scott's watch, Camden went from being one of the most dangerous cities in the United States to becoming a national model for community-based policing." Anne and Scott recently discussed how they worked together to sharply reduce crime in Camden while also building community trust in the police, in spite of high levels of poverty and challenging conditions. (<https://cafe.com/stay-tuned/the-camden-policing-model-with-anne-milgram-scott-thomson/>) So PERF knows that Ms. Milgram has a strong capability for identifying and working with talented people.

Anne also has demonstrated a strong commitment to addressing the opioid epidemic in the United States. Since 2016 PERF has been documenting the growing role of local police agencies in reducing opioid deaths, in reports such as *Building Successful Partnerships between Law Enforcement and Public Health Agencies to Address Opioid Use*, and *The Unprecedented Opioid Epidemic: As Overdoses Become a Leading Cause of Death, Police, Sheriffs, and Health Agencies Must Step Up Their Response*. Currently, PERF is concerned about dramatic increases in overdose deaths during the COVID pandemic, a trend that PERF has documented in reports such as <https://www.policeforum.org/criticalissuesnov11>.

The role of DEA is central to dealing with the opioid epidemic, and Anne Milgram's background as a prosecutor, as a criminal justice reformer who understands the intersection of criminal justice and social issues, and as a scholar dedicated to bringing data and evidence to law enforcement practices, will be invaluable.

WE PROVIDE PROGRESS IN POLICING

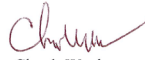
■ 1120 Connecticut Ave., NW Suite 930 Washington, D.C. 20036

Tel: 202-466-7820 Fax: 202-466-7826 TTY: 202-466-2670 www.PoliceForum.org perf@policeforum.org

679

I hope you will give careful consideration to Ms. Milgram's strong record of success, and I urge you to move promptly to confirm her nomination to lead the DEA at this critically important time.

Respectfully,

A handwritten signature in red ink, appearing to read "Chuck", with a stylized flourish extending from the end.

Chuck Wexler
Executive Director



May 7, 2021

The Honorable Dick Durbin, Chairman
The Honorable Chuck Grassley, Ranking Member
United States Senate Judiciary Committee
By Email Transmission to: Phillip_Brest@judiciary-dem.senate.gov and Michael_Fragosco@judiciary-rep.senate.gov

Dear Chairman Durbin and Ranking Member Grassley:

I am writing in enthusiastic support of Anne Milgram's nomination by the President of the United States to serve as the administrator of the United States Drug Enforcement Administration, and request your favorable consideration of her nomination. I have known General Milgram for nearly all of my life and served with her in cabinet-level positions in New Jersey government. For the past decade, we have worked closely together to help homeless children and youth at Covenant House, where General Milgram served until last month as a volunteer member of the Board of Directors and I serve as the president and chief executive officer.

General Milgram is a dynamic and thoughtful leader who has transformed the systems she has led, or influenced, by using data to better achieve critically important goals, including public safety and victim protection. During her service on the Board of Directors of Covenant House, General Milgram has helped us to strengthen our work fighting human trafficking across 31 cities in 6 countries, advising us on the development of our victimization diagnostic tools and shaping our ability to use data to expand our reach and better serve trafficking survivors. As Covenant House built over the past ten years one of the largest data sets on the experiences of children and youth facing homelessness in North and Central America, General Milgram coached us to mine and analyze the data to create the insights that have strengthened our programmatic services to more than 50,000 children and youth each year.

One of my favorite qualities about General Milgram is her reticence to accept conventional wisdom. She often and eagerly submits ideas and practices to ongoing, critical assessment – "What does the data say?" she asks. She is incredibly smart, and also humble, and able to examine her own and others' assumptions in light of new information. I can tell you as someone who has known her since childhood that she brings these qualities in abundance and is motivated by one thing above all others – a deep desire to serve the public interest well.

Thank you for your consideration of General Milgram's nomination and for your ongoing service to the nation.

Sincerely,

Kevin M. Ryan
President and CEO
Kryan@covenanthouse.org



NATIONAL ORGANIZATION OF BLACK LAW ENFORCEMENT EXECUTIVES

National President
LYNDA R. WILLIAMS
Deputy Assistant Director (Retired), U.S. Secret Service;
Professor Criminal Justice, Middle Tennessee State University

National First Vice President
FREDERICK THOMAS
Captain Commander
East Haven Police, York, Sheriff's Office

National Second Vice President
BRENDA GOSI ANDREWS
Deputy Chief of Police (Retired)
Detroit Police Department

Immediate Past President
CORLENN A. DAVIS
Chief of Police
Duluth Police Department

Treasurer
GINA V. HAWKINS
Chief of Police
Fayetteville City Police Department

Recording Secretary
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Assistant Chief of Police
New York Police Department

Financial Secretary
QIYELLA M. SPIRELL
Public Safety Director
Franklin Township New Jersey

Sergeant-at-Arms
KEVIN GRANVILLE
Mayor
Broward County Sheriff's Office

Parliamentarian
DR. ROSALYNNE M. FENNER
Supervisory Special Agent (Retired)
Drug Enforcement Administration

Associate Members Representative
MICHELLE L. TEGE
Detective
New York Police Department

Region One Vice President
GERALD NELSON
Chief (Retired)
New York Police Department

Region Two Vice President
ESTELIA J. THOMAS
Supervisor (Retired)
Transportation Security Administration

Region Three Vice President
ROBERT FORD
Assistant Chief
Lumpkin Police Department

Region Four Vice President
TIFFANY TINS
Chief of Police
Hocking College Police Department

Region Five Vice President
EDWIN DEBIVEN
Assistant Special Agent in Charge
U.S. Environmental Protection Agency

Region Six Vice President
ANTHONY APPEL
Captain
Alaska State Troopers

Federal Assistant to the National President
JEFFREY FORBIS
Postal Inspector
U.S. Postal Inspection Service

Special Assistant to the National President
LARI E. IRVON
Principle Assistant Inspector (Retired)
U.S. Department of Transportation

Special Assistant to the National President
JERRY L. PEARSON
Director of Police Services
Delaware County Police Department

Special Assistant to the President for International Affairs
MELODY JACKSON
Special Agent in Charge (Retired)
Health and Human Services-Office of Inspector General

National Chaplain
REVEREND DR. BARBARA WILLIAMS HARRIS
Inspector Chaplain
New York Police Department

May 10, 2021

DWAYNE CRAWFORD
Executive Director

The Honorable Charles E. Schumer
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Richard J. Durbin
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Mitchell McConnell
Minority Leader
United States Senate
Washington, DC 20510

The Honorable Charles E. Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Majority Leader Schumer, Minority Leader McConnell, Chairman Durbin, and Ranking Member Grassley:

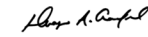
The National Organization of Black Law Enforcement Executives (NOBLE) formally acknowledges the work and commitment to service that has been exhibited by Attorney Anne Milgram.

Attorney Milgram has displayed the qualities of leadership, empathy, excellence, and persistence in supporting and defending the U.S. Constitution while ensuring equal protection and justice for all Americans. This has been exhibited in roles such as 57th Attorney General of New Jersey, Special Litigation Counsel for Human Trafficking in the Department of Justice, and the Professor of Practice and Distinguished Scholar in Residence at New York University School of Law.

It is NOBLE's belief that Attorney Milgram will help to ensure the delivery of its mission which is to ensure equity in the administration of justice in the provision of public service to all communities, and to serve as the conscience of law enforcement by being committed to Justice by Action.

In closing, this correspondence acts as a formal endorsement of Attorney Milgram as the next Administrator of the Drug Enforcement Administration.

Sincerely,


Dwayne A. Crawford
Executive Director



May 11, 2021

The Honorable Richard J. Durbin
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Senator Durbin:

WIFLE Foundation, Inc. also known as Women in Federal Law Enforcement would like to join our fellow law enforcement organizations in supporting Anne Milgram to lead the Drug Enforcement Administration. As you know the percentage of women in Law Enforcement is at 12% and those figures have not changed since 2007. In the Federal sector the percentage of women have actually decreased from 16% to 13.8%. Research has demonstrated the importance women bring to creating better relationships between law enforcement and the communities they serve.

- Milgram joined the prominent Manhattan District Attorney's Office (1997-2001) following a judicial clerkship for the Honorable Anne E. Thompson of the United States District Court for the District of New Jersey. She later joined the Justice Department's Civil Rights Division, where she served as the Special Litigation Counsel for Human Trafficking and led the Department's human trafficking prosecutions (2001-2005).
- From 2007 – 2010, Ms. Milgram led a large law enforcement agency as New Jersey's 57th Attorney General where she directed the State Division of Criminal Justice and oversaw 21 prosecutors and nearly 30,000 local law enforcement officers statewide.
- As New Jersey's Attorney General, Ms. Milgram used groundbreaking technology to make improvements to the criminal legal system overseeing the change in the Camden Police Department. Ms. Milgram used data and analytics to make decisions about how to fight crime and keep communities safe. As a result, Camden experienced a reduction in murders by 41% and all crime by 26%.

I believe Ms. Milgram possesses the credibility among the law enforcement and community leaders as well as, the skills necessary to lead the Drug Enforcement Administration. Should you have any questions please feel free to contact me at wifle@comcast.net or via our telephone number 301-805-2180.

Sincerely

Catherine W. Sanz
President
WIFLE Foundation, Inc.



May 17, 2021

The Honorable Charles E. Schumer
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Richard J. Durbin
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, DC 20510

The Honorable Charles E. Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Majority Leader Schumer, Minority Leader McConnell, Chairman Durbin, and Ranking Member Grassley:

On behalf of the International Association of Chiefs of Police (IACP), I am pleased to offer our support for the nomination of Ms. Anne Milgram to serve as Administrator of the Drug Enforcement Administration (DEA).

The IACP recently had the opportunity to meet with Ms. Milgram to gain a better understanding of her priorities and approach to working with both domestic and international law enforcement, if confirmed. During this conversation, she stressed the importance of partnership based on mutual respect, transparency, open communication, and collaboration. In addition, Ms. Milgram stated her commitment to working with state and local law enforcement in implementing data-driven, evidence-based approaches to combating drug trafficking and drug-related violence.

Ms. Milgram's years of experience as a federal prosecutor, her service as Attorney General for the State of New Jersey, and her broader work with the criminal justice community have provided her with a unique and thorough understanding of the capabilities of law enforcement and the challenges that they face. Because of this background, Ms. Milgram emphasized that she was determined to enhance, and expand, the valuable partnerships that exist between the DEA and state and local law enforcement.

President
Chief Cynthia E. Renaud (Ret.)
Santa Monica, CA, Police Department

Immediate Past President
Chief Steven B. Castleberry
Buffalo Grove, IL, Police Department

First Vice President
Chief Dwight E. Henninger
Vail, CO, Police Department

Second Vice President
Chief John Letteney
Thomasville, GA, Police Department

Third Vice President
Chief Wade Carpenter
Park City, UT, Police Department

Fourth Vice President
Chief Ken A. Walker
West University Place, TX, Police Department

Fifth Vice President
Director David B. Rausch
Tennessee Bureau of Investigation

Vice President At Large
Chief Will Johnson
BNSF Railway Police Department

Vice President At Large
Chief Kristen Ziman
Aurora, IL, Police Department

International Vice President
Special Agent in Charge Ray Villanueva
Homeland Security Investigations

Vice President-Treasurer
Chief Ronald A. Sellen
Mansfield, MA, Police Department

**General Chair, Division of State and
Prewired Police**
Colonel Matthew Langer
Minnesota State Patrol

**General Chair, Division of State
Associations of Chiefs of Police**
Chief James G. Hicks
Norfolk, MA, Police Department

**General Chair, Midsize Agencies
Division**
Chief Edward Walsh
Taunton, MA, Police Department

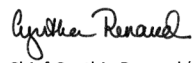
Parliamentarian
Deputy Commissioner Max Santiago (Ret.)
California Highway Patrol

**Executive Director /
Chief Executive Officer**
Vincent Talucci, CAE
Alexandria, VA

**Deputy Executive Director /
Chief Operating Officer**
Terrence M. Cunningham
Alexandria, VA

The IACP urges the Judiciary Committee and the members of the United States Senate to swiftly confirm the nomination of Anne Milgram.

Sincerely,

A handwritten signature in black ink, reading "Cynthia Renaud". The signature is written in a cursive, flowing style.

Chief Cynthia Renaud (Ret.)
IACP President

May 20, 2021

The Honorable Charles E. Schumer
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Richard J. Durbin
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, DC 20510

The Honorable Charles E. Grassley
Ranking Minority Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Re: Letter in Support of Anne Milgram, Nominee for the Administrator of the U.S. Drug Enforcement Administration

Dear Majority Leader Schumer, Minority Leader McConnell, Chairman Durbin and Ranking Minority Member Grassley:

We write in strong support of Anne Milgram, President Biden's nominee for the Administrator of the U.S. Drug Enforcement Administration (DEA).

We are former State Attorneys General in each of our respective states, who belonged to both Republican and Democratic parties. Many of us served for multiple terms, operating as the chief statewide law enforcement officials in our states, bringing criminal and civil enforcement actions to protect our citizens and the public fisc, and defending our states in federal and state courts.

We often worked with the DEA and senior officials (including the Administrator) under both Republican and Democratic Administrations. We believe that Ms. Milgram is an outstanding selection. She has an excellent reputation and impressive leadership qualities that will meet the mission of the DEA.

We support Ms. Milgram's nomination for the Administrator of the DEA. As the former Attorney General for the State of New Jersey, she is recognized as an experienced leader who has made tough but fair decisions on criminal investigations and prosecutions. She also has an excellent reputation as a career prosecutor who has focused on the safety and health of our communities.

As an appointed Attorney General of New Jersey, Ms. Milgram oversaw state law enforcement and proactively collaborated with state and federal law enforcement agencies. She spearheaded investigations into human and drug trafficking, gangs, violent crimes, public corruption, and fraud, and demonstrated a commitment to fighting the ongoing opioid epidemic ravaging our communities. She led a criminal justice reform initiative in one of our country's most dangerous cities through the use of data, technology, and evidence-based practices that transformed the Camden, New Jersey police department, built trust between the community and the police, and ultimately reduced violent crimes by more than 40% in one year.

During her time as a federal prosecutor, she partnered with numerous U.S. Attorney Offices to prosecute some of the first sex trafficking and forced labor cases under the Trafficking Victims Protection Act of 2000, and received the U.S. Department of Justice Special Commendation for Outstanding Service and the U.S. Department of Justice Director's Award for her assiduous work prosecuting these human trafficking crimes.

Through these efforts, Ms. Milgram has gained the esteem of law enforcement professionals across the country. She has also established strong relationships with civil rights and community leaders. Her creative, insightful, and thoughtful approach to leadership and public safety as a state Attorney General and federal prosecutor are examples of how authorities and leaders in law enforcement can promote public safety while instilling in the American people a strong faith in government institutions and their decisions. Ms. Milgram is now poised to oversee the DEA's mission, including combating drug trafficking and distribution across the country – an issue which knows no party boundaries.

We urge the Committee to quickly process Ms. Milgram's nomination and urge the Senate to act expeditiously and confirm Ms. Milgram. On account of her reputation and experience, we firmly believe that she exemplifies all of the qualities to be a successful Administrator of the DEA.

Thank you for your consideration.

Respectfully submitted,

Grant Woods
Arizona Attorney General 1991-1998

Frankie Sue Del Papa
Nevada Attorney General 1990-2002

Lisa Madigan
Illinois Attorney General 2003-2019

Christopher Porrino
New Jersey Attorney General 2016-2018

John Jay Hoffman
Acting New Jersey Attorney General 2013-2016

Zulima Farber
New Jersey Attorney General 2006

Peter Harvey
New Jersey Attorney General 2003-2006

John J. Farmer Jr.
New Jersey Attorney General 1999-2002

Peter Verniero
New Jersey Attorney General 1996-1999

Deborah T. Poritz
New Jersey Attorney General 1994-1996

James Zazzali
New Jersey Attorney General 1981-1982

John Degnan
New Jersey Attorney General 1978-1981

Robert Abrams
New York Attorney General 1979-1993

Bill Baxley
Alabama Attorney General 1971-1979

Bruce Botelho
Alaska Attorney General 1994-2002

Bob Butterworth
Florida Attorney General 1987-2002

Bonnie J. Campbell
Iowa Attorney General 1991-1995

Pamela Carter
Indiana Attorney General 1992-1996

Ben Chandler
Kentucky Attorney General 1996-2004

W. J. Michael Cody
Tennessee Attorney General 1984-1988

Walter W. Cohen
Pennsylvania Attorney General 1995

Robert E. Cooper, Jr.
Tennessee Attorney General 2006-2014

Fred Cowan
Kentucky Attorney General 1988-1991

J. Joseph Curran, Jr.
Maryland Attorney General 1987-2006

M. Jerome Diamond
Vermont Attorney General 1975-1981

Rufus Edmisten
North Carolina Attorney General 1974-1984

Drew Edmondson
Oklahoma Attorney General 1995-2011

Lee Fisher
Ohio Attorney General 1991-1995

Douglas Gansler
Maryland Attorney General 2007-2015

Chris Gorman
Kentucky Attorney General 1992-1996

Jan Graham
Utah Attorney General 1993-2000

Governor Christine Gregoire
Washington Attorney General 1993-2005

Neil Hartigan
Illinois Attorney General 1983-1991

Mike Hatch
Minnesota Attorney General 1999-2007

Senator Heidi Heitkamp
North Dakota Attorney General 1993-2001

Jim Hood
Mississippi Attorney General 2004-2020

Hubert H. Humphrey III
Minnesota Attorney General 1982-1998

Richard Icyoub
Louisiana Attorney General 1992-2003

Jim Jones
Idaho Attorney General 1983-1991

Gary King
New Mexico Attorney General 2007-2015

Senator Joe Lieberman
Connecticut Attorney General 1983-1989

Michael A. Lilly
Hawaii Attorney General 1984

Alicia Limtiaco
Guam Attorney General 2007-2010

Jahna Lindemuth
Alaska Attorney General 2016-2018

Patricia Madrid
New Mexico Attorney General 1998-2006

Dustin McDaniel
Arkansas Attorney General 2007-2015

V. Frank Mendicino
Wyoming Attorney General 1975-1978

Governor Janet Mills
Maine Attorney General 2009-2011; 2013-2019

Jeff Modisett
Indiana Attorney General 1997-2000

Betty D. Montgomery
Ohio Attorney General 1995-2003

Mike Moore
Mississippi Attorney General 1987-2003

Governor Janet Napolitano
Arizona Attorney General 1999-2003

Gale Norton
Colorado Attorney General 1991-1999

Charlie Oberly III
Delaware Attorney General 1983-1995

Hector Reichard
Puerto Rico Attorney General 1981-1983

Clarine Nardi Riddle
Connecticut Attorney General 1989-1991

Nancy Rogers
Ohio Attorney General 2008-2009

Stephen Rosenthal
Virginia Attorney General 1993-1994

Mark Shurtleff
Utah Attorney General 2001-2013

Jim Smith
Florida Attorney General 1979-1987

Robert J. Spagnoletti
District of Columbia Attorney General 2003-2006

Lori Swanson
Minnesota Attorney General 2007-2019

Mary Sue Terry
Virginia Attorney General 1986-1993

James Tierney
Maine Attorney General 1980-1990

Anthony F. Troy
Virginia Attorney General 1977-1978

John Knox Walkup
Tennessee Attorney General 1997-1999

Robert O. Wefald
North Dakota Attorney General 1981-1984

May 21, 2021

The Honorable Charles E. Schumer
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, DC 20510

The Honorable Richard J. Durbin
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Charles E. Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Re: Letter in Support of the Anne Milgram, Nominee for the Administrator of the U.S. Drug Enforcement Administration

Dear Majority Leader Schumer, Minority Leader McConnell, Chairman Durbin, and Ranking Member Grassley:

I write in strong and unqualified support of Anne Milgram, Nominee for the Administrator of the U.S. Drug Enforcement Administration (“DEA”).

I am the former chief of the Camden County and Camden Police Departments in Camden, New Jersey, and a former president of the Police Executive Research Forum in Washington, D.C. Having worked closely with Ms. Milgram during her tenure as the former Attorney General for the State of New Jersey, as well as on other efforts over the past fourteen years, I am deeply familiar with Ms. Milgram as a leader, a colleague, a trusted advisor, and a friend. She is an exceptional leader who makes thoughtful and insightful decisions in managing law enforcement and safeguarding the public welfare, and is perfectly situated for the task of leading the DEA.

Between 2007-2010, Ms. Milgram oversaw the Camden Police Department through the Attorney General’s supersession authority. In 2008, she appointed me to be the Camden Chief of Police. In that role, I worked often with Ms. Milgram. I had been on the Camden police force for nearly fourteen years and knew and understood the complexities of crimes that occurred there. Camden was on record pace that year for murders, but Ms. Milgram immediately identified the needs of the department and community and started instituting changes consistent with protecting the public and ensuring the public’s safety. She consistently asked officers to get out from behind their desks, engage with the community, and deescalate potentially dangerous situations.

Ms. Milgram had a community-driven focus to make the streets safer. I worked alongside her to increase police outreach in communities, and we encouraged police to have neighborhood barbeques or visit local ice cream trucks. Ms. Milgram had bipartisanship support for her

policing initiatives, and she implemented practices based on data, technology, and evidence to effect appropriate and useful reforms within the Camden police department. Through this work, Ms. Milgram was able to instill the public trust and assurance back into Camden's police force. Under her leadership, and using a data-driven and evidence-based approach, we were able to transform the Camden police department and ultimately reduce violent crimes by more than 40% in one year. By our count, we saved 37 lives that Camden was on track to lose in that single year.

Ms. Milgram also understood the needs of the law enforcement officers in Camden. The first time I ever had a one-on-one meeting with Ms. Milgram was in March of 2008 when a police officer had been shot multiple times in the line of duty. Ms. Milgram rushed to the hospital to see the officer, to speak to the officer's family, and to be briefed on the incident by the command staff. Ms. Milgram understood the sacrifice that officers make daily in protecting the public. Throughout her tenure as the State Attorney General, she showed a deep respect for the work the law enforcement officers did, and she worked closely with officers to proactively reduce violence in partnership with communities. She understood then, what many of us have learned during the past decade, that it is critical for the public to feel safe interacting with – and cooperating with – the police.

I also worked closely with Ms. Milgram and with the DEA, HIDTA, the county prosecutor's office, and the United States Attorney's Office to conduct investigations into violence and drug trafficking. Ms. Milgram was always an attentive listener to all stakeholders and demonstrated remarkable and diligent leadership in bringing together diverse law enforcement agencies under the single mission of improving safety in the city of Camden.

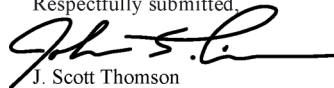
Through her steadfast efforts, Ms. Milgram gained the respect of law enforcement and the community. She showed incredible initiative, developed a creative and data-driven approach to public safety as Attorney General, and improved relationships with the community.

Ms. Milgram is now nominated to oversee the DEA. I strongly believe, and have no doubt, that she will do so effectively and in a respectful manner for both law enforcement and the public at large.

I urge the Committee to quickly process Ms. Milgram's nomination and for the Senate to quickly confirm her. She has exemplified that she is an experienced, responsible leader who understands, implements, and prioritizes policies and practices that permit law enforcement to serve our citizens more effectively, all while showing a deep respect for the law and the people who enforce it. For these reasons, Ms. Milgram is the right choice to lead the DEA.

Thank you for your consideration.

Respectfully submitted,



J. Scott Thomson

May 21, 2021

The Honorable Charles E. Schumer
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, DC 20510

The Honorable Richard J. Durbin
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Charles E. Grassley
Ranking Minority Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Re: Letter in Support of Anne Milgram, Nominee for the Administrator of the
U.S. Drug Enforcement Administration

Dear Majority Leader Schumer, Minority Leader McConnell, Chairman Durbin, and Ranking
Minority Member Grassley:

We, the undersigned bi-partisan State Attorneys General, write in enthusiastic support of the
nomination of Anne Milgram to serve as the Administrator of the U.S. Drug Enforcement
Administration (DEA).

As the chief legal officers of our respective states, we are a diverse group of individuals with
different backgrounds and experiences. Some of us have prior experience serving in state
legislatures, while others have been judges, counsel to the Governor, or state agency heads, and
some of us have worked in the U.S. Justice Department as U.S. Attorneys, or served in other federal
agencies. While our state laws, powers, and duties may vary, we share many common goals as we
work to protect the public health and safety of our citizens. We often interact with federal
agencies—including the DEA—on issues of common concern, such as the opioid crisis, drug
enforcement issues, and more. It is thus very important to us to have good communication and
cooperation with the DEA and other federal agencies.

Ms. Milgram has a sterling reputation as a smart, honest, insightful, and responsible leader with a
long history and commitment to public service and promoting the safety of our communities. She
is exactly the type of leader and law enforcement partner we need at the DEA.

Ms. Milgram is recognized for both her tireless work as the former Attorney General for the State
of New Jersey and as a state and federal prosecutor. Her dedication to improving the criminal
justice system, commitment to fighting the devastating opioid epidemic, and history of promoting
effective collaboration between state, local, and federal law enforcement are precisely the kinds of
qualities that will make her an effective law enforcement partner to State Attorneys General across
the country, and, more importantly, a successful Administrator of the DEA.

May 21, 2021

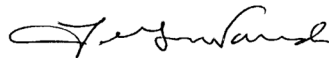
Re Letter in Support of Anne Milgram, Nominee for the Administrator of the U.S. Drug
Enforcement Administration

Page 2

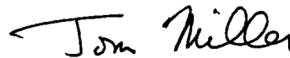
Her leadership, dedication, and experience make her a superbly qualified choice to head the DEA. We urge the Senate Judiciary Committee to support and approve Ms. Milgram's nomination and for the Senate to confirm her quickly.

Thank you for your consideration.

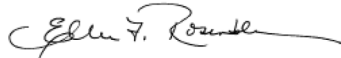
Respectfully submitted,



Lawrence Wasden
Idaho Attorney General



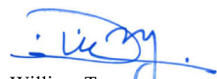
Tom Miller
Iowa Attorney General



Ellen F. Rosenblum
Oregon Attorney General



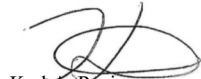
Phil Weiser
Colorado Attorney General



William Tong
Connecticut Attorney General



Kathleen Jennings
Delaware Attorney General



Karl A. Racine
District of Columbia Attorney General



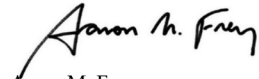
Leevin Taitano Camacho
Guam Attorney General



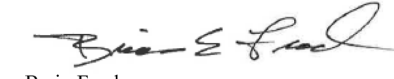
Clare E. Connors
Hawaii Attorney General



Kwame Raoul
Illinois Attorney General



Aaron M. Frey
Maine Attorney General



Brian Frosh
Maryland Attorney General



Maura Healey
Massachusetts Attorney General



Keith Ellison
Minnesota Attorney General

May 21, 2021

Re Letter in Support of Anne Milgram, Nominee for the Administrator of the U.S. Drug
Enforcement Administration

Page 3



Aaron D. Ford
Nevada Attorney General



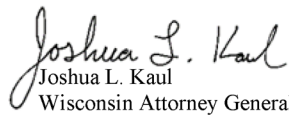
Hector Balderas
New Mexico Attorney General



Josh Shapiro
Pennsylvania Attorney General



T.J. Donovan
Vermont Attorney General



Joshua L. Kaul
Wisconsin Attorney General



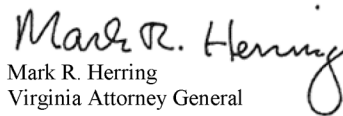
Gurbir S. Grewal
New Jersey Attorney General



Letitia James
New York Attorney General



Peter F. Neronha
Rhode Island Attorney General



Mark R. Herring
Virginia Attorney General

Representing Members from:

AGRICULTURE
 OIG
 Forest Service
 CENTRAL INTELLIGENCE AGENCY
 COMMERCE
 Export Enforcement
 OIG
 NOAA Fisheries Law Enforcement
 DEFENSE
 Air Force - OSI
 Army - CIO
 Defense Criminal Investigation Service
 Naval Criminal Investigative Service
 OIG
 Police
 EDUCATION - OIG
 EMERGENCY
 National Nuclear Security Administration
 OIG
 ENVIRONMENTAL PROTECTION AGENCY
 CIO
 OIG
 FEDERAL DEPOSIT INSURANCE CORPORATION
 OIG
 FEDERAL HOUSING FINANCE AGENCY - OIG
 FEDERAL RESERVE SYSTEM
 Federal Reserve Board
 Federal Reserve Police
 FEDERAL LAW ENFORCEMENT TRAINING CENTER
 GENERAL SERVICES ADMINISTRATION - OIG
 HEALTH & HUMAN SERVICES
 Food & Drug Administration
 OIG
 HOMELAND SECURITY
 Border Patrol
 Coast Guard Investigative Service
 Immigration & Customs Enforcement
 Customs & Border Protection
 Federal Air Marshal Service
 Federal Protection Service
 U.S. Secret Service
 Transportation Security Administration
 OIG
 HOUSING & URBAN DEVELOPMENT - OIG
 INTERIOR
 Bureau of Indian Affairs
 Bureau of Land Management
 Fish & Wildlife Service
 National Park Service
 OIG
 U.S. Park Police
 JUSTICE
 Alcohol, Tobacco, Firearms & Explosives
 Bureau of Prisons
 Drug Enforcement Administration
 Federal Bureau of Investigation
 U.S. Marshals Service
 OIG
 U.S. Attorney's Office-CI
 LABOR - OIG
 NATIONAL AERONAUTICS AND SPACE
 ADMINISTRATION - OIG
 NUCLEAR REGULATORY COMMISSION - OIG
 NATIONAL SECURITY AGENCY - Police
 OFFICE OF PERSONNEL MANAGEMENT - OIG
 PENTAGON FORCE PROTECTION AGENCY
 POSTAL SERVICE
 Postal Inspection
 Postal Police
 RAILROAD RE-TREATMENT BOARD
 SOCIAL SECURITY ADMINISTRATION - OIG
 SMALL BUSINESS ADMINISTRATION - OIG
 SMITHSONIAN INSTITUTION - OIG
 STATE DEPARTMENT
 Bureau of Diplomatic Security
 OIG
 TRANSPORTATION - OIG
 TREASURY
 FINCEN & OIG
 Internal Revenue Service - CI
 Mint
 TIGES
 U.S. CAPITOL POLICE
 U.S. PROBATION & PRETRIAL SERVICES
 U.S. SUPREME COURT POLICE
 VETERANS AFFAIRS
 Office of Inspector General
 VA Police
 RETIRES
 National President
 LARRY "LARRY" COSME
 National Executive Vice President
 MATTHEW SEVERMAN
 Vice President - Operations
 ERIC FERIS
 Vice President - Agency Affairs
 BRUCE BUTLER
 Vice President - Membership Benefits
 WILLIAM HAMPSTEAD
 National Secretary
 JAMES S. SANTOS
 National Treasurer
 MADELINE GORRA
 Vice President - Legislative Affairs
 DOMINICK STONES
 Immediate Past President
 NATHAN GATSO
 Executive Director
 DONALD MULLER
 National Chapter Director
 MARK HENDRICH
 National Juvenile Director
 ELIZABETH MCALEER
 National Recruitment Director
 WILLIAM BEILER
 Vice President - Development and Program
 MICHAEL DELINGER
 Retirement Director
 STAN SCHWARTZ
 Public Affairs Officer
 NATALIA CASTRO



FEDERAL LAW ENFORCEMENT OFFICERS ASSOCIATION

4829 West Lane • Bethesda, MD 20814

Phone: 202-870-5503 • www.fleoa.org

May 21, 2021

The Honorable Richard Durbin
 Chairman,
 Committee on the Judiciary
 United States Senate
 Washington, DC 20510

The Honorable Charles Grassley
 Ranking Member,
 Committee on the Judiciary
 United States Senate
 Washington, DC 20510

Dear Chairman Durbin and Ranking Member Grassley,

It is with great pleasure and enthusiasm I write this letter of support for the confirmation of Anne Milgram as Administrator of the Drug Enforcement Administration. The Federal Law Enforcement Officers Association (FLEOA) is the largest nonpartisan, nonprofit professional organization, representing federal law enforcement officers. FLEOA represents more than 30,000 federal law enforcement officers from 65 different agencies.

In an effort to best serve our members, FLEOA conducts careful analysis of candidates set to fill critical roles that affect the wellbeing of our constituents. Accordingly, this support is always given to the best candidate – regardless of any political affiliation.

A careful review of Ms. Milgram's professional work history reveals a remarkable career dedicated to public safety. Ms. Milgram is an experienced leader and prosecutor who has devoted her entire career to building safe and healthy communities. Most recently, Ms. Milgram has served as Executive Director of the Criminal Justice Lab at New York University School of Law. Prior to entering the academic arena, she worked with non-governmental organizations to "Moneyball Criminal Justice" by maximizing return on investment via the use of data and the strategic deployment of resources.

From 2007 to 2010, Ms. Milgram served as Attorney General for the State of New Jersey, providing oversight for 21 country prosecutors and over 30,000 local, county, and state law enforcement officers. Within this role, she spearheaded investigations into public corruption and worked diligently to combat violence in urban areas. In fact, Ms. Milgram played an integral role in reforming the Camden Police Department while simultaneously reducing violent crime by 40% in less than a year.

In conclusion, it is my great pleasure to write this letter of support. Ms. Milgram's dedication to the advancement of public safety and public health should go a long way in combating the opioid epidemic, overdose deaths, and violence in our communities. Ms. Milgram has a proven history of working with law enforcement agencies, advocates, stakeholders, and elected officials across the political spectrum to build collaborative support for policies that make our federal, state, and local criminal justice systems stronger and fairer. For all these reasons and more, FLEOA requests Anne Milgram be confirmed as Administrator of the Drug Enforcement Administration.

If we can be of any additional assistance, feel free to contact us at fleoa@fleoa.org.

Sincerely,

Larry J. Cosme

Larry Cosme

National President

CC: Members, Senate Committee on the Judiciary

**LETTER FROM 52 CURRENT AND FORMER FEDERAL AND STATE
PROSECUTORS IN SUPPORT OF ANNE MILGRAM**

May 25, 2021

The Honorable Charles E. Schumer
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, DC 20510

The Honorable Richard J. Durbin
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Charles E. Grassley
Ranking Minority Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Re: Letter in Support of Anne Milgram, Nominee for the Administrator of the U.S. Drug Enforcement Administration

Dear Majority Leader Schumer, Minority Leader McConnell, Chairman Durbin and Ranking Minority Member Grassley:

As current and former United States Attorneys and state prosecutors of both parties, in federal districts and state and local counties across the country, we write in unqualified and enthusiastic support of the nomination of Anne Milgram to serve as the Administrator of the U.S. Drug Enforcement Administration (“DEA”).

Ms. Milgram is known to many of us by more than just her distinguished reputation as a talented, fair-minded, yet tough state and federal prosecutor and former State Attorney General. Many of us observed firsthand Ms. Milgram’s integrity, wisdom, dedication, and excellent judgment when she served as a federal prosecutor and Special Litigation Counsel in the U.S. Department of Justice. In that role, Ms. Milgram partnered with United States Attorney’s Offices in the Eastern District of New York, New Jersey, and New Hampshire to prosecute some of the first forced labor and sex trafficking cases under the newly-enacted Trafficking Victims Protection Act of 2000, as well as hate crimes and other cases affecting the safety of our communities. Ms. Milgram continued to demonstrate her dedication to public service after leaving the Justice Department, becoming New Jersey’s chief law enforcement officer as the State Attorney General, overseeing prosecutors and law enforcement officers statewide, and demonstrating the effectiveness of evidence-based and data-focused policing and prosecution in protecting our citizens while improving our criminal justice system.

Ms. Milgram is an insightful, seasoned administrator and responsible, proven leader, with a long and focused history of promoting the safety and well-being of our communities. Her steadfast dedication to protecting our citizens, improving the criminal justice system, and championing effective collaboration between state, local, and federal law enforcement in upholding the rule of law, are precisely the kinds of qualities that will make her an effective law enforcement leader during this crucial time in our country’s policing and prosecution efforts.

**LETTER FROM 52 CURRENT AND FORMER FEDERAL AND STATE
PROSECUTORS IN SUPPORT OF ANNE MILGRAM**

Ms. Milgram's exemplary reputation and experience make her an excellent choice to lead the DEA's efforts in fighting drug trafficking and keeping dangerous drugs such as opioids and fentanyl off our streets. For all these reasons and more, we unreservedly support Ms. Milgram's nomination to serve as Administrator of the DEA, and respectfully urge the Senate to speedily confirm her.

Thank you for your consideration.

Respectfully submitted,

Preet Bharara,
U.S. Attorney, Southern District of New York, 2009-2017

Paul J. Fishman
U.S. Attorney, District of New Jersey, 2009-2017

Robert L. Capers
U.S. Attorney, Eastern District of New York, 2015-2017

Chuck Rosenberg
U.S. Attorney, Eastern District of Virginia, 2006-2008
U.S. Attorney, Southern District of Texas, 2005-2006

Mimi Rocah
Westchester County District Attorney

Cyrus R. Vance Jr.
Manhattan District Attorney, 2010-Present

John Chisholm
Milwaukee County District Attorney, 2007-Present

Nancy Hoppock
Kings County Chief Assistant District Attorney, 2018-Present
NYPD Assistant Deputy Commissioner, Risk Management Bureau, 2015-2018
Executive Director of the NYU Center on the Administration of Criminal Law, 2012-2014
Executive Deputy Attorney General for Criminal Justice, New York Attorney General's Office, 2010-2012
Former Assistant United States Attorney, District of New Jersey, 2001-2010
Former Chief of the Criminal Division, District of New Jersey, 2010-2011

Ricardo Solano
Former First Assistant Attorney General, State of New Jersey, 2008-2010

**LETTER FROM 52 CURRENT AND FORMER FEDERAL AND STATE
PROSECUTORS IN SUPPORT OF ANNE MILGRAM**

Walter Arsenault
Former Assistant District Attorney, Manhattan
Former Bergen County AP

Nicole Boeckmann
Assistant U.S. Attorney and current Acting Chief, Criminal Division,
Eastern District of New York, 2004-Present
Former Assistant District Attorney, Manhattan, 1997-2004

Steven Cash
Assistant District Attorney, Manhattan, 1988-1994
CIA Officer, 1994-2001
Senate SSCI Counsel, 2001-2003
Senate Judiciary Staff, 2003-2006

Scott Casher
Assistant District Attorney, Manhattan, 1997-2000

Dan Castleman
Former Chief of Investigations, Manhattan District Attorney's Office

Sarah Coyne
Former Assistant U.S. Attorney, Eastern District of New York,
District of New Jersey, 2003-2015

Elizabeth Crotty
Former Manhattan District Attorney, 2000-2006

Adam Finger
Manhattan District Attorney, 1996-2001

Michael Flowers
Manhattan District Attorney 1999-2003

Karen Friedman Agnifilo
Former Executive and Chief Assistant District Attorney,
Manhattan District Attorney's Office

Michael Gates
Manhattan District Attorney, 2005-2014

Richard Girgenti
Manhattan District Attorney, 1974-1991

**LETTER FROM 52 CURRENT AND FORMER FEDERAL AND STATE
PROSECUTORS IN SUPPORT OF ANNE MILGRAM**

Todd Harrison
Former Assistant U.S. Attorney, Eastern District of New York
Former Assistant District Attorney, Manhattan

William Hauptman
Former Assistant District Attorney, New York County

Daniel Holmes
Former Assistant District Attorney, Manhattan, 2009-2018

Ian Katz
Former Assistant District Attorney, Manhattan, 1996-2002

Adam Kaufmann
Former Assistant District Attorney, Manhattan, 1994-2013

Seth Krauss
Former Assistant District Attorney, Senior Investigative Counsel, NY County, 1995-2004

Evan Krutoy
Former Manhattan Assistant District Attorney, 1994-2016

David LaBahn
President and CEO of the National Association of Prosecuting Attorneys, 2009-Present

Shari Leventhal
Former Assistant U.S. Attorney, Eastern District of New York, 1992-1998

Holly Levinson
Former Assistant District Attorney, Manhattan, 1997-2001

Erez Liebermann
Former Assistant U.S. Attorney, District of New Jersey

David G. Liston
Manhattan Assistant District Attorney, 1994-1999

Jeffrey Locke
Former Assistant Attorney General, New York State, 2005- 2007

James Lynch
Former Assistant District Attorney, New York County District Attorney's Office, 2010-2019

Michael Lynch
Manhattan Assistant District Attorney, 1996-2000

**LETTER FROM 52 CURRENT AND FORMER FEDERAL AND STATE
PROSECUTORS IN SUPPORT OF ANNE MILGRAM**

Margaret Mahoney
Assistant U.S. Attorney, 2002-Present
Former Manhattan District Attorney, 1998-2002

Brian McCarthy
Former Assistant District Attorney, New York County, 2000-2004
Partner, Chalos, O'Connor and Duffy, 2004-2014
Of Counsel, Associate, Partner, Abrams, Fensterman, 2014-Present

Art Middlemiss
Former Assistant District Attorney, Manhattan, 1994-2007

Michael Mulanaphy
Former Assistant District Attorney, Manhattan, 2014-2020

Patty O'Connor
Former Assistant District Attorney, Deputy Bureau Chief Cybercrime & Identity Theft,
Manhattan, 2001-2014

Joseph Okpaku
Chief Policy Officer, Booster Fuels, Current
NYSE Division of Enforcement, 2004-2010
Manhattan Assistant District Attorney, 1997-2001

Richard Plansky
Former Assistant District Attorney, New York County, 1992-2000

Carlos Ramirez
Manhattan Assistant District Attorney, 1997-2001

Colleen Brennan Robbins
Former Assistant District Attorney, Manhattan, 1997-2001

Elyse Ruzow
Senior Investigative Counsel, New York County District Attorney's Office, 18 years, 1996-2014

Michael Sachs
Former Manhattan Assistant District Attorney, 2015-2020

Micki Shulman Hendricks
Former Assistant District Attorney, Manhattan, 1993-2012

**LETTER FROM 52 CURRENT AND FORMER FEDERAL AND STATE
PROSECUTORS IN SUPPORT OF ANNE MILGRAM**

David Szuchman

Head of Division of Consumer Affairs, New Jersey, 2008-2010

Former Assistant District Attorney, Manhattan, Chief of Investigation Division, 1997-2001,
2010-2013, 2013-2016

Joyce Vance

U.S. Attorney, Northern District of Alabama, 2009-2017

Assistant U.S. Attorney, 1991-2009

Judith Weinstock

Former Assistant District Attorney, Manhattan, 1997-2014

Gregory Weiss

Former Assistant District Attorney, Manhattan, 2007-2017



NATIONAL FRATERNAL ORDER OF POLICE

PATRICK YOES NATIONAL PRESIDENT

JIM PASCO EXECUTIVE DIRECTOR

328 Massachusetts Ave NE | Washington DC 20002

(202) 547-8189 | www.fop.net | legislative@fop.net

25 May 2021

The Honorable Richard J. Durbin
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

The Honorable Charles E. Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman and Senator Grassley,

I am writing on behalf of the members of the Fraternal Order of Police to advise you of our support for the nomination of Anne Milgram to serve as Administrator of the Drug Enforcement Administration (DEA).

Throughout Ms. Milgram's distinguished career as a local, State, and Federal prosecutor, she has been a strong partner for law enforcement. Most recently, she served as New Jersey's Attorney General. As the State's chief law enforcement officer, she led the 9,000-member Department of Law & Public Safety, which included the New Jersey State Police and the State Division of Criminal Justice. During her tenure as Attorney General, Ms. Milgram spearheaded investigations into human trafficking, narcotics trafficking, street gangs as well as violent and organized crime.

Earlier in her career, she served as an Assistant District Attorney in Manhattan and as a Federal prosecutor with the U.S. Department of Justice. During her tenure in both roles, Ms. Milgram built a strong reputation for closing major cases. With her experience leading investigations into major crimes, there is no doubt that she understands first-hand the issues facing the men and women of law enforcement. We believe President Biden has made an excellent decision to have her lead the DEA.

On behalf of the more than 356,000 members of the Fraternal Order of Police, we thank you for considering our support for Anne Milgram to serve as Administrator of the Drug Enforcement Administration (DEA). If I can provide any more information on this nomination, please do not hesitate to contact me or Executive Director Jim Pasco in our Washington office.

Sincerely,

Patrick Yoes
National President

**Letter in Support of Anne Milgram from 53 Police Chiefs, Sheriffs,
Prosecutors and other Criminal Justice Leaders**

May 25, 2021

The Honorable Charles E. Schumer
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Richard J. Durbin
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, DC 20510

The Honorable Charles E. Grassley
Ranking Minority Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Re: Letter in Support of Anne Milgram, Nominee for the Administrator of the U.S.
Drug Enforcement Administration

Dear Majority Leader Schumer, Minority Leader McConnell, Chairman Durbin and Ranking
Minority Member Grassley:

We write this letter to urge the Senate to unanimously confirm Anne Milgram to serve as the
Administrator of the Drug Enforcement Administration.

We possess a diverse set of backgrounds from the criminal justice community, and are deeply
familiar with Ms. Milgram's exemplary reputation and professional credentials. As the former
Attorney General for the State of New Jersey, she is recognized as an honest, experienced,
and insightful leader who has made tough but fair decisions on issues affecting prosecutions,
criminal investigations, and the public's welfare and safety. She is precisely the type of
person who the Drug Enforcement Administration (DEA) would be fortunate to have as its
Administrator.

Ms. Milgram began her career as an Assistant District Attorney in the Manhattan District
Attorney's Office. She later went on to serve as a federal prosecutor in the United States
Department of Justice, where she became Special Litigation Counsel for the prosecution of
human trafficking crimes. In that role, Ms. Milgram partnered with United States Attorney's

**Letter in Support of Anne Milgram from 53 Police Chiefs, Sheriffs,
Prosecutors and other Criminal Justice Leaders**

Offices in the Eastern District of New York, New Jersey, and New Hampshire to prosecute some of the first sex trafficking and forced labor cases under the Trafficking Victims Protection Act of 2000. She then moved on to become appointed as the Attorney General of New Jersey from 2007-2010, where she became the state's chief law enforcement officer and oversaw more than 30,000 law enforcement officers statewide, launched investigations into a broad range of areas affecting public safety--often in collaboration with and using task forces with other state and federal law enforcement agencies. She led a data-based and evidence-driven criminal justice reform initiative in one of our country's most dangerous cities, which transformed the Camden, New Jersey police department, built trust between the community and the police, and ultimately reduced violent crimes by more than 40% in one year.

This experience gave her a breadth and scope of insight into the challenges facing those within the criminal justice system -- especially law enforcement -- in jurisdictions all over the country. Since Ms. Milgram's previous state and federal service, she has gone on to work collaboratively with police departments, law enforcement agencies, and community stakeholders to provide them with resources to improve the criminal justice system, including creating screening tools that can be used to assist law enforcement's efforts to better serve and identify individuals suffering from mental health and substance abuse disorders who can safely be diverted into treatment.

Ms. Milgram has a long history of productively and collaboratively working with those across law enforcement and the broader criminal justice framework. This type of background -- working in and promoting safe communities all across America -- is crucial for the next Administrator of the DEA. Working collaboratively, and in-sync with, local and state law enforcement is absolutely essential to carry out the DEA's missions lawfully and with precision. Having someone like Ms. Milgram, who has so much experience working with federal and local law enforcement officials all across the country at the helm of the DEA will help promote this collaboration.

Ms. Milgram is a fantastic choice to lead such an effort on behalf of the DEA. Not only do we believe her to be incredibly well qualified, but we can think of no better candidate to fill the important role of Administrator during this important time.

We urge the Senate to quickly confirm Ms. Milgram.

Thank you for your consideration.

Truly Yours,

Hassan M. Aden
Chief of Police (Ret.), Greenville, NC and Alexandria, VA

Jim Bueermann
Chief of Police (Ret.), Redlands, CA, 1998-2011
President, National Police Foundation, Washington, DC, 2012-2019

**Letter in Support of Anne Milgram from 53 Police Chiefs, Sheriffs,
Prosecutors and other Criminal Justice Leaders**

Kami Chavis
Professor of Law/Director of the Criminal Justice Program
Former Assistant U.S. Attorney, District of Columbia

John Choi
Ramsey County Attorney, MN, 2011-Present

Brendan Cox
Chief of Police, Albany, NY, 2015-2017

Dwayne A. Crawford
Executive Director, National Organization of Black Law Enforcement Executives (NOBLE)

Charlie T. Deane
Chief of Police (Ret.), Prince William County Police Department, VA, 1988-2018

Richard Doran
Former Florida Attorney General

Edward L. Dowd Jr.
Former U.S. Attorney, Eastern District of Missouri, 1993-1999

Dean Esserman
Chief of Police (Ret.), New Haven, CT, 2011-2016
Chief of Police, Providence, RI, 2003-2011
Chief of Police, Stamford, CT, 1998-2002

Paul H. Fitzgerald
Sheriff, Story County, IA, 1993-present
Former President, National Sheriffs' Association

Neill Franklin
Former Executive Director, Law Enforcement Action Partnership, Baltimore, MD, 2010-2020

Douglas Gansler
Former Maryland Attorney General
Former State's Attorney, Montgomery County, MD

Barry Grissom
Former U.S. Attorney, District of Kansas, 2010-2016

W.H. Holbrook
Chief of Police, Columbia SC, 2014-present

**Letter in Support of Anne Milgram from 53 Police Chiefs, Sheriffs,
Prosecutors and other Criminal Justice Leaders**

Peter Holmes
Seattle City Attorney, Seattle, WA, 2010-present

John Hummel
District Attorney, Deschutes County, OR, 2015-present

James Johnson
NYC Corporation Counsel, 2019-present
Former Under Secretary of the U.S. Treasury, 1998-2000

Gil Kerlikowske
Former Commissioner, U.S. Customs and Border Protection, 2014-2017
Former Director, White House Office of National Drug Control Policy, 2009-2014
Chief of Police (Fmr.), Seattle Police Department, 2000-2009
Past President, Major Cities Chiefs Association

Justin Kollar
Prosecuting Attorney, County of Kauai, HI, 2012-present

Peter Koutoujian
Sheriff, Middlesex County, MA, 2011-present

Kent Lovern
Milwaukee County Chief Deputy District Attorney, WI, 2008-present

Chris Magnus
Chief of Police, Tucson Police Department, AZ, 2016-present

Rachel Maimin
Former Assistant U.S. Attorney, Southern District of New York, 2010-2019

J. Thomas Manger
Chief of Police (Ret.), Montgomery County, MD, 2004-2019
Chief of Police, Fairfax County, VA, 1998-2004
Former President, Major Cities Chiefs Association

Beth McCann
Denver District Attorney, CO, 2017-present

Cameron McLay
Senior Director, Center for Policing Equity, 2020-present
Chief of Police (Ret.), City of Pittsburgh, PA, 2014-2016

**Letter in Support of Anne Milgram from 53 Police Chiefs, Sheriffs,
Prosecutors and other Criminal Justice Leaders**

Sylvia Moir

Chief of Police (Ret.), Tempe, AZ, 2016-2020

Chief of Police, El Cerrito, CA, 2010-2016

Rodney Monroe

Chief of Police (Ret.), Charlotte NC, Richmond VA, Macon GA, 2000-2015

Richard Myers

Former Executive Director, Major Cities Chiefs Association, 2017-2019

Chief of Police (Ret.), City of Newport News, VA, 2014-2019

Interim Chief of Police, Sanford, FL, 2011-2012

Chief of Police, Colorado Springs, CO, 2007-2011

Chief of Police, Appleton, WI, 1995-2007

Chief of Police, Lisle, IL, 1991-1995

Chief of Police, Plymouth, MI, 1985-1991

Mark Osler

Former Assistant U.S. Attorney, Eastern District of Michigan, 1995-2000

Kathleen O'Toole

Chief of Police (Ret.), Seattle, WA, 2014-2018

Police Commissioner, Boston, MA, 2004-2006

Former Massachusetts Secretary of Public Safety, 1994-1998

Melba V. Pearson

President, National Black Prosecutors Association Foundation

Karl Racine

Attorney General for the District of Columbia, 2015-present

Richard Raemisch

Former Executive Director, Colorado Department of Corrections

Former Sheriff, Dane County, WI

Sue Rahr

Executive Director WA State Criminal Justice Training Commission, 2012-2021

Former Sheriff, King County (Seattle), WA, 2005-2012

Charles H. Ramsey

Commissioner (Ret.), Philadelphia Police Department, 2008-2016

Chief of Police, D.C. Metropolitan Police Department, 1998-2007

Past President, Major Cities Chiefs Association

Past President, Police Executive Research Forum

Co-Chair, President Obama Task Force on 21st Century Policing

**Letter in Support of Anne Milgram from 53 Police Chiefs, Sheriffs,
Prosecutors and other Criminal Justice Leaders**

Gary Raney
Sheriff (Ret.), Ada County, (Boise) ID, 2005-2015

Ivonne Roman
Former Chief of Police, Newark, NJ, 2014
Founder 30x30initiative.org, 2021

Dan Satterberg
King County Prosecuting Attorney, WA, 2007-present

Ronal Serpas
Police Superintendent (Fmr.), New Orleans Police Department, LA, 2010-2014
Chief of Police (Fmr.), Nashville Police Department, TN, 2004-2010
Chief (Fmr.), Washington State Patrol, 2001-2004

Sean Smoot
Director, Police Benevolent and Protection Association of Illinois, 1996-Present
Former Police Commissioner, Leland Grove, IL, 1997-2007

Rich Stanek
Hennepin County Sheriff (Ret.), MN, 2007-2019
Former President, Major County Sheriffs' Association

Darrel Stephens
Chief of Police (Ret.), Charlotte-Mecklenburg Police Department, NC
Former Executive Director, Major Cities Chiefs Association

Robert Stutman
Former Special Agent in Charge (Ret.), Drug Enforcement Administration, New York Field
Division, NY

Karen Tandy
Administrator, Drug Enforcement Administration, 2003-2007

J. Scott Thomson
Chief of Camden County Police (Ret.), NJ, 2013-2019
Chief of Camden Police, NJ, 2008-2013
Former President of Police Executive Research Forum, 2015-2019

Cyrus R. Vance Jr.
Manhattan District Attorney, NY, 2010-present

Joyce Vance
Former U.S. Attorney, Northern District of Alabama, 2009-2017
Former Assistant U.S. Attorney, 1991-2009

**Letter in Support of Anne Milgram from 53 Police Chiefs, Sheriffs,
Prosecutors and other Criminal Justice Leaders**

John Walsh
Former U.S. Attorney, District of Colorado
Former Chair, Attorney General's Advisory Committee

John Wetzel
Secretary of Corrections, Department of Corrections, PA, 2011-present

Robert White
Chief of Police (Ret.), Denver Police Department, CO

Thomas B. Wine
Commonwealth's Attorney, Jefferson County, KY



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Elisabeth Shuman

May 25, 2021

The Honorable Richard J. Durbin
Chairman, Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Chuck E. Grassley
Ranking Member, Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, D.C. 20510

Re: Letter in Support of Anne Milgram, nominee for the Administrator of the U.S. Drug Enforcement Administration

Dear Chairman Durbin and Ranking Member Grassley:

I write to you and Members of the Committee in support of President Joe Biden's nomination of Anne Milgram to serve as Administrator of the U.S. Drug Enforcement Administration (DEA). I have had the privilege of knowing Ms. Milgram for a substantial portion of my career, during which I have worked to assist immigrants and domestic violence victims of human trafficking. Ms. Milgram is an experienced leader who will bring the right balance of toughness and compassion needed to meet the DEA's vital mission.

Ms. Milgram's work as a prosecutor at every level on behalf of survivors of crime demonstrates her humane approach and dedication to justice. She worked as a state and federal prosecutor of domestic violence, sexual assault, and human trafficking crimes. She brought some of the first cases under the Trafficking Victims Protection Act of 2000 and was promoted to be the Special Litigation Counsel for human trafficking crime at the Department of Justice. I first witnessed the impact of her work while representing Mexican women who had been trafficked into the United States through family-operated crime rings. Ms. Milgram had helped to develop both the investigative strategy and prosecution framework in U.S. vs. Carreto, where dozens of young Mexican women had been brutally forced into prostitution in brothels throughout the New York City metropolitan area, including Queens and Brooklyn, between 1991 and 2004. Faced with significant levels of irrefutable evidence, all defendants in the Carreto case pled guilty, creating a precedent that has resulted in saving the lives of countless victims of sex trafficking throughout the nation.

Due to her wide ranging experience, Ms. Milgram is uniquely qualified to lead the DEA. As New Jersey Attorney General, she led over 9,000 people in the Department of Law & Public Safety, as well as oversaw around 30,000 members of local law enforcement statewide. Her meticulous approach to leveraging data and technology in law enforcement and pinpointing the root causes of crime, including homelessness, substance use, and mental health issues, has reduced and prevented violence, as well as enhanced the safety and health of communities. Her work in Camden, New Jersey demonstrates her ability to significantly transform what some would call the most dangerous places in our country.

I have also had the opportunity to work with Ms. Milgram during her highly sought-after Issues in Human Trafficking seminar, which she taught while serving as a professor at NYU Law School. During these seminars, I was not only struck by both the depth and breadth of her knowledge on a wide range of issues around human trafficking, but the extraordinary ability she possesses to share her insights with her students, who clearly were inspired by her example. Ms. Milgram is a leader, whose intelligence, integrity and commitment to justice has left a profound impact on a generation of attorneys seeking to follow her example.

As her extraordinary career demonstrates, Ms. Milgram possesses the experience, the grit, and insightfulness required for the Administrator of DEA. I support her nomination without reservation, and I urge the Senate Judiciary Committee to advance her nomination to the full Senate.

Thank you for your consideration.

Sincerely,

Lori Cohen
Chief Executive Officer
ECPAT-USA



Major County Sheriffs of America

1727 King Street, Suite 316, Alexandria, Virginia 22314 | mcsheriffs.com

May 25, 2021

President
Sheriff Peter J. Koutoujian
Middlesex Sheriff's Department
Medford, MA

Vice President
Sheriff Dennis Lemma
Seminole County Sheriff's Office
Sanford, FL

**Vice President -
Government Affairs**
Sheriff Michael J. Bouchard
Oakland County Sheriff's Office
Pontiac, MI

**Vice President -
Homeland Security**
Sheriff Michael Chapman
Loudoun County Sheriff's Office
Leesburg, VA

Treasurer
Sheriff Robert Gualtieri
Pinellas County Sheriff's Office
Largo, FL

Secretary
Sheriff Leon Lott
Richland County Sheriff's Office
Columbia, SC

Past President
Sheriff Grady Judd
Polk County Sheriff's Office
Winter Haven, FL

Region 1 Representative
Sheriff Bill Brown
Santa Barbara County
Sheriff's Office
Santa Barbara, CA

Region 2 Representative
Sheriff Bill Waybourn
Tarrant County Sheriff's Office
Fort Worth, TX

Region 3 Representative
Sheriff Earnell Lucas
Milwaukee County Sheriff's Office
Milwaukee, WI

Region 4 Representative
Sheriff Garry McFadden
Mecklenburg County
Sheriff's Office
Charlotte, NC

Executive Director
Kimberly J. Wagner

General Counsel
Steven H. Cook

The Honorable Dick Durbin
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

The Honorable Chuck Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Chairman Durbin and Ranking Member Grassley:

On behalf of the Major County Sheriffs of America (MCSA), I write to express support for the nomination of Anne Milgram to serve as Administrator of the Drug Enforcement Administration (DEA). The MCSA is a professional law enforcement association of the 109 largest elected sheriffs' offices in the nation, representing over 125 million citizens.

Ms. Milgram is highly qualified by her extensive career in law enforcement, including serving as New Jersey's Attorney General and holding positions as a state, local, and federal prosecutor. During her career, Ms. Milgram spearheaded investigations into issue areas MCSA prioritizes –human trafficking, narcotics trafficking, street gangs, and violent and organized crime.

The MCSA Executive Board recently discussed with Ms. Milgram the important partnership local law enforcement holds with the DEA. Ms. Milgram expressed a commitment to strengthening this relationship and ensuring local law enforcement has the necessary tools to support our communities as the nation responds to the drug epidemic.

If confirmed, MCSA would look forward to working with Ms. Milgram on policies to improve access to treatment, diversion, and reentry, as well as efforts to protect our communities from those who spread addictive narcotics.

Respectfully,

Sheriff Peter Koutoujian, President
Major County Sheriffs of America

cc: Majority Leader Chuck Schumer, Minority Leader Mitch McConnell, and
Senate Committee on the Judiciary



Thursday, May 27th, 2021

The Hon. Richard Durbin
U.S. Senate
711 Hart Senate Building
Washington, D.C. 20510

The Hon. Chuck Grassley
U.S. Senate
135 Hart Senate Office Building
Washington, D.C. 20510

Dear Chairman Durbin and Ranking Member Grassley,

I am delighted to see the President has nominated former New Jersey Attorney General Anne Milgram to lead the United States Drug Enforcement Administration. Anne has always understood that law enforcement is an absolutely essential component of public safety, but it is still only one tool in our toolkit. Real gains in public safety require a holistic approach, an insight that was key to the passage of the First Step Act in 2018. For example, Milgram leads a team at NYU Law School that is developing ways to help police officers better identify mental illness, so that when appropriate, medical attention can be provided—instead of an unnecessary trip to jail. This work is already seeing early success in trial runs in Indiana. I am proud to support Milgram's nomination, and I urge the Senate to confirm her swiftly.

Sincerely,

Vikrant P. Reddy
Senior Fellow
Stand Together

CC: Members of the Senate Committee on the Judiciary



Jeff Landry
Attorney General

State of Louisiana
DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
P.O. BOX 94005
BATON ROUGE
70804-9005

May 10, 2021

The Honorable Richard Durbin
Chairman, Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Charles Grassley
Ranking Member, Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Chairman Durbin and Ranking Member Grassley,

I write to express my support for the nomination of Mr. Kenneth Allen Polite, Jr. to lead the U.S. Department of Justice's Criminal Division.

Mr. Polite's impressive professional record and remarkable academic success have well-equipped him for the role as director. He has proven excellence in both the private and the public sectors, and I am confident he will serve all Americans with honor and integrity.

Mr. Polite served my State and our Nation as U.S. Attorney for the Eastern District of Louisiana. His three years at the helm in New Orleans were extremely effective and without controversy. Mr. Polite was not only an effective crime fighter, but he was also an invaluable member of the community.

During his tenure as U.S. Attorney, I witnessed Mr. Polite's ability to enforce the law and to defend the interests of the United States according to the law. His leadership helped to prevent and control crime, and his ethics ensured fair and impartial administration of justice.

Mr. Polite's commitment to the rule of law and to public service are admirable. He is ready to serve and will do so with probity and character. I strongly support his nomination and encourage you to advance it.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff Landry", is written over a horizontal line.

Jeff Landry
Louisiana Attorney General



NATIONAL ORGANIZATION OF BLACK LAW ENFORCEMENT EXECUTIVES

National President
LYNDA R. WILLIAMS
Deputy Assistant Director (Retired), U.S. Secret Service/
Professor Criminal Justice, Middle Tennessee State University

National First Vice President
FREDERICK THOMAS
Captain Commander
East Haven Police, York, Sheriff's Office

National Second Vice President
BERNDA GOSS ANDREWS
Deputy Chief of Police (Retired)
Detroit Police Department

Immediate Past President
CAROLYN A. DAVIS
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Fayetteville City Police Department

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Franklin Township New Jersey

Sergeant-at-Arms
KEVIN GRANVILLE
Mist
Broward County Sheriff's Office

Parliamentarian
DR. ROSALYNDE M. FENNER
Supervisory Special Agent (Retired)
Drug Enforcement Administration

Associate Members Representative
MICHELLE L. TEGE
Detective
New York Police Department

Region One Vice President
GERALD NELSON
Chief (Retired)
New York Police Department

Region Two Vice President
ESTELLA J. THOMAS
Supervisor (Retired)
Transportation Security Administration

Region Three Vice President
ROBERT FORD
Assistant Chief
Lumpkin Police Department

Region Four Vice President
TIFFANY TINS
Chief of Police
Hocking College Police Department

Region Five Vice President
EDWIN DEBLEN
Assistant Special Agent in Charge
U.S. Environmental Protection Agency

Region Six Vice President
ANTHONY SPIEL
Captain
Alaska State Troopers

Federal Assistant to the National President
JEFFREY FORBIS
Postal Inspector
U.S. Postal Inspection Service

Special Assistant to the National President
LARI E. DIXON
Principle Assistant Inspector (Retired)
U.S. Department of Transportation

Special Assistant to the National President
JOHN E. PEARSON
Director of Police Services
DeKalb County Police Department

Special Assistant to the President for International Affairs
MELODY JACKSON
Special Agent in Charge (Retired)
Health and Human Services-Office of Inspector General

National Chaplain
REVEREND DR. BARBARA WILLIAMS HARRIS
Inspector-Chaplain
New York Police Department

May 11, 2021

DWAYNE CRAWFORD
Executive Director

The Honorable Charles E. Schumer
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Richard J. Durbin
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Mitchell McConnell
Minority Leader
United States Senate
Washington, DC 20510

The Honorable Charles E. Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Majority Leader Schumer, Minority Leader McConnell, Chairman Durbin, and Ranking Member Grassley:

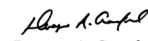
The National Organization of Black Law Enforcement Executives (NOBLE) formally acknowledges the work and commitment to service that has been exhibited by Attorney Kenneth A. Polite Jr.

Attorney Polite has displayed the qualities of leadership, empathy, excellence, and persistence in supporting and defending the U.S. Constitution while ensuring equal protection and justice for all Americans. This has been exhibited in roles such as United States Attorney for the Eastern District of Louisiana and Assistant United States Attorney in the Southern District of New York.

It is NOBLE's belief that Attorney Polite will help to ensure the delivery of its mission which is to ensure equity in the administration of justice in the provision of public service to all communities, and to serve as the conscience of law enforcement by being committed to Justice by Action.

In closing, this correspondence acts as a formal endorsement of Attorney Polite as the next Assistant Attorney General for the Criminal Division in the United States Department of Justice.

Sincerely,


Dwayne A. Crawford
Executive Director



LaToya Cantrell
MAYOR

CITY OF NEW ORLEANS
DEPARTMENT OF POLICE

715 South Broad Street
New Orleans, LA 70119

"to protect and to serve"



Shaun D. Ferguson
SUPERINTENDENT

May 12, 2021

The Honorable Charles E. Schumer, Majority Leader
The Honorable Mitch McConnell, Minority Leader
The Honorable Richard J. Durbin, Chairman Committee on the Judiciary
The Honorable Charles E. Grassley, Ranking Member Committee on the Judiciary
United States Senate
Washington, DC 20510

Re: Letter of Support (Mr. Kenneth Polite)

Dear Mr. Schumer, Mr. McConnell, Mr. Durbin, and Mr. Grassley:

We write this letter to urge the Senate to unanimously confirm Mr. Kenneth Polite to serve as the Chief of the Criminal Division of the United States Department of Justice. The undersigned are the three most recent Superintendents of Police – New Orleans Police Department. We have each served with Mr. Polite while he was the United States Attorney for the Eastern District of Louisiana.

We believe that Mr. Polite's experience ideally suits him to lead the Department of Justice's Criminal Division, which develops, enforces, and supervises the application of federal criminal laws while ensuring thorough and complete prosecution of major criminal cases throughout the nation and abroad.

During his tenure in New Orleans as the United States' Attorney, we witnessed first-hand Mr. Polite's ability to create productive and collaborative relationships with those across the criminal justice system of Southeast Louisiana – local and state police, sheriffs, judges, social workers, civil rights leaders, prosecutors, defense attorneys, victim assistance coordinators, juvenile justice administrators, and corrections leaders.

We possess a diverse set of backgrounds from within the criminal justice community and are personally familiar with Mr. Polite's professional credentials. But more importantly, we are intimately familiar with who Mr. Polite is as a leader in the criminal justice system of Louisiana and the city of New Orleans. He is a person who exhibits keen judgment and wisdom and who plays a dynamic role in promoting public safety while developing trust within communities towards the criminal justice system as a whole. He is precisely the type of person to be the Chief of the Criminal Division of the United States Department of Justice.

Page 1 of 2

"an equal opportunity employer"

Letter of Support (Kenneth Polite)

We submit our recommendation without hesitation or qualification. Having our first-hand experience, we can attest to the immense value Mr. Polite will bring to our nation and our criminal justice system.

Respectfully,



Shaun D. Ferguson
Superintendent – New Orleans Police Department (2019-Present)



Michael S. Harrison
Commissioner – Baltimore Police Department (2019-Present)
(ret) Superintendent – New Orleans Police Department (2014-2019)



Ronal W. Serpas, Ph.D.
(ret) Superintendent – New Orleans Police Department (2010-2014)
(fmr) Chief of Police – Metro Nashville Police Department (2004-2010)
(fmr) Chief of the Washington State Patrol (2011-2003)
Professor of Practice – Loyola University New Orleans Department of Criminology and Justice (2014-Present)
Executive Director-Law Enforcement Leaders to Reduce Crime and Incarceration (2015-Present)

May 13, 2021

The Honorable Richard J. Durbin
Chair
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Charles E. Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Senators Durbin and Grassley,

As education advocates and school leaders in the greater New Orleans area, we write in support of Kenneth Polite's appointment to serve as the Assistant Attorney General for the Criminal Division of the United States Department of Justice.

When Mr. Polite was appointed by President Barack Obama to be the United States Attorney for the Eastern District of Louisiana, he chose to have his swearing-in ceremony not at a courthouse, but at a public school in New Orleans. He believed that public safety starts with strong public education. Mr. Polite has shared that, in his role as a United States Attorney, which he held from 2013-2017, the only business cards he handed out were the ones he gave to young people. He was driven to connect with them, serve them, and hear their voices first.

This dedication existed before that moment and has persisted long after it. Mr. Polite tutored his fellow students across New Orleans, starting in high school. Later, he worked as a summer high school teacher for Summerbridge New Orleans (now Breakthrough New Orleans). Though his career has been in law, Mr. Polite has also mentored young people throughout New Orleans, and he has been a dedicated member of education and nonprofit boards. Today, he serves as Chair of the Board of New Schools for New Orleans, a nonprofit organization focused on providing an excellent public education to every child in New Orleans. He also serves on the board of the Youth Empowerment Project and is the former Board Chair of New Orleans College Prep school and Breakthrough New Orleans. His work on the boards of the Anti-Defamation League of New Orleans and Ochsner Health System promotes justice, equity, and access in other powerful ways, as does his national work as a member of the American Bar Association's Standing Committee on the Federal Judiciary.

Mr. Polite's own educational and professional journey is illustrious. He graduated from Harvard University after graduating as valedictorian of De La Salle High School in New Orleans. He later graduated *cum laude* from Georgetown University Law Center. For his dedication to public service,

he has also received an honorary degree from Loyola University New Orleans College of Law. Today, he is a partner at Morgan, Lewis & Bockius LLP. He has also worked at Skadden, Arps, Slate, Meagher & Flom LLP; served as Assistant United States Attorney for the Southern District of New York; clerked for the Honorable Thomas L. Ambro of the United States Court of Appeals for the Third Circuit; and served as the Vice President and Chief Compliance Officer for Entergy Corporation.

Mr. Polite has worked to ensure bright futures and educational opportunities for the youth of New Orleans, and he is thoughtful about the interaction between education and our justice system. Mr. Polite believes that the right place for our children is in schools, not jails. He has spoken about the over-disciplining of students of color in our nation's schools and the need for investment in trauma-informed education.

As our nation faces the continued horrors of police violence against Black people, which deeply affects our children and families, Mr. Polite has been clear that we need significant, meaningful change in the practices and culture of law enforcement. He partnered with the American Civil Liberties Union to help fight racism in policing and fight police misconduct through litigation in Louisiana. He has used his social media platform to draw attention to this issue as well.

His dedication to education exemplifies the same level of tenacity and steadfastness he will demonstrate in his new role with the Department of Justice. As members of the education community in New Orleans, we would be proud to see Mr. Polite take on this role. We are certain he will serve with expertise, skill, and wisdom. We know he would show our national community the same care and dedication he has shown the young people of New Orleans.



Patrick Dobard
CEO
New Schools for New Orleans

Chief Executive Officers, Chief Operating Officers, School Leaders, and Executive Directors of the following New Orleans Charter Schools:

Byron A. Arthur, President and CEO
Delores Taylor Arthur School For Young Men

Mardele S. Early, Founding CEO
Lake Forest Elementary Charter School

Tanya Bryant, CEO
ReNEW Schools

Jolene R. Galpin, CEO
ARISE Schools

Joel Castro, CEO
New Orleans College Prep Schools

Mary C. Haynes-Smith, Principal and CEO
Mary McLeod Bethune Elementary Charter School

Mervin Jackson, Principal and CEO
Warren Easton Charter High School

Rhonda Kalifey-Aluise, CEO
KIPP New Orleans Schools

Talé D. Lockett, CEO
Algiers Charter School Association

Erika Mann, MEd., Head of School
James M. Singleton Charter School

Brionne Marcelle, School Leader
Young Audiences Charter School

Charlotte L. Matthew, Founder and CEO
Legacy of Excellence, Inc.
Benjamin Franklin Elementary Mathematics
and Science School

Jamar McKneely, CEO
InspireNOLA Charter Schools

Kate Mehok, Co-Founder and CEO
Crescent City Schools

Rickie Nutik, CEO
Young Audiences of Louisiana

Stefin Pasternak, CEO and School Director
Living School New Orleans

Sabrina Pence, CEO
Firstline Schools

Patricia M. Perkins, Head of School
Morris Jeff Community School

Meghan Raychaudhuri, CEO
Homer Plessy Community Schools

Marina Schoen, CEO
Lycée Français de la Nouvelle-Orléans

Sunny Dawn Summers, School Leader
New Harmony High School

Melanie Tennyson, Head of School and CEO
International School of Louisiana

Kyle Wedberg, Vice President
National Arts Schools Network (ASN)

Dr. Patrick Widhalm, Head of School
Benjamin Franklin High School

Davis Zaunbrecher, COO
Collegiate Academies

700 St. Philip St.
New Orleans, LA 70116

May 17, 2021

The Honorable Richard J. Durbin
Chair
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Senator Durbin,

I write in strong support of Kenneth Polite's nomination to serve as the Assistant Attorney General for the Criminal Division of the U.S. Department of Justice.

It was December of 2013 when I first met Kenneth Polite, as a law clerk attending his investiture ceremony. The new U.S. Attorney didn't hold it at a courthouse, but at a school to show his commitment to the city's future. He spoke in soaring words about the possibility of prosecution to improve a community. He asked us to broaden our outlooks: "The world is your venue," he said. I felt something resonate within me. *I'd like to work for someone like that.* When applications opened for an Assistant United States Attorney post in the office, I sent mine in, along with countless others. I pointed to my years defending Marines as a judge advocate in the Marine Corps, my time researching and writing as a clerk on the Fifth Circuit, and my commitment to the community as a leader of the New Orleans Federalist Society. I was blessed to gain an offer to work alongside a cadre of highly talented lawyers from diverse backgrounds.

The U.S. Attorney's Office for the Eastern District of Louisiana was a tremendous place to work, where new and experienced Assistant U.S. Attorneys worked side by side on cases. One such example was the case of *U.S. v. Harry Morel, Jr.* A prior U.S. Attorney had formally closed and declined prosecution of the matter, but U.S. Attorney Polite reopened it. I joined a brand new team of prosecutors to work with Special Agent Michael Zumner, a fellow Marine and Fifth Circuit law clerk alumni, in taking a fresh look at the case.

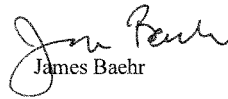
The case was not easy. It covered allegations of sexual acts in exchange for leniency by a man who had been an elected district attorney for 30 years. Morel had picked his victims carefully: many had prior records that he could point to in a cynical attempt to undermine the truth of their testimony. The key witness in the case, who had worn a wire to expose his wrongdoing, had died unexpectedly. Many of the acts had occurred well beyond any statute of limitations. And several legal issues remained contested, potentially dragging the case on for years of appeals. Indeed, one of the Office's most senior prosecutors conducted an independent evaluation of the evidence, where she highlighted the challenges that lay ahead for us.

But the case was righteous. Despite all the challenges, we pressed on with the investigation, following the facts and the law. The U.S. Attorney never wavered in his support of our work.

Like nearly all other federal prosecutions, the Morel matter was resolved with a guilty plea, specifically, to an obstruction of justice charge that carried a statutory maximum of three years' imprisonment. Admittedly, we would all have liked to see Morel face more time. But for a 73-year-old man and former district attorney, this was a felony conviction that resulted in years behind bars and his disbarment from the legal profession. The community would know everything he did and that he hadn't gotten away with it. Without the perseverance of the team under U.S. Attorney Polite's leadership, there would have been no justice for the victims.

Kenneth Polite was a champion of this prosecution, reviving it, and supporting it unstintingly. His faith in and support of everyone in the U.S. Attorney's Office for the Eastern District of Louisiana allowed us to broaden our outlook and be the blessing to the community that he called for on the day of his investiture, and I left the Office as inspired by him as the day I first heard him speak.

Sincerely,



James Baehr

May 18, 2021

VIA EMAIL

The Honorable Richard J. Durbin, Chair
United States Senate
Committee on the Judiciary
211 Hart Senate Office Building
Washington, DC 20510

The Honorable Charles E. Grassley, Ranking Member
United States Senate
Committee on the Judiciary
211 Hart Senate Office Building
Washington, DC 20510

Re: Nomination of Kenneth A. Polite to be the Assistant Attorney General for the Criminal Division of the United States Department of Justice

Dear Chair Durbin and Ranking Member Grassley:

We are writing to express our strong support for Kenneth A. Polite's nomination to become the Assistant Attorney General for the Criminal Division of the United States Department of Justice (DOJ). We are retired Federal Bureau of Investigation (FBI) Special Agents who held executive management positions in the FBI's New Orleans Field Office during Kenneth's tenure as the United States Attorney for the Eastern District of Louisiana (USAO). We have known and worked with Kenneth during the prosecution of numerous criminal matters as well as community outreach efforts across southeastern Louisiana. We also know Kenneth personally and regard him as a highly professional, conscientious, intelligent and dedicated public servant that anyone would value as their neighbor or colleague. Both of us believe he will once again be a tremendous asset to the DOJ and an outstanding Assistant Attorney General.

During his tenure as U.S. Attorney, Kenneth oversaw the prosecution of multiple violent drug gangs, child pornographers, healthcare fraudsters including physicians and staff, human traffickers, civil rights violators and numerous public officials including the former mayor of New Orleans and two former district attorneys. Many of these cases, particularly the corruption and civil rights matters, were difficult, time consuming and personnel intensive prosecutions.

It is, therefore, disheartening to learn that Kenneth's leadership has been criticized given that he has pursued justice for all victims whenever possible. This criticism involves one case in particular which had been previously declined for prosecution. Kenneth took the extraordinary step of reopening the case and bringing it to a successful conclusion which included a guilty plea and jail term. In our many years with the FBI, we have not seen such an action from a U.S. Attorney.

We believe Kenneth to be an exceptionally qualified candidate for the position of Assistant Attorney General. He will be a credit to the DOJ as well as the overarching interests of justice in

the United States. Kenneth is a truly good, decent and fair-minded public servant who will guide the criminal division impartially with only the facts and law as his guide.

For all of the above reasons, we strongly recommend Kenneth and urge you to support his confirmation to serve as the Assistant Attorney General for the Criminal Division of the United States Department of Justice.

Yours Sincerely,

Michael Anderson
Former Special Agent in Charge
New Orleans Field Office
Chicago Field Office

Daniel H. Evans
Former Assistant Special Agent in Charge
Federal Bureau of Investigation
New Orleans Field Office

The Honorable Richard J. Durbin
Chair
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Charles E. Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Via Email to:
Phillip_Brest@judiciary-dem.senate.gov;
Michael_Fragoso@judiciary-rep.senate.gov

May 20, 2021

RE: The confirmation of Kenneth A. Polite for Assistant Attorney General for the Criminal Division at the United States Department of Justice

Dear Senator Durbin and Senator Grassley,

We, the undersigned, represent a broad coalition of organizations dedicated to criminal justice reform, and promoting public health and safety in New Orleans, Louisiana. We write today to offer our enthusiastic support for the confirmation of Kenneth A. Polite to serve as Assistant Attorney General for the Criminal Division in the United States Department of Justice.

Amongst the co-signers of this letter are organizations that provide direct services to currently and formerly incarcerated people to help stop the cycle of incarceration that plagues our community; others advocate on a local, state, and national level to move our country away from dependence on incarceration, and implement new and effective solutions to truly keep our people safe.

We live, work, and raise our families in the most incarcerated city, in the most incarcerated state, in the most incarcerated country, in the world. Many of the undersigned organizations in this letter are led by people who have survived incarceration themselves, some were incarcerated due to prosecutorial misconduct and dishonesty by law enforcement, and many have lost loved ones to violence. We know personally that mass incarceration is a failed experiment. Instead of making our communities safer, it has helped maintain a cycle of poverty and violence.

During his term as United States Attorney for the Southeastern District of Louisiana Mr. Polite was committed to transparency and integrity. He dramatically reduced the use of unnecessary pre-trial detention, he prioritized the prosecution of public

corruption, civil rights violations by members of law enforcement, and violent crime. He also fostered community-based partnerships to address the root causes of violence in our community and prevent crime before it occurs, and, he worked with local reentry organizations and local employers to ensure that a mistake in someone's past does not define their entire future.

Mr. Polite grew up in New Orleans, in a neighborhood hit hardest by incarceration, crime, and violence. While Mr. Polite served as U.S. Attorney, he made it a point to support his community in ways you do not typically see a prosecutor prioritize their time.

Unlike many prosecutors, Mr. Polite made the successful reintegration of formerly incarcerated people back into their families and communities a notable priority. Through the 30-2-2 initiative Mr. Polite brought dozens of employers into our state prison system, to meet people who were incarcerated. He set a goal to get at least 30 of those businesses to commit to hiring formerly incarcerated people in gainful, career track employment – he met, and exceeded, that goal. Just seeing a US Attorney visit a prison, something he did regularly during his term, was significant - and is too rarely done by prosecutors - but seeing a U.S. Attorney use his power and position to get businesses to voluntarily commit to changing their discriminatory hiring policies, and create pathways to success for formerly incarcerated people, was truly remarkable.

We support Mr. Polite's confirmation as Assistant Attorney General because we know that he will use the power and resources of the Department of Justice with integrity, accountability to our communities, and a commitment to moving our country beyond failed solutions that have not, and will not, keep our communities healthy and safe.

Sincerely,

Voice of the Experienced (VOTE)
 The First 72+
 Power Coalition for Equity and Justice
 Orleans Parish Prison Reform Coalition (OPPRC)
 Promise of Justice Initiative
 Louisiana Parole Project
 Total Community Action
 Step Up Louisiana
 Louisiana Appleseed Center for Law and Justice
 The Juror Project
 Urban league of Louisiana
 Participatory Defense Movement Nola
 Operation Restoration

CC: The Honorable Charles E. Schumer
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, DC 20510

Via Email To:

Reginald_Babin@schumer.senate.gov;

Andrew_Ferguson@mccconnell.senate.gov



FOR YOUTH DEVELOPMENT®
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

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Scott Hardie

Robert Hassinger

O.P. "Boots" Hoffman, Jr.

Hans Jonassen

Kelly Longwell-Gotsche

Gray Parker

Dick H. Piner

Pratt Provosty

John K. Roberts, Jr.

George Wilson

Betty A. Wilson Jeffrey

YMCA OF GREATER NEW
ORLEANS President & CEO

Gordon R. Wadge

May 21, 2021

Honorable Richard J. Durbin

Chair

Committee on the Judiciary

United States Senate

Washington, DC 20510

Honorable Charles E. Grassley

Ranking Member

Committee on the Judiciary

United States Senate

Washington, DC 20510

Honorable John N. Kennedy

United States Senate

Washington, DC 20510

Honorable William M. Cassidy

United States Senate

Washington, DC 20510

Dear Senators Durbin, Grassley, Kennedy, and Cassidy:

God bless you in your service to our nation. Please know of our prayers for you.

I am writing today to respectfully ask for your support of Kenneth Polite's appointment to serve our nation as the Assistant Attorney General for the Criminal Division of the United States Department of Justice.

I'm sure my Y colleagues in Louisiana, Illinois, Iowa and indeed throughout the US would be in support of Mr. Polite's nomination if they knew him as well as we do in New Orleans. He was born to a teenage mom and grew up in the Lower Ninth Ward in New Orleans. Despite a challenging childhood, he graduated valedictorian from De La Salle High School, a Christian Brothers School, focused on developing young leaders academically, spiritually and morally, imbuing within them a strong sense of community engagement, social conscience, and volunteerism. He carried these formative lessons along his academic path through Harvard and Georgetown. His academic credentials are stellar, but it is his character that makes him exemplary.

His staff at the US Attorney's Office in New Orleans had great respect for his leadership and his ability to quickly absorb information and make sound judgements

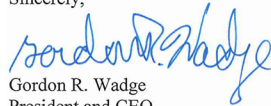
YMCA OF GREATER NEW ORLEANS
320 Metairie Hammond Hwy, Ste. 321
Metairie, LA 70005
PH# (504) 568-9622 FAX# (504) 533-0080



while respecting the input of the team. He understands the issues of poverty and crime, having lost his half brother to violence. Mr. Polite and his wife, Dr. Florence Greer Polite, were always active in the New Orleans community. Mr. Polite volunteered his time with youth mentoring programs, violence prevention initiatives, reentry programs, public school community initiatives, and various non-profit boards.

I'm sure you have seen his full curriculum vitae. You should know that Mr. Polite works well with and respects people of every background. His long list of accomplishments credentials him for the role of Assistant Attorney General, but it is his strength of character that qualifies him.

Sincerely,



Gordon R. Wadge
President and CEO
YMCA of Greater New Orleans

May 21, 2021

The Honorable Charles B. Schumer
Majority Leader
United States Senate
322 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
317 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Richard J. Durbin
Chair, Judiciary Committee
United States Senate
711 Hart Senate Building
Washington, D.C. 20510

The Honorable Charles E. Grassley
Ranking Member, Judiciary Committee
United States Senate
135 Hart Senate Office Building
Washington, D.C. 20510

**Re: Nomination of Kenneth Allen Polite, Jr. to be the
Assistant Attorney General for the United States
Department of Justice's Criminal Division**

Dear Senators Schumer, McConnell, Durbin, and Grassley:

The undersigned are current and former Assistant United States Attorneys who served with Kenneth Polite in the Southern District of New York. Kenneth is a fair, humble, and ethical person. He is a committed father and husband. He is an excellent lawyer, and a natural and inspiring leader. We support his nomination to be the Assistant Attorney General for the Criminal Division of the United States Department of Justice without reservation.

At the Southern District of New York, Kenneth displayed the qualities that define a public servant committed to seeking justice: most importantly, the simple idea of doing the right things for the right reasons. Kenneth did just that. He was a vigorous advocate who always maintained empathy, prosecuting a wide array of offenses ranging from narcotics to organized crime to complex fraud. He was a skilled trial attorney—quick on his feet and with an immediate connection to juries. With his peers, Kenneth was generous with both his time and judgment and was always there to lend a hand or be a sounding board. He also brought a nuanced view of the law, facts, and policy, with a focus on the practical consequences of the responsibility of federal prosecution. He demonstrated a consistent awareness that his actions affected real people, whether victims, defendants, or the community at large.

Kenneth is a native of New Orleans, and he and his family returned there after his service in New York. Following a few years in private practice, Kenneth was nominated to be the United States Attorney for the Eastern District of Louisiana. We were proud, and some of us traveled to New Orleans for his swearing-in. The auditorium was filled to capacity and we witnessed firsthand a leader committed to

Senators Schumer, McConnell, Durbin, and Grassley
 May 21, 2021
 Page 2

the community and ready to lead an Office to excellence. As United States Attorney, he established a public integrity unit and prosecuted gang violence, health care fraud, human trafficking, civil rights violations, and public corruption. He sought to improve transparency between the public and those who serve in new and progressive ways. For example, he shared Pretrial Risk Assessments with defense attorneys, decreasing unnecessary pretrial detention, and he dedicated resources to affirmative crime-prevention work, including focusing on mentoring at-risk youth and improving reentry opportunities for incarcerated men and women. Kenneth was a true leader in Louisiana, turning his Office into a model for the country.

After stepping down as United States Attorney, Kenneth has worked both in-house and at a large firm in Philadelphia, where his wife teaches and leads the Division of General Obstetrics and Gynecology at the University of Pennsylvania. While doing so, he has continued to stay involved in public service and with the City of New Orleans and has continued to impress all who work with him.

The Department of Justice is known for having produced some of the finest public servants and attorneys in the country. Kenneth is among the best of those lawyers and we are confident the Criminal Division will thrive under Kenneth's leadership. Now more than ever, the Criminal Division must evolve and adapt to new criminal threats in order to serve the public in an ever-changing world. Kenneth is the right person to guide that evolution. He will be fair, just, and innovative.

We urge the confirmation of Kenneth Polite as the Assistant Attorney General for the Criminal Division.

Respectfully submitted,

Jonathan Abernethy (2001-2008)	Jeffrey Alberts (2007-2013)
Antonia Apps (2007-2014)	Santosh Aravind (2009-2014)
Marcus Asner (2000-2009)	Lisa Baroni (2000-2013)
Arianna Berg (2005-2013)	Jillian B. Berman (2004-2013)
Brian Blais (2010-2021)	Todd Blanche (2006-2014)
Douglas B. Bloom (2009-2015)	Michael Bosworth (2005-2013)
Daniel Braun (1999-2016)	Jeffrey Brown (2005-2014)
Jacob W. Buchdahl (2002-2007)	Sean Buckley (2009-2018)
Jennifer Burns (2008-2017)	Marshall Camp (2005-2009)
John Clopper (2007-2015)	Marcia S. Cohen (1998-present)
Carrie Cohen (2007-2016)	Jonathan Cohen (2009-2018)
Jenna Dabbs (2006-2014)	Arlo Devlin-Brown (2005-2016)
Maria Douvas (2004-2010)	Janis Echenberg (2008-present)
Christian Everdell (2007-2016)	Joseph Facciponti (2005-2014)
Margery Feinzig (1993-2012, 2016-present)	Michael Ferrara (2010-2020)

Senators Schumer, McConnell, Durbin, and Grassley
 May 21, 2021
 Page 3

Amy Orange Finzi (2002-2008)	Harris Fischman (2009-2015)
Sharon Frase (2006-2010)	Christopher D. Frey (2008-2015)
Nicole Friedlander (2008-2016)	Joshua Goldberg (2001-2009)
Daniel Goldman (2007-2017)	Jason P.W. Halperin (2004-2015)
William Harrington (2006-2012)	Aimee Hector (2008-2018)
Nola Heller (2006-2017)	Jason Hernandez (2009-2014)
John M. Hillebrecht (1995-2010)	Randall Jackson (2007-2015)
Brian Jacobs (2009-2015)	William F. Johnson (1996-2009)
Edward Y. Kim (2008-2017)	Glen Kopp (2008-2013)
Lisa Podewils Korologos (1997-present)	Amanda Kramer (2008-2019)
Paul Krieger (2008-2017)	Sarah Krissoff (2008-present)
Steve Kwok (2007-2013)	Natalie Lamarque (2007-2014)
Deborah Landis (1988-2008)	Mark D. Lanpher (2007-2011)
Steve Lee (2005-2014)	Wilson Leung (2001-2008)
Sharon Cohen Levin (1991-2015)	Nick Lewin (2007-2017)
Marc Litt (2002-2010)	Michael Maimin (2006-present)
Scott L. Marrah (2003-2007)	Rebecca C. Martin (2001-2016)
Jessica A. Masella (2004-2016)	David B. Massey (2004-2013)
Howard Master (2007-2017)	Deirdre A. McEvoy-Cappock (2000-2010)
Glen G. McGorty (2002-2012)	Brendan McGuire (2005-2016)
Rebecca Mermelstein (2010-present)	Stephen A. Miller (2001-2007)
David I. Miller (2009-2014)	Julian J. Moore (2006-2013)
Robin Morey (1988-present)	Parvin Moyne (2006-2015)
Benjamin Naftalis (2006-2015)	Kan M. Nawaday (2009-2018)
Jonathan B. New (2003-2010)	Rosemary Nidiry (2001-2005; 2007-2015)
Edward C. O'Callaghan (1999-2008)	John J. O'Donnell (2004-2014)
David O'Neil (2006-2009)	Jessica Ortiz (2008-2016)
Lauren M. Ouziel (2005-2008)	Jim Pastore (2009-2014)
E. Danya Perry (2002-2013)	Guy Petrillo (1990-1997; 2008-2009)
Ryan Poscablo (2009-2015)	Pablo Quiñones (2004-2012)
Paul Radvany (1997-2007)	Seetha Ramachandran (2005-2011, 2014)
Kirti Vaidya Reddy (2005-present)	Lee Renzin (2007-2014)
Rebecca Monck Ricigliano (2005-2014)	Mimi Rocah (2001-2017)
Jennifer Rodgers (2000-2013)	David M. Rody (1998-2011)
Virginia Chavez Romano (2002-2012)	Rebecca Rohr (2007-2011)
Timothy Sini (2010-2014)	Michael Rosensaft (2006-2012)
Peter B. Sobol (1982-2009)	Peter M. Skinner (2004-2015)
Jocelyn Strauber (2005-2013)	Shane T. Stansbury (2009-2018)
Timothy J. Treanor (1999-2008)	Jonathan R. Streeter (2000-2012)
Barbara Ward (1995-2012)	Niketh Velamoor (2009-2018)
Brent Wible (2006-2014)	Avi Weitzman (2005-2012)
Christine Wong (2004-2008)	Alexander J. Willscher (2004-2010)
John Zach (2006-2015)	Li Yu (2007-present)

May 18, 2021

The Honorable Charles B. Schumer
Majority Leader
United States Senate
322 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Mitchell McConnell
Minority Leader
United States Senate
317 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Richard J. Durbin
Chair, Judiciary Committee
United States Senate
711 Hart Senate Building
Washington, D.C. 20510

The Honorable Charles E. Grassley
Ranking Member, Judiciary Committee
United States Senate
135 Hart Senate Office Building
Washington, D.C. 20510

**Re: Nomination of Kenneth Allen Polite, Jr. to be the
Assistant Attorney General for the United States
Department of Justice's Criminal Division**

Dear Senators Schumer, McConnell, Durbin, and Grassley:

As members of New Orleans' faith community we have had the opportunity to work with Kenneth Polite during his tenure as United States Attorney for the Eastern District of Louisiana. As Kenneth is a native of New Orleans many of us have had the opportunity to witness his commitment to his family and observe the talent and values that set him apart as exemplary lawyer and leader. This letter is submitted in support of his nomination to be the Assistant Attorney General for the Criminal Division of the United States Department of Justice.

Integrity and professionalism are no doubt qualities required and expected of any public servant. It is especially true for so distinguished a position as Assistant Attorney General of our country. Mr. Polite possesses these qualities in abundance as is apparent from his history and particularly his contributions and record as U.S. Attorney for the Eastern District of Louisiana from 2013-17.

However, there are other qualities and values that we find necessary, especially at this critical time in our country. Specifically, Mr. Polite's commitment to the principle that ultimately the many issues related to crime and violence are not the responsibility of government alone but require the collaboration of a united community. Mr. Polite's work to build partnerships between law enforcement and the residents they serve, and in particular, his willingness to forge working relationships with the faith community clearly demonstrate this commitment. He worked to successfully attack drug trafficking and the gang and gun violence that terrorized our community while leading efforts focused on youth most at risk of becoming homicide victims. Mr. Polite's establishment of the Crescent City Keepers initiative

Senators Schumer, McConnell, Durbin, and Grassley
 May 18, 2021
 Page 2

created an opportunity for area communities of faith to partner with the U.S. Attorney's Office as mentors to vulnerable youth with the goal of saving lives. In addition to addressing the violent crime that has plagued our city for years and his dedication to crime prevention, Kenneth established a public integrity unit and assured transparency between the public and those who protect and serve them.

For many years our city had the shameful distinction of nearly always being among the most violent cities in our country. Without question Kenneth Polite left this city and region a far safer and better place, and he made the U. S. Attorney's Office for Southeast Louisiana a model of excellence for the country.

The Department of Justice is where the American people place their ultimate hopes and expectations for a fair and peaceful country. It is where we expect to find the finest attorneys and the most conscientious public servants. Kenneth has proven that he is among the best of those lawyers and we are confident that he is the best choice to lead the Criminal Division and serve America at a time of new criminal threats and challenges. We know that Kenneth Polite will continue to inspire law enforcement with forward-looking strategies that unite them with the public that they serve. He is the right person for the job that needs to be done.

We prayerfully urge the confirmation of Kenneth Polite as the Assistant Attorney General for the Criminal Division.

Respectfully submitted,

Most Reverend Gregory Aymond
 Archbishop of New Orleans

Reverend Patrick J. Williams
 Pastor, St. Pius X Catholic Church
 and Vicar General
 Archdiocese of New Orleans

Rev. C.S. Gordon, Jr.
 Pastor, New Zion Baptist Church

Superintendent Ernest Dison, Sr.
 Pastor, St. Paul Church of God
 in Christ

Rev. Dr. J. C. Dyson, Sr.
 President, Ideal Missionary Baptist
 and Educational Association

Most Reverend Fernand J. Cheri, III
 O.F.M. Auxiliary Bishop of New Orleans

Senators Schumer, McConnell, Durbin, and Grassley
 May 18, 2021
 Page 3

Reverend Fred Luter Pastor, Franklin Avenue Baptist Church	Rafeeq H. NuMan Senior & Resident Islamic Association of New Orleans
Very Reverend Bill Terry Rector, St. Anna's Episcopal Church	Sr. Bonnie Jean Sniegowski, S.N.D. Sisters of Notre Dam
Rev. Dr. Harold Mayberry Presiding Elder Oakland/San Jonquin District California Conference African Methodist Episcopal Church	Sr. Theresa Rooney, CHF Sisters of the Holy Family Sr. Sylvia Thibodeaux, S.S.F. Sisters of the Holy Family
Reverend Joe Connelly Bethany United Methodist Church	Sr. Greta Jupiter Sisters of the Holy Family
Rev. Louis Arceneaux, C.M. Congregation of the Mission, Western Province, USA	Sr. Mary Lou Specha, PBVM Sisters of the Presentation of the Blessed Virgin Mary
Reverend Daniel H. Green Pastor, St. Maria Goretti Catholic Church	Sr. Judy Zynda, OP Adrian Dominican Sisters
Supt. John E. Pierre, Pastor Greater Living Witness Sanctuary Church of God in Christ	Sr. Maura O'Donovan, CHF Sisters of the Holy Faith
Bishop Willie L. Cage Prelate South Central Louisiana Church of God in Christ	Sr. Mary Pauline O'Reilly C.H.F. Sisters of the Holy Faith

Senators Schumer, McConnell, Durbin, and Grassley
May 18, 2021
Page 4

Sr. Julie Marsh, PBVM
Sisters of the Presentation of the
Blessed Virgin Mary

Joe Givens
Executive Director
Isaiah Institute of New Orleans

May 25, 2021

The Honorable Richard J. Durbin
Chairman, Committee on the Judiciary
United States Senate
Washington, D.C. 20510

The Honorable Charles E. Grassley
Ranking Member, Committee on the Judiciary
United States Senate
Washington, D.C. 20510

RE: Nomination of Kenneth A. Polite to Serve as Assistant Attorney General - Criminal
Division

Dear Chairman Durbin and Ranking Member Grassley:

We write in strong support of Kenneth Polite's nomination to serve as the next Assistant Attorney General for the Criminal Division of the U.S. Department of Justice. Each of us has led that Division at different times and under different Democratic and Republican administrations. We know the importance and sensitivity of the Division's work in areas ranging from the prosecution of public corruption, to the protection of children from exploitation, to the policing of corporate fraud and the protection of markets and investors. The Criminal Division needs a strong and independent leader, and we are confident in Kenneth Polite's ability to serve well in that role.

Mr. Polite is well-qualified to lead the more than 600 prosecutors in the Criminal Division. He has a long record of public service, including as a line-level Assistant U.S. Attorney in the Southern District of New York earlier in his career, where he tried six felony jury trials to verdict. He later served as the Senate-confirmed U.S. Attorney for the Eastern District of Louisiana – a District which has a long partnership with the Criminal Division in prosecuting healthcare fraud as part of the Medicare Fraud Strike Force program. In addition to his federal service, Mr. Polite has served on the Louisiana Civil Service Commission and the New Orleans Public Belt Railroad Commission. He has served as a lawyer to organizations and individuals in private practice, most recently as a partner at Morgan, Lewis & Bockius LLP in Philadelphia, and he has also gained valuable insights and perspectives into corporate compliance and governance as the former Vice President and Chief Compliance Officer for Entergy, a Fortune 500 energy company.

We are confident that Mr. Polite has the skill, integrity, legal acumen, and management ability to lead the Criminal Division. He has managed cases as a prosecutor, a complex organization as a Chief Compliance Officer, and a federal prosecutor's office as a U.S. Attorney. Through his career, he has demonstrated solid judgment and unbiased leadership. He is well-qualified to oversee the sensitive investigations and prosecutions handled by the Criminal Division and its specialized prosecution sections.

Thank you for considering our views in support of Mr. Polite's nomination.

Sincerely,

Brian A. Benczkowski
Assistant Attorney General
2018-2020

Lanny A. Breuer
Assistant Attorney General
2009-2013

Leslie R. Caldwell
Assistant Attorney General
2014-2017

Alice S. Fisher
Assistant Attorney General
2005-2008

Michael Chertoff
Assistant Attorney General
2001-2003



PAUL D. CONNICK, JR.

DISTRICT ATTORNEY

TWENTY-FOURTH JUDICIAL DISTRICT

PARISH OF JEFFERSON

STATE OF LOUISIANA

MARGARET E. HAY
FIRST ASSISTANT
DISTRICT ATTORNEY

200 DERBIGNY STREET
GRETN, LA 70053
PHONE: (504) 368-1020

May 24, 2021

The Honorable Richard Durbin
Chairman, Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Charles Grassley
Ranking Member, Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Chairman Durbin and Ranking Member Grassley,

The undersigned District Attorneys are writing to express our support for the confirmation of Mr. Kenneth Allen Polite, Jr. to lead the United States Department of Justice's Criminal Division. We have had the opportunity to work with Kenneth throughout his tenure as the United States Attorney for the Eastern District of Louisiana. During that time, Kenneth cultivated an environment within the U.S. Attorney's office that was focused upon justice and the fair and impartial application of the law.

Kenneth worked tirelessly to create collaborative relationships among all of our criminal justice partners which helped to prevent and control crime in our region. His primary focus was on the prosecution of gun related and violent crimes as well as human trafficking and gang violence cases. He also served our community by developing a youth mentoring program and urging businesses to hire the formally incarcerated.

His education, integrity, character and work ethic make him perfectly suited for this very important position. We recommend him without reservation to serve our country as the Chief of the Criminal Division for the United States of America.

Sincerely,

Paul D. Connick, Jr.
Paul D. Connick, Jr.
District Attorney 24th JDC

Jason Rogers Williams
Jason R. Williams
Orleans Parish District Attorney

Charles J. Ballay
Charles Ballay
District Attorney 25th JDC

Joel T. Chaisson II
Joel T. Chaisson II
District Attorney 29th JDC

Scott Perrilloux
Scott M. Perrilloux
District Attorney 21st JDC

Kristine M. Russell
Kristine M. Russell
District Attorney 17th JDC

Warren Montgomery
Warren Montgomery
District Attorney 22nd JDC

Ricky L. Babin
Ricky Babin
District Attorney 23rd JDC

Perry Nicosia
Perry M. Nicosia
District Attorney 34th JDC

Joseph L. Waitz, Jr.
Joseph L. Waitz Jr.
District Attorney 32nd JDC

Bridget A. Dinvaunt
Bridget A. Dinvaunt
District Attorney 40th JDC

Signature: Jason Rogers Williams
Jason Rogers Williams (May 25, 2021 10:23 CDT)
 Email: tbrowning@orleansda.com

Signature: Charles J. Ballay
Charles J. Ballay (May 25, 2021 10:27 CDT)
 Email: charlesballay@25thda.org

Signature: Ricky L. Babin
Ricky L. Babin (May 25, 2021 10:24 CDT)
 Email: darlbabin@23jda.com

Signature: Joe Waitz
Joe Waitz (May 25, 2021 12:39 CDT)
 Email: joewaitzjr@tpda.org

Signature: Warren Montgomery
Warren Montgomery (May 25, 2021 10:41 CDT)
 Email: wmontgomery@22da.com

Signature: Scott M. Perrilloux
Scott M. Perrilloux (May 25, 2021 10:52 CDT)
 Email: sperrilloux@21jdda.org

Signature: Joel Chaisson II
Joel Chaisson II (May 25, 2021 08:50 PDT)
 Email: joelchaisson@aol.com

Signature: P. Nicosia
 Email: pnicosia@stbda.org

Signature: Bridget A. Dinvaux
Bridget A. Dinvaux (May 25, 2021 10:58 CDT)
 Email: bdinvaut@stjohnda.com

Signature: Kristine M. Russell
Kristine M. Russell (May 25, 2021 10:54 CDT)
 Email: da17jdc@lpda.org

Page 1 of 2

May 21, 2021

The Honorable Richard J. Durbin
Chair, Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Charles E. Grassley
Ranking Member, Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Senator Durbin and Senator Grassley:

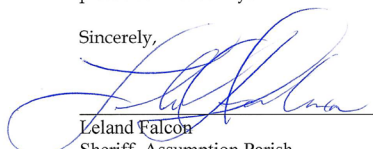
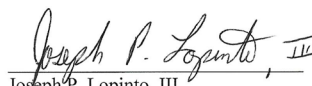
We serve as the sheriffs of the 13 parishes constituting the Eastern District of Louisiana, where from 2013 to 2017, Kenneth Polite served as the United States Attorney. Individually and collectively, we write in full support of Mr. Polite's nomination as Assistant Attorney General for the Criminal Division at the Department of Justice.

During his tenure as U.S. Attorney, Mr. Polite improved working relationships in the Eastern District of Louisiana by regularly traveling through the 13 parishes meeting with law enforcement, community leaders, educators, and students. His office also conducted regular training sessions and conferences for area law enforcement. Mr. Polite championed the Student Pledge against gun violence and Project LEAD to empower young people to help reduce violence. He made ReEntry a priority and worked with employees and business organizations to create the 30-2-2 ReEntry Collaborative, a workforce pipeline for ex-offenders returning to the community.

We know that as head of the Criminal Division, Mr. Polite will bring the same energy, vision, and commitment to public safety that he exemplified as U.S. Attorney for the Eastern District of Louisiana.

If you should have any questions, or wish to discuss Mr. Polite's nomination in further detail, please contact us at your convenience.

Sincerely,


Leland Falcon
Sheriff, Assumption Parish
Joseph P. Lopinto, III
Sheriff, Jefferson Parish

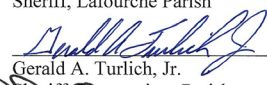
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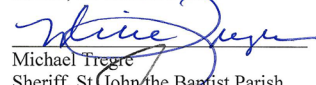
DocuSigned by:

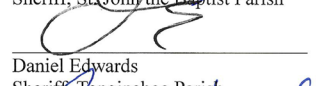


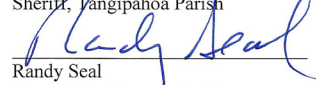
Craig Wehre
Sheriff, Lafourche Parish

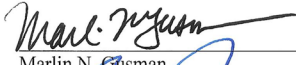

Gerald A. Turlich, Jr.
Sheriff, Ibiquemines Parish

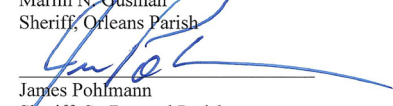

Gregory Champagne
Sheriff, St. Charles Parish

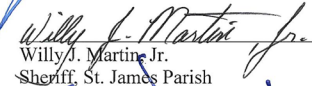

Michael Fregre
Sheriff, St. John the Baptist Parish


Daniel Edwards
Sheriff, Tangipahoa Parish

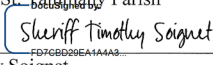

Randy Seal
Sheriff, Washington Parish


Marlin N. Gusman
Sheriff, Orleans Parish


James Pohlmann
Sheriff, St. Bernard Parish


Willy J. Martin Jr.
Sheriff, St. James Parish


Randy Smith
Sheriff, St. Tammany Parish


Timothy Soignet
Sheriff, Terrebonne Parish

cc: The Honorable Charles E. Schumer
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, DC 20510

Regional Officers
Regional Board Chair
 Bernard Taylor

Executive Committee
 Scott Barr
 Lauren Estrin
 Eric Fisher
 Allan Hamer
 Mira Koplovsky
 John Lewis, Jr.
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 Lori Peljovich
 Mindy Planer
 Phil Rubin
 Drew Shenkman
 Chuck Taylor
 Samantha Weidenbaum
 Rick Williams
 Robert Wittenstein
 Comer Yates
 Scott Zucker
 Scott Zweig

Regional Staff
Vice President, Southern Division
 Allison Padilla-Goodman

Director of Development
 Erica Greenblatt

Associate Director of Development
 Alecia McLochlin

Deputy Regional Director
 Erin Beacham

Associate Regional Director
 David Hoffman

Regional Coordinator
 Nathan Blankenship

Development Coordinator
 DaeKeria Stewart

National Officers
National Chair
 Esta Gordon Epstein

CEO and National Director
 Jonathan Greenblatt

Deputy National Director
 Kenneth Jacobson



May 26, 2021

The Honorable Richard Durbin
 Chair, Committee on the Judiciary
 United States Senate
 Washington, DC 20510

Dear Senator Durbin,

We write on behalf of ADL (the Anti-Defamation League) to convey our strong support for the confirmation of Kenneth Polite as Chief of the Criminal Division at the U.S. Department of Justice.

Throughout its history, ADL has endorsed nominees with whom we have considerable working relationships. This applies to Mr. Polite, whom we know from firsthand experience is not only eminently qualified for this position, but also will serve as an inspiration to his colleagues in the Department and the public. In the course of his work as the United States Attorney in Louisiana, he consistently displayed the expertise, good judgment and character necessary for this position while also demonstrating that he was committed to pursuing justice for victims of crimes in his jurisdiction, including those from particularly vulnerable communities.

As an organization that has prioritized responding to hate crimes, ADL had the occasion to partner with Mr. Polite in Louisiana on that issue on several occasions, including a memorable interfaith day-long training on bias-motivated crimes for houses of faith. In addition, five years ago Mr. Polite served as a keynote speaker for our Unity Day program – a youth summit for high school students – and inspired the participants with his description of the personal impact that the political and racial divisiveness of former Klansman David Duke's campaign for governor in 1991 had on him.

The challenges that DOJ faces today are many, and the department's success depends upon the leadership of professionals like Mr. Polite, who has shown in his career an admirable ability to rise above partisanship. He is a consensus-builder who can provide strong and needed guidance, especially at this moment in our history when our legal system itself is confronting our nation's legacy of systemic racism.



We also believe that in the wake of the attempted insurrection of January 6 – a stark demonstration of the potentially devastating consequences of ignoring or minimizing the dangers posed by domestic extremism and invidious hate – a strong hand at the head of DOJ's Criminal Division is imperative. DOJ's efforts will be instrumental in many aspects of the government response to this attack, including prioritizing domestic terror-related prosecutions, improving the accuracy of key data collection like the FBI's Hate Crime Statistics report, and assisting local law enforcement to deal with these threats.

In this challenging context, we need sensitive and experienced leadership of the kind Mr. Polite can provide. We therefore urge you to act promptly and favorably on his nomination.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Greenblatt".

Jonathan Greenblatt
CEO and National Director

A handwritten signature in black ink, appearing to read "Allison Padilla-Goodman".

Allison Padilla-Goodman
VP, Southern Division



New Mexico
CRIMINAL DEFENSE LAWYERS ASSOCIATION

PO Box 8324
Santa Fe, NM 87504
505.553.5142
www.nmcdla.org

Executive Director
Jon K. Zaman

May 14, 2021

President
Richard Pugh
Albuquerque

President-Elect
Angelica Hall
Albuquerque

Vice President
Jennifer Burrill
Santa Fe

Treasurer
Jonathan Ibarra
Albuquerque

Secretary
Marc Lowry
Albuquerque

Legislative Coordinator
Rikki-Lee Chavez

The Honorable Dick Durbin, Chair
Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington DC 20510

Dear Chair Durbin,

It is with great honor that the New Mexico Criminal Defense Lawyers Association submits this letter in support of the nomination of Margaret Strickland for the federal bench for the District of New Mexico. The New Mexico Criminal Defense Lawyers (NMCDLA) is an association of over 500 legal professionals consisting of public defense attorneys, private criminal defense attorneys, investigators, paralegals, and social workers. As an association, our focus is on helping our members be effective in their representation of those facing criminal prosecution. We strive to achieve our goal through education and training, partnering with diverse coalitions to advocate for a criminal justice system which is fair and effective, and overseeing policy work that safeguards constitutional rights.

It is important to the criminal defense community that the federal bench have well-qualified diverse judges who are tied to the communities in which they serve, approach all areas of work ethically, fairly, and justly, and are committed to constitutional protections. Margaret Strickland is an excellent nominee for the federal bench because she brings to the bench a diverse personal and professional background; has a long-standing commitment to public service; is experienced as a legal advocate in the courtroom and in the community; is aware of the biases and systemic discrimination against certain individuals in the judicial system; and approaches disputes fairly, ethically and with sound legal reasoning.

Ms. Strickland has long been a public servant in the New Mexico legal system, first as a state public defender and later, after going into private practice, as court-appointed counsel for the federal judiciary under the Criminal Justice Act, 18 U.S.C. § 3006A, representing indigent defendants. While in private practice, Ms. Strickland also represented victims of crime and individuals whose civil rights had been violated by excessive force, solitary confinement, failure to protect, and sexual assault. As an attorney in Las Cruces, New Mexico, she worked with

vulnerable populations, including children, immigrants, and indigent persons. In the courtroom, Ms. Strickland is known as an ethical trial attorney protecting constitutional rights, insisting due process protections be met, and demonstrating a mastery of the rules of evidence.

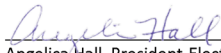
In 2016, Ms. Strickland was elected president of NMCDLA and through her presidency she brought awareness to the biases against people of color and women in the criminal justice system. She also emphasized defender wellness to make sure those working in the legal system maintained good health and wellbeing so that they could continue their hard work and advocacy for others. Throughout her career, she advocated to protect and expand civil liberties for all New Mexicans and helped to educate the public about bail reform and prison conditions. She has testified before the New Mexico Legislature to promote "smart" legislation that aims to end the "revolving door" of the criminal justice system and makes the community safer, is apolitical, is fiscally responsible, and is evidence based.

It is without a doubt that as a federal district court judge, Ms. Strickland will be ethical, fair and just to all those before her, will ensure equal access to the legal system, and will hold firm to ensure constitutional rights of all parties are protected. As such, NMCDLA conveys to you and the Senate Judiciary Committee its highest recommendation for Ms. Strickland.

Sincerely,



Richard Pugh, President
New Mexico Criminal Defense
Lawyers Association
505.400.9535
pughlawoffice@gmail.com



Angelica Hall, President-Elect
New Mexico Criminal
Defense Lawyers Association
505.346.2489
angelicamhall@gmail.com

Cc: Members, Senate Judiciary Committee



Blaine T. Mynatt
 Damian L. Martinez
 Bradley A. Springer†
 Benjamin J. Young
 Sara E. Woods†
 Alan J. Dahl
 Haley R. Grant

Of Counsel
 David McNeill, Jr.
 †Also licensed in Texas

May 12, 2021
 VIA EMAIL

U.S. Senate Committee on the Judiciary
 c/o of the Honorable Martin Heinrich
 United States Senator for New Mexico
 303 Hart Senate Office Bldg.
 Washington, D.C. 20510
Simon_Boyce@heinrich.senate.gov

Re: Letter of Recommendation for the Nomination of Margaret I. Strickland to the United States District Court for the District of New Mexico

Dear Chairman Durbin and Ranking Member Grassley:

I write this letter in full support of the nomination and confirmation of Margaret I. Strickland to fill a judicial vacancy in the United States District Court for the District of New Mexico. I have known Ms. Strickland for many years both professionally and personally and she is one of the most ethical, conscientious, and caring individuals I know. Ms. Strickland has a breadth and depth of knowledge and professional experience that will make her an excellent United States District Judge.

Over the years, I have litigated several civil rights cases against Ms. Strickland and can attest to the quality and vigor of her work. Moreover, because her practice includes federal civil rights litigation as well as criminal defense, she has developed keen insight into the issues that a United States District Judge will confront on a daily basis. Ms. Strickland is a wonderful trial lawyer; both skilled and determined. In litigating cases against Ms. Strickland, I have observed her interactions with the Court, the Court's staff, her staff, and opposing counsel. In those interactions, she treats everyone with the utmost respect and has a quick wit that puts everyone at ease.

My professional relationship with Ms. Strickland has always been technically adversarial yet pleasant. My practice focuses on civil rights defense while Ms. Strickland's is plaintiff and criminal defense oriented. Despite this, in our litigation I have always found her writing and arguments to be creative and insightful. More importantly, Ms. Strickland has the ability to connect with and appreciate all people, from all walks of life. She is empathetic and understands the needs and concerns of everyday individuals.

Although I initially came to know Ms. Strickland as opposing counsel in litigation, over the years, we have developed a friendship. Indeed, she and I often discuss issues separate from cases we are litigating against each other. I have had the pleasure to discuss social issues with Ms. Strickland including the many challenges in New Mexico involving police use of force, poverty, drug and

May 12, 2021
Page 2 of 2

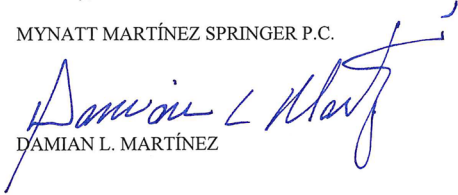
alcohol abuse, and gang violence. Ms. Strickland has always shown remarkable insight, broad mindedness, compassion, and balance in her views. She is willing and able to form and hold her own opinion but remains accessible to keep herself open to new information and philosophies. Because of the mix of cultures in our state, she has a keen awareness with respect to issues of class and ethnicity. Her awareness of social issues is an asset that is commendable.

Ms. Strickland's personal life is one of dedication to her community and she freely gives of her time. Ms. Strickland's public service includes sitting on the community stakeholders panel which assisted in the selection of a new Las Cruces Police Department chief. Both she and I also recently participated as guest speakers in an undergraduate law class at New Mexico State University concerning police use of force issues. She also volunteers with the Action Program for Animals and the Boston Terrier Rescue. Simply, her public service over the past several years is beyond question.

I can think of no better nominee for confirmation to the United States District Court for the District of New Mexico. I believe Ms. Strickland will make a superb United States District Judge. She has a deep sense of integrity, compassion, and generosity, which will make her a committed and compassionate United States District Judge. Accordingly, I highly recommend her for confirmation.

Sincerely,

MYNATT MARTÍNEZ SPRINGER P.C.


DAMIAN L. MARTÍNEZ

Lilley & O'Connell, P.A.

Jess Lilley, Esq.
jess@lilleyandoconnell.com

Jerome O'Connell, Esq.
jerome@lilleyandoconnell.com

Erin O'Connell, Esq.
erin@lilleyandoconnell.com

Josh Lilley, Esq.
josh@lilleyandoconnell.com

May 11, 2021

Chairman Dick Durbin
Senate Judiciary Committee

Re: **Margaret Strickland**
Letter of Recommendation
U.S. District Judge, District of New Mexico

Dear Chairman Durbin:

I have been an attorney in Las Cruces for the past 22 years. I have represented many officers over the years, and I have also been contracted by police unions for over 15 years to represent law enforcement involved in work related shootings- which is very controversial topic in society. In fact, I have represented several officers that Margaret has brought suit against.

I have known Margaret Strickland since 2006 when she started working at the state public defender's office in Las Cruces. I have continued to interact with Margaret over the last 15 years, and have seen her mature into a seasoned professional and ethical advocate. Margaret would be a positive addition to the District of New Mexico.

Over the past 10 years I dealt with Margaret on several cases and have seen her argue in front of judges in both state and federal court too many times to count. She has the ability to understand there are two sides to every situation, all the while zealously presenting her client's position and argument.

There are only a handful of attorneys in Las Cruces that I refer to prospective clients, and a smaller list that I would ask to represent a family member. Margaret is on both lists. I also respect her personally as much as I do professionally.

Margaret has every single attribute I would want in a judge- experience in all aspects of the judicial system, even temperament, trial experience, intelligence, and fairness. The United States District of New Mexico would be well-served with Margaret on the bench.

Thank you,



Jess Lilley

1020 South Main
Las Cruces, NM 88005

www.lilleyandoconnell.com

Phone: (575)524-7809
Fax: (575)526-2642

May 11, 2021

The Honorable Martin Heinrich
201 N. Church Street, Suite 305
Las Cruces, NM 88001

Dear Senator Heinrich:

I have been a FBI agent, Assistant United States Attorney, and a District Attorney for two election cycles. I have worked with Margaret Strickland for the past 10 years. Ms. Strickland and I have been on opposite sides in many criminal cases. I was always impressed by her respect for law enforcement and other State witnesses. Ms. Strickland is fair and trustworthy and her in-court presentations are extremely competent, professional and respectful. I know her to be an honest and ethical defense attorney. She is a rare combination of one who deeply cares about her clients, but also follows the rule of law in all her cases.

It is my opinion, having worked in the judicial system for over 30 years in both the Federal and States systems that we need judges who understand the law, are fair, predictable and respectful. I am confident Ms. Strickland has the judicial temperament to achieve all these goals. I would have no hesitation appearing before Ms. Strickland in a criminal matter as a prosecutor. I would anticipate a fair, unbiased and clean trial. That has been my experience in criminal court with every case that I tried with her. I give her my strongest recommendation to sit on the Federal bench and look forward to appearing before her with the knowledge that both parties will be treated with respect and fairness. I am happy to answer any further questions you may have regarding Ms. Strickland's character and her overwhelming qualifications to be a Federal District Judge.

Sincerely,



Mark D'Antonio

2945 Scenic Ridge Loop

Las Cruces, NM 88011

Danton2691@yahoo.com

(575) 312-3650

PEOPLE'S PARITY PROJECT

26 May 2021

The Honorable Dick Durbin, Chair
Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington DC 20510

Dear Chair Durbin:

We write on behalf of People's Parity Project, a nonprofit organization of law students and attorneys committed to building a legal system that works for all people, in strong support of Margaret Strickland for the United States District Court District of New Mexico. Ms. Strickland has a clear track record of fighting for justice for all people, is highly qualified for the position of district court judge, and would make an excellent addition to the federal bench.

Ms. Strickland's legal career has been devoted to protecting the rights of all people. She began her career at the New Mexico Law Offices of the Public Defender, where she worked from 2006 until 2011. Public defenders are severely underrepresented on the federal bench, but they provide an important and necessary perspective on our legal system and the experiences of the most vulnerable within that system. Ms. Strickland's years as a public defender would bring important balance to a federal bench dominated by former prosecutors and corporate attorneys, and will help us move towards a judiciary that reflects the breadth of experiences within the legal profession.

In 2011, after leaving the Public Defender's office, Ms. Strickland began working in private practice at McGraw & Strickland, focusing on criminal defense litigation. She has represented clients in over 70 criminal jury trials, including cases in front of the New Mexico Supreme Court and Court of Appeals. Her cases of note include her representation of Jillian and Andrew Beck, who were awarded over \$1 million after suing two Las Cruces police officers over allegations of brutality and civil rights violations. As with public defense experience, civil rights experience is far too uncommon on the federal bench. Ms. Strickland's breadth of experience, demonstrated legal excellence, and commitment to taking hard cases to achieve justice for those in need make her uniquely qualified to serve as a district court judge. Further, Ms. Strickland's career has been focused in New Mexico, and it is clear that she has a deep understanding of the community and its legal issues. The District of New Mexico is one of the busiest in the nation; Ms. Strickland's deep understanding of the local legal landscape is invaluable.

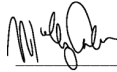
In recent years, Ms. Strickland has also worked on a number of notable cases including *New Mexico v. Le Mier* (during which her advocacy forced the New Mexico Supreme Court to review important questions regarding discovery), *State v. Castro* (in which she successfully argued that her client's Sixth Amendment rights had been

PEOPLE'S PARITY PROJECT

violated in front of the New Mexico Court of Appeals), and *New Mexico v. Garcia* (in which she succeeded in getting her client's two second-degree felony convictions overturned). Ms. Strickland undoubtedly has relevant experience in many of the areas of law with which she would be dealing in this judgeship. Just as importantly, she has also confronted tough questions of legal substance and procedures, and in doing so has fought for a just legal system in which the rights of all Americans are protected.

Ms. Strickland has a clear track record that proves her commitment to procedural justice and judicial fairness. Her legal expertise, as displayed by her past work, would surely make her a capable judge. Ms. Strickland has stated that she believes strong advocacy for everyday citizens makes a better society and justice system. This commitment to upholding our laws and belief in the importance of our justice system makes clear that Ms. Strickland would serve the people of New Mexico well. For these reasons, the People's Parity Project urges that Margaret Strickland be confirmed as a judge in the District of New Mexico.

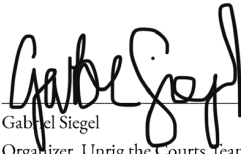
Sincerely,



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