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S. HRG. 119–138

CONFIRMATION HEARING ON FEDERAL APPOINTMENTS

HEARING

BEFORE THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

ONE HUNDRED NINETEENTH CONGRESS

FIRST SESSION

FEBRUARY 26, 2025

Serial No. J–119–6

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CONFIRMATION HEARING ON FEDERAL APPOINTMENTS

WEDNESDAY, FEBRUARY 26, 2025

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

The Committee met, pursuant to notice, at 10:15 a.m., in Room 226, Dirksen Senate Office Building, Hon. Charles E. Grassley, Chairman of the Committee, presiding.

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

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

Chairman GRASSLEY. Good morning, everybody. We welcome you to this hearing considering the nomination of John Sauer as Solicitor General, Harmeet Dhillon to serve as Assistant Attorney General for Civil Rights, Aaron Reitz to serve as Assistant Attorney General in the Office of Legal Policy.

We're going to call on—this is how we'll run the Committee. We're going to call on Senators Lee, Cruz, Hawley, and Schmitt to introduce the nominees. After that, the nominees will have a chance to give an opening statement. Following that from the nominees, we'll proceed to a single 5-minute round of questions. I ask the Members to do their best to adhere to that limit.

Our three nominees have been tapped to serve in important roles in the Justice Department. We congratulate all of you on your nomination. If confirmed, your work will impact the lives of millions of Americans, as you know. Each of you has impressive qualifications, and we're looking forward to hearing from you. We thank your family and friends for coming today to be with you, and I'm sure they're very proud of you.

I've said many times that the Department of Justice is at an inflection point. Over the last 4 years, public trust in the Department has declined, and many Americans feel like the justice system isn't working for them. If confirmed, we expect you to work with Attorney General Pam Bondi to fulfill her promise to turn things around.

Mr. Sauer, you're particularly well qualified to serve as the Nation's chief appellate lawyer. You started your career clerking for Justice Scalia, a legal giant, as we know. Justice Scalia spent his life teaching lawyers to faithfully interpret the Constitution and

laws according to original meaning. I have no doubt that you learned this lesson very well.

After clerking and a stint in private practice, you left DC behind to go home and serve as an assistant United States attorney in Missouri. You worked diligently to prosecute criminals and keep communities safe. In 2017, you joined the Missouri attorney general's office as the solicitor general, where you served under two Members of this Committee, Senators Hawley and Schmitt.

Serving as the State's chief appellate officer during the COVID pandemic and across two Presidential administrations, you—undoubtedly prepared you well for the role that you'll walk into after confirmation. There's a lot of work to be done defending our Nation's laws, and it seems like you're well prepared.

Ms. Dhillon, you're one of the Nation's foremost experts on civil rights. Your journey started a long ways from here when your family immigrated from India. You went to Dartmouth at a very young age of 16, I'm told, and then went to law school at the University of Virginia. Throughout your career, you never shied away from unpopular but just causes.

You served as the director of an ACLU chapter after 9/11—a group many on my side are often skeptical of. You also started your own law firm and founded a nonprofit. You've litigated some of the most important cases on free speech, religious liberty, voting rights, and discrimination.

Discrimination is wrong. Common sense ought to tell us that. Our Constitution and our Civil Rights Laws do not tolerate discrimination on the basis of race, as the Supreme Court recently said, in *Students for Fair Admissions*. Unfortunately, the previous administration not only allowed discrimination to take place but openly encouraged it.

Under the name of Diversity, Equity, and Inclusion, that administration imposed a nationwide regime of discrimination, and the Civil Rights Division completely failed to enforce our Nation's laws.

Our President Trump has put an end to this, and, if confirmed, I know that you will work to help him execute his promise. Americans don't pick winners and losers based on color of skin, sex, or the name of their God. Ms. Dhillon, you've fought for everyone to be treated equally. You fought against colleges shutting down free speech for political reasons, against States restricting freedom of religion, and against Big Tech companies engaged in censorship.

You've won many victories defending freedom and our constitutional rights, and, if confirmed, you will need your continued—we'll need your continued leadership to protect the civil rights of all Americans.

Our side of the aisle doesn't spend much time talking about people's personal characteristics. We care about character, and we care about merit. But in addition to your qualifications, your background makes you particularly suited to return the Justice Department to its proper role of enforcing our Civil Rights Laws and ending discrimination. You're an immigrant, a religious minority, a woman, a business owner, a civil rights leader, an accomplished lawyer, and I've learned that also you do a lot of knitting.

[Laughter.]

Chairman GRASSLEY. You're an example of what is great about America. Mr. Reitz, I'm to you, now. You have an impressive and dedicated career of service to our country. You attended the college of Texas A&M University on an ROTC scholarship and honorably served our country as a Marine, including a tour in Afghanistan.

Upon your return from Afghanistan, you attended law school, University of Texas, where you excelled. After a time in private practice, you decided to serve your country again. You clerked for the now-Chief Justice of the Texas Supreme Court. Then you ran for a seat in the Texas House of Representatives and campaigned on issues you believed in. You continued gaining legal experience during this time in private practice.

You eventually joined the office of the attorney general of Texas, as deputy attorney general for legal strategy. In that role, you were involved in some of the office's most impactful litigation during the Biden administration. You fought to secure the Border, to hold Big Tech accountable, to protect integrity at the ballot box, and to promote conservative social values.

Today, you continue to serve Texas and your country, as a member of Senator Cruz's staff. You're currently his chief of staff, and I think I won't offend my colleagues when I say that this is no easy job.

[Laughter.]

Chairman GRASSLEY. This is particularly true because you continue to serve in the Marine Corps Reserve, where you actively drill with your unit and hold the rank of major. Your relentless work ethic and love of country are obvious.

In short, for all three of you, these nominees before us have impressive careers and life stories, and I look forward to hearing from them today. Now, Senator Durbin.

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

Senator DURBIN. Thanks, Chairman Grassley. I'm going to make a brief opening statement here, and it relates to an issue which is very personal to me and to some Members on the dais, here.

You are gathered in this room today for an important hearing of the Senate Judiciary Committee. When you entered this complex, you were protected—from the first step you took until this moment—by the Capitol Police. These are men and women, some in uniform, some not, who are risking their lives to keep you and me safe. We should never, ever take that for granted.

Those of us who were witness to the January 6 riot here in the Capitol have an experience we'll never forget. You've seen it. You can't miss the videos that have been played over and over again.

As a result of that riot on January 6, 4 police officers died, over 140 were assaulted. Sixteen hundred people were arrested and convicted of crimes that day. For those of us who witnessed that occurrence, we know what was at the heart of it. It was an attempt by a mob to take control of the Capitol while we went through the constitutional exercise of counting electoral votes.

It could've been worse, I guess, but to think that we had that happen in the United States Capitol is almost unthinkable. Imagine if you just heard the news that the House of Commons and

Parliament in London had the door broken down and been overrun by a mob. You would've said to yourself, well, that's impossible. Not in London. Not in England. For goodness sakes, it couldn't happen.

It happened here, and we lived it. We ended up postponing the session of the Senate and House to complete the constitutional duty until later in the evening, and we cleared these rioters out of the Capitol.

I tell you that because the President recently announced that they weren't, in fact, guilty of any crime. They were being assaulted. Assaulted by whom? By the Capitol Police? By the National Guard that was here? That's an incredible statement, and it's on its face patently false and insulting to the men and women who protect us every single day.

The bottom line is, they are not stopping, now that they've been released by President Trump's pardon—they're not stopping in their assault on the Capitol. They are now revisiting the Capitol, holding press conferences, harassing the men and women in uniform who protect us here every single day.

This has got to come to an end. Democrats and Republicans have to stand up for the men and women who are risking their lives to keep us safe every day and to say to these people who were pardoned by President Trump, please take your press conferences someplace else. We don't want them here in this Capitol. I think it's essential that we move in that direction and do it quickly. If we care for these men and women, it's time we speak out against this insulting, harassing conduct when it relates to Capitol policemen.

Let me also say that I'm concerned, as I have been in the past, that we are seeing some transformation of law enforcement in this country that most people don't imagine. There was a time when the Federal Bureau of Investigation had one political appointee.

For 50 years, the Director was the only political appointee, given a tenured term and expected to be at least mindful of his or her responsibility under the Constitution. The choice that was made by this Committee and the Senate and ratified by the President has now put a new person in charge: Mr. Patel. Mr. Patel is proceeding with this effort to cleanse the ranks of the FBI of people who have shown any conduct, in the past, disloyal to Donald Trump.

Honest to goodness, that's the first time in history we've gone through this, and to think that we're going to see a loyal—politically loyal ranking in the Federal Bureau of Investigation is an embarrassment to this Nation. And, really, it's hard to imagine that's happening.

Sadly, we're seeing the same thing happening in the military. I don't think that's going to be good for this country at all. Those ranks should be apolitical, top to bottom. And I think we've got to work hard to make that happen. I'll be asking these witnesses what their responsibilities are and their reaction is to my statement. I yield.

Chairman GRASSLEY. Thank you. Now we go to Senator Lee for an introduction.

OPENING STATEMENT OF HON. MICHAEL S. LEE, A U.S. SENATOR FROM THE STATE OF UTAH

Senator LEE. Thank you so much, Chairman Grassley and Ranking Member Durbin, and to all of my colleagues. It really is an honor to introduce Harmeet Dhillon, who's been nominated by President Trump to serve as the Assistant Attorney General for the Civil Rights Division. If confirmed, she will serve every American with integrity and dedication.

Harmeet is a fearless, longtime defender of constitutional rights, with decades of litigation experience in civil rights advocacy. She's taken on some of the toughest cases, those that many others feared, standing up for the forgotten and holding power to account at every step.

Her journey is one of perseverance. When Harmeet was 2 years old, her family emigrated from Punjab, India. By the age of 16, she was attending Dartmouth College, followed by law school at the University of Virginia, where she excelled in every way. After clerking on the U.S. Court of Appeals for the Fourth Circuit, Harmeet gained invaluable experience at top law firms before soon going on to found her own incredibly successful practice.

As the founder of the Dhillon Law Group, she's one of the Nation's most respected attorneys, known for her unwavering commitment to justice, free speech, civil rights, and election integrity. She litigates complex cases with precision and takes on powerful institutions with fearless dedication to her clients.

Harmeet's championed government accountability, election integrity, and civil liberties. Her 3 years on the ACLU board demonstrate her dedicate to principle over partisanship. Judges routinely commend her for her meticulous courtroom strategy. Colleagues admire her tenacity. And even adversaries can't help but admire her resolve and professionalism.

Additionally, she's been a beacon of hope for a number of persecuted communities. As a true leader in the Sikh community, she's fought against post-9/11 discrimination and religious intolerance, ensuring that no one is denied their basic rights based on their faith, their background, their appearance.

Harmeet's career embodies principle over politics. Whether challenging unconstitutional laws, holding institutions accountable, or fighting for fair elections, she leads with integrity, fearlessness, and an unshakeable belief in the rule of law and the importance of sticking with the Constitution.

Harmeet Dhillon truly is an inspiration. She embodies the traits and the characteristics that are needed to help her succeed in this new role to which she's been appointed. Her career reflects conviction and the relentless, unapologetic pursuit of justice, no matter the cost. I urge every Member of this Committee to support her, and I look forward to voting for her enthusiastically on the Senate floor. Thank you, Mr. Chairman.

Chairman GRASSLEY. Now we go to Senator Cruz.

OPENING STATEMENT OF HON. TED CRUZ, A U.S. SENATOR FROM THE STATE OF TEXAS

Senator CRUZ. Thank you, Mr. Chairman. I am proud to introduce to this Committee my friend Aaron Reitz. Aaron has been

nominated to be the Assistant Attorney General for the Office of Legal Policy of the Department of Justice. As Chairman Grassley observed, he is currently my chief of staff and has the virtually impossible job of keeping me out of trouble.

[Laughter.]

Senator CRUZ. In that regard, he has failed spectacularly.

[Laughter.]

Senator CRUZ. But it may not be possible to succeed, and so he is fleeing, instead, to the Department of Justice——

[Laughter.]

Senator CRUZ [continuing]. Where I have absolute confidence that he will diligently and vigilantly defend the rule of law at the Department of Justice.

Before I get into Aaron's professional background, I want to note that he's here with his beautiful wife, Meredith, with two of his four kids. So, William and Caroline are both sitting behind their dad, and at home, Cecilia and Georgia are the younger ones, I'm sure watching on TV, unless they've fallen asleep or are doing something else that has distracted them.

I want to take a minute just to walk through Aaron's career, because he has excelled at everything he has put his hand to. He went to Texas A&M. He is a proud Aggie. His wife, Meredith—both he and Meredith are from San Antonio. She went to the University of Texas, so they are a divided household and yet a happy one, and somehow they managed to work through the return to the A&M Texas football game that occurred this year.

He went on to serve as an officer in the Marine Corps. He spent 5 years on active duty, deployed to the Helmand Province of Afghanistan, where he was embedded with the Afghan National Army, leading logistical operations in one of the most dangerous regions of the world. To this day, he remains in the Marine Corps Reserve, where he holds the rank of major.

He left active duty, went to the University of Texas at Austin, where he served as president of the Federalist Society and editor-in-chief of the Texas Review of Law & Politics. After that, he went into private practice and then clerked on the Texas Supreme Court. And then he returned to public service, going to the Texas attorney general's office, where he was the deputy attorney general for legal strategy. And in that role, he was the driving force in many of the most consequential legal battles for my home State.

For the last 2 years, he's been my chief of staff, and he's demonstrated a terrific ability to, number one, fight for my legislative agenda, including efforts to secure the Border, to protect children from online harm, to grow our economy, and to bring justice to victims of violent crime. He also has earned the respect of his colleagues, the chiefs of staff of each of us around this dais.

He has worked well both with Republicans and Democrats. He has brought people together behind a shared mission. And he now has been nominated to lead OLP at the Department of Justice. And I have every confidence that he will do that job with great distinction and he will serve as a critical right hand to Attorney General Pam Bondi. And I'm proud to introduce Aaron, and I would encourage all of you to vote to confirm him.

Chairman GRASSLEY. Senator Hawley.

OPENING STATEMENT OF HON. JOSH HAWLEY, A U.S. SENATOR FROM THE STATE OF MISSOURI

Senator HAWLEY. Thank you very much, Mr. Chairman. It's my privilege to introduce John Sauer, my friend, my former colleague, who has been nominated for the position of Solicitor General of the United States. I've known John for years and years now. He is a proud Missourian going back many generations. John's career has already been incredibly distinguished, and the Chairman mentioned some of his accolades.

Let me just walk through a few of them, beginning with his education. He has a bachelor of science degree from Duke University. He was a Rhodes Scholar. He has an M.A. from the University of Notre Dame and a J.D. from Senator Cruz's law school. We'll try not to hold any of that against him.

Senator CRUZ. I apologize for that.

[Laughter.]

Senator HAWLEY. He's—after graduating and completing his education, he clerked for Judge Michael Luttig of the fourth circuit and then, as the Chairman mentioned, for the great Antonin Scalia, who I continue to believe is the most influential Associate Justice of the Supreme Court of the 20th century, and he served there with distinction.

John then came back to his native St. Louis and was for 5 years a Federal prosecutor, where he prosecuted violent crimes, white collar crimes, and more. And then he briefly—in between that and joining the Missouri attorney general's office, he founded a small litigation firm where he represented all manner of clients.

And then our paths really began to intersect in 2017. I was elected attorney general of the State of Missouri, and the Missouri attorney general's office, at that time, did not have an office of the solicitor general, and I thought it was important to create one, given the volume of appellate cases that we were facing. And I couldn't think of anybody better, of all the attorneys that I've had the privilege of working with, than John.

So, I remember I went to John—and this may say something about my recruiting habits. You'll like this, Senator Kennedy. I went to John, and we met at a Cracker Barrel—and we sat down at a Cracker Barrel and, over chicken fried steak——

[Laughter.]

Senator HAWLEY [continuing]. I said to him, John, you have the ability and the record to be Solicitor General of the United States, but would you at least consider coming to be solicitor general of the State of Missouri?

And to my great delight and, I think, to the great benefit of the State of Missouri, he said yes and served as my solicitor general for 2 years and also as my first assistant in the office, overseeing all of our criminal and civil litigation, including record numbers of criminal convictions as well as an astounding win rate in the appellate courts.

He's argued multiple times in the Federal courts, the United States Supreme Court, of course, the Missouri courts, and handled all of that with the greatest of aplomb and professionalism. He went on to serve for a number of years, another 4 years, I believe,

with my successor and now my good friend and colleague Senator Schmitt, who will say more about that in a moment.

But that reminds me, John, here's an opportunity to prepare for your first question. I'll just give it to you now so you can think about it. Which of the attorneys general on this dais was your favorite, and why is it me?

[Laughter.]

Senator HAWLEY. So, you can be thinking on that. John has served his State with the greatest of distinctions. He has served his country with the greatest of distinctions. I do not know a better lawyer in private practice, in public practice, Federal prosecutor, name it. Go down the line. I do not know a better lawyer in this country than John Sauer. I'm delighted to see him here today, and I'm delighted to support your nomination. I urge all of my colleagues to do the same.

Chairman GRASSLEY. Senator Schmitt.

OPENING STATEMENT OF HON. ERIC SCHMITT, A U.S. SENATOR FROM THE STATE OF MISSOURI

Senator SCHMITT. Only because of seniority did you get to ask that question first. It was coming.

[Laughter.]

Senator SCHMITT. Thank you, Mr. Chairman. It's an honor and privilege to introduce the smartest lawyer I've ever met, President Trump's nominee to be Solicitor General of the United States and my former solicitor general of Missouri, John Sauer.

A born-and-raised Missourian, John is a man of deep personal faith, a fellow Catholic, a devoted husband to his wife, Ann, and father to his five children. As a young man, John ventured east to attend Duke; Oxford, as a Rhodes Scholar; Notre Dame; Harvard Law School. I mentioned it.

After graduating magna cum laude from Harvard Law, John clerked for Judge Michael Luttig, as Senator Hawley mentioned, and the late, great Justice Antonin Scalia. After clerking for Justice Scalia, he worked at Cooper & Kirk, one of the Nation's most influential law firms, was a Federal prosecutor in the Eastern District of Missouri, and started his own law firm.

During my time as attorney general of Missouri, John was my solicitor general. As solicitor general of Missouri, John's performance was nothing short of exemplary. He demonstrated the ability to win on behalf of the American people. John is a home-run choice to be our Nation's Solicitor General. John possesses a very rare combination of brilliance, unparalleled work ethic, and humility. I don't know of many people who combine all three of those traits, but John certainly does.

As my solicitor general, he defended the God-given rights of not just Missourians but all Americans, litigating numerous cases during the COVID era, helping the office beat back the authoritarian forces who were seeking to shut down the United States of America, impose mask mandates on young children, and make Americans choose whether to take a vaccine or their livelihoods. He also helped hold the People's Republic of China accountable for their actions during COVID–19.

He helped the office take on Big Tech giants who, in an unholy alliance with the Biden administration, colluded to censor and silence dissent in our country. *Missouri v. Biden*, later *Murphy v. Missouri*, stands as one of the most important First Amendment cases in our Nation's history.

Together we brought the student loan debt forgiveness case and won at the Supreme Court. He has defended the unborn, the rule of law, our Constitution, and, for the last few years, has been President Trump's legal champion while the President defended himself from the most weaponized and politicized prosecutorial onslaughts in American history.

So, now and once again, he is called to venture back east, this time by President Trump to be our Solicitor General of the United States. As Solicitor General, John will be the Nation's chief courtroom advocate for the high-stakes, high-profile cases that will arise over the years to come in that courtroom.

He will be the man in the legal arena arguing before the Supreme Court on the most important cases that come before it. He will be the people's and the Constitution's legal champion. His professional track record demonstrates the skill and aptitude to win these most important cases.

On a personal note, I can think of no one—no one I trust more to do the right thing every single time. He is a man of great virtue. I can personally attest to his prudence, fortitude, and temperament—temperance, as well. He is honest, hardworking, and as I said earlier, quite simply the smartest lawyer I've ever known. I can think of no one better suited to fight for justice on behalf of the people of the United States in the biggest courtroom in the country. I urge my colleagues to support his nomination. Thank you, Mr. Chairman.

Chairman GRASSLEY. Thank you. Now would you please, the three of you, stand and take this oath?

[Nominees are sworn in.]

Chairman GRASSLEY. Let the record show that they all responded. Now be seated, please, and then you can give your opening statements: Mr. Sauer, Mr. Reitz, and Ms. Dhillon. And you have an opportunity to introduce family and friends if you want to. Please go ahead, Mr. Sauer.

STATEMENT OF DEAN JOHN SAUER, NOMINEE TO SERVE AS SOLICITOR GENERAL OF THE UNITED STATES

Mr. SAUER. Thank you, Mr. Chairman. And thank you, Senators Hawley and Schmitt, for those kind introductions, which I'm not sure I fully deserve. Chairman Grassley and Ranking Member Durbin, thank you for the opportunity to address this Committee. Thank you to the Committee Members for taking the time to meet with me and to discuss the thoughts and concerns about the challenges facing our Nation. If I am confirmed, I will look forward to working together with you in Attorney General Bondi's administration to address these challenges.

Today, I have so many other people to thank. First and foremost, I offer my humble thanks to President Trump for this nomination and the great vote of confidence that it reflects. This nomination and the privilege of representing President Trump over the past 2

years have been the greatest honors of my professional life. Next, I express my deep gratitude to my former bosses, Senator Hawley and Senator Schmitt, both of whom I love and adore equally——

[Laughter.]

Mr. SAUER [continuing]. For giving me the opportunity to serve as the solicitor general of the great State of Missouri. Senators, your leadership and mentorship in that office has meant the world to me. In addition, I thank my family and friends, many present here today, for their unswerving love and support throughout this process. Without that support, I could never have arrived at this moment today.

Indeed, as I sit here today, I marvel at how the American dream could take a kid from the Midwestern heartland and give him the opportunity to sit before this august Committee and address some of the greatest legal challenges facing our Nation. In my legal career, I have been blessed with a long string of amazing opportunities. Each of these drove home to me in a unique way the importance of fidelity to the Constitution and to the rule of law.

For example, as the Chairman mentioned, shortly after law school I had the privilege of clerking for Justice Antonin Scalia of the United States Supreme Court. Justice Scalia was one of the greatest defenders of the Constitution and the rule of law in our Nation's history, and his example has inspired my entire career. His insistence on fidelity to the original public meaning of the Constitution and the plain and ordinary meaning of statutes have provided the guideposts to my approach to legal analysis ever since.

Not long after that, I received the opportunity to serve in the U.S. Department of Justice as an assistant U.S. attorney for the Eastern District of Missouri, where I prosecuted violent crimes and white collar crimes, among other matters. In this role, I was inspired by the Department of Justice's commitment to the principle of equal justice under law. I'll always remember the presentation I received from a gray-haired veteran of the Department, explaining the motto on DOJ's seal, Qui Pro Domina Justitia Sequitur: Those Who Sue on Behalf of the Lady Justice.

A few years later, I was blessed with the opportunity to serve as the solicitor general of the greatest State in the Union, Missouri, under the leadership of two great public servants. In this role, I was called upon to resist the overreaches of the Federal Government that trampled the fundamental rights of ordinary American citizens. I began to see, as our Founders did, that fidelity to the Constitution and the rule of law require constant vigilance and struggle.

Then, during the most recent 2 years, I've had the opp—the great honor to represent President Trump in fighting back against the politically motivated prosecutions and lawfare campaigns against him. To me, these cases reflected a profound and dangerous perversion of the ideals of the Department of Justice, where I had proudly served as a young prosecutor. They manifested the weaponization of the Federal Government at its worst in an unconstitutional attempt to interfere with the 2024 Presidential election by trying to prosecute and imprison the sitting President's main political opponent. I learned that fighting for the Constitution and the rule of law requires courage, perseverance, and sacrifice.

Fortunately, that lawfare campaign failed and President Trump was re-elected in a historic landslide. In his inaugural address, President Trump promised that the scales of justice will be rebalanced. The vicious, violent, and unfair weaponization of the Justice Department and our Government will end. And never again will the immense power of the State be weaponized to persecute political opponents. Instead, President Trump pledged that we will restore fair, equal, and impartial justice under the constitutional rule of law.

If I'm confirmed by the Senate, I pledge to work with Attorney General Bondi and her administration to support and achieve President Trump's vision of fair, equal, and impartial justice under the constitutional rule of law. Thank you.

Chairman GRASSLEY. Thank you. Mr. Reitz?

STATEMENT OF AARON REITZ, NOMINEE TO SERVE AS ASSISTANT ATTORNEY GENERAL, OFFICE OF LEGAL POLICY, U.S. DEPARTMENT OF JUSTICE

Mr. REITZ. Thank you, Chairman Grassley and Ranking Member Durbin, for convening this hearing and for providing my fellow nominees and me the opportunity to participate in the Senate's essential and time honored advice-and-consent role under the Constitution. The predominant feeling I have, sitting here today, is gratitude. And because of that, I want to say thank you to several people.

Thank you to each of the individual Members of this Committee, both Republican and Democrat, as well as their staffs, for taking time to visit with me over the past couple of weeks. As I hope I made clear during those meetings, it's my goal to earn your support.

Thank you to my boss, Senator Cruz, not only for your very kind introduction but for your past 2 years of mentorship while I've served as your chief of staff. You've shown me not only how to be a fierce defender of the Constitution and the rule of law but also how to work with a wide diversity of people with different perspectives, on both sides of the aisle, to serve the American people.

Thank you to my family for supporting me and having my back. Today we have with us my wife of 16 years, Meredith. We've known each other since we were 12, and I was reminded while preparing the paperwork for this hearing how much we've been through together: moves; careers; deployments; kids; one public service pay cut after another; and now this new adventure—a hopeful opportunity to serve at the Justice Department. I love and appreciate you.

We also have two of our four children here: William, my oldest, who was born while I was in Afghanistan; and his younger sister, Caroline. Back at home in Texas are our two littler ones, Cecilia and Georgia, who Meredith and I decided would be just a bit too squirmy for a Judiciary Committee hearing.

[Laughter.]

Mr. REITZ. Also at home are my parents, Donna and Paul. My father is undergoing surgery on Friday for kidney cancer, and we lift him up in prayer.

Thank you to those who have had an outsized influence in developing me professionally over the years: my first Marine Corps battalion commander, Bill Vivian, and company commander Isaac Moore; law school deans Ward Farnsworth and Bobby Chesney; now-Chief Justice of the Texas Supreme Court Jimmy Blacklock, who I clerked for; Texas Attorney General Ken Paxton; and, of course, Senator Cruz.

Thank you to Attorney General Pam Bondi for answering the call to serve as our Nation's Attorney General. She's been in office for only a few weeks and yet is already making historic strides to restore law and order and to increase the American people's confidence in our justice system. I am honored to be considered to serve under her.

Last, and most of all, thank you to President Trump for entrusting me to lead the Office of Legal Policy. President Trump cast a vision for accountability, transparency, integrity, and devotion to the Constitution that inspired millions of Americans to overwhelmingly vote him into the White House. I look forward to doing my small part to carry out that vision at OLP under his and Attorney General Bondi's leadership.

The Office of Legal Policy has a broad mission. It plays an important role in advising the Attorney General on legal policy, coordinating the Department's regulatory review process, and assisting the White House and Senate with judicial nominees.

In each of these missions, I commit to the Senate the following: With respect to legal policy, you can expect me to pursue the President's and the Attorney General's agenda with energy, impartiality, independent thinking, and faithfulness to the Constitution and all Federal laws. With respect to regulatory law, you can expect me to closely coordinate with executive branch rulemaking authorities to ensure the Department is effectively and efficiently pursuing justice for all.

And with respect to judges, you can expect me to faithfully assist the President—identify, vet, and process his judicial nominees. This necessarily means working collaboratively with the Judiciary Committee as well as individual home-State Senators.

Last, in all things, the Senate, the President, and the American people have my absolute commitment to excellence, fairness, integrity, blind justice, the observance of the best legal practices, and adherence to the highest standards of conduct and ethics.

Thank you again to the Committee for considering my nomination. I look forward to answering your questions and hopefully earning your support. Thank you.

Chairman GRASSLEY. Thank you, Mr. Reitz. Now, Mrs. Dhillon.

STATEMENT OF HARMEET DHILLON, NOMINEE TO SERVE AS ASSISTANT ATTORNEY GENERAL, CIVIL RIGHTS DIVISION, U.S. DEPARTMENT OF JUSTICE

Ms. DHILLON. Chairman Grassley, Ranking Member Durbin, and Members of the Judiciary Committee, I would like to thank all of you for this opportunity to respond to your questions. And thank you to Senator Lee for his very kind introduction of me.

I'm grateful for the time that many Committee Members have taken to meet or speak with me before this hearing, and I have val-

ued hearing their concerns and ideas about the Civil Rights Division. I thank President Trump for nominating me to this important position. He knows all too well how the Department of Justice may be weaponized for the wrong ends, for political persecution, for payback, for punishing protected speech and ideas. As his lawyer for several years, I, too, am keenly aware of how quickly justice may become unjust. I also want to thank Attorney General Pam Bondi for her inspiring leadership and her trust in me.

I am deeply honored to be joined by members of my immediate family here today: my mother, Parminder; my brother, Mandeep Singh Dhillon, and two of his children, Tegh Zoraver Singh and Hazuri Kaur Dhillon; and other dear and near family members. With me in spirit as well is my husband, Sarvjit, who passed away last summer and who supported me in every way. Many friends have come from around the country to support me, as well, and I'm so grateful. I owe everything I have in this world to God and to my family.

My parents brought Mandeep and I to the Bronx, New York, where Dad finished his medical residency, then to rural Smithfield, North Carolina, where his simple goal was to raise his family in a small town with traditional values, practice orthopedics, play a little tennis, and enjoy the American dream. When we moved to Smithfield in 1975, there was a sign on the highway as you entered town that said, "The United Klans of America Welcome Visitors to Smithfield." My parents didn't know what the Klan was when they moved to Smithfield. We did find out.

Thankfully, the anachronistic and despicable sign came down in 1977, and the Klan didn't affect me directly. But I was bullied as a child for my long braids, my funny name, my unusual faith, and it wasn't the easiest thing to be a family of turban-wearing Sikhs in the rural South in the 1970s. What I learned from my parents was that, in America, anybody could be anything, with hard work and determination. I am before you today because of these life experiences.

My faith teaches me that it is a duty to stand up for the rights of the defenseless. Throughout my 32-year legal career, I have honored this teaching through my legal work. In law school, I'd been an advocate for victims of domestic violence, work I continued for over a decade in private practice.

I've advocated in the courts for asylum seekers facing religious and political persecution. My clients have included Muslims, Buddhists, Hindus, and Christians. This work has taught me deep compassion for the oppressed, as well as a daily appreciation for the liberty that Americans often take for granted.

I was a lawyer in private practice in Silicon Valley when the 9/11 terrorist attack struck. From handling intellectual property litigation, I suddenly pivoted to writing legal memos to help South Asians and Arab Americans understand their legal rights in the face of wholesale attacks from fellow Americans—ranging from murders and assaults on Sikh gas station owners and taxi drivers to casual slurs shouted at my brother, Mandeep, at Candlestick Park in San Francisco, calling him "Osama," and telling him to go back to his country.

This is our country, Senators. And it is the greatest country on God's earth. Today, the promise of equal opportunity that my family taught me, which I fought for my entire career in the courtroom, is being robbed from millions of Americans in the workplace by dangerous and oppressive ideology enabled by corrosive government dictates.

Young girls and women are seeing their dreams of hard-fought equal access to sports opportunities, of even basic privacy, modesty, and dignity in women's private spaces being sacrificed on the altar of political correctness.

Generations of young people have been denied educational opportunities because of their immutable characteristics instead of merit, even in the face of Supreme Court precedent that clearly bans such admissions policies. And our elections are consistently at risk of becoming ad hoc coronations where government officials in power put a thumb on the scale to achieve preferred outcomes.

Our democracy is the lifeblood of our Republic. Insecurity in this process breeds mistrust. Mistrust breeds anxiety and anarchy. We must remain forever vigilant in ensuring the results at the ballot box reflect the will of the people, not the preferences of the elite.

It's 2025 in America. President Trump was just elected with a historic amount of support from Latinos, African Americans, Asian Americans, and Americans without college degrees. There is no greater time to be alive and to be an American than today.

If I am honored to be confirmed as Assistant Attorney General for Civil Rights, this is my promise, Senators: I will bring my decades of experience as an attorney fighting for the rights of the defenseless to work every day. I will start every analysis with the Constitution. I will respect the words of statutes and the teachings of the courts, even if I disagree with them, though I will act within the law to challenge legal rulings I believe are wrong or statutes I believe are unconstitutional.

What I will never do is use the DOJ Civil Rights Division as a partisan tool to push a political agenda. The Department of Justice stands for justice for all Americans. My parents crossed two oceans to bring me, as a small child, to America. We, as a family, are Americans by choice, and I can think of no higher honor as a lawyer than to be charged with defending and advancing the civil rights of all American citizens. Thank you.

Chairman GRASSLEY. Thank you. We have 5-minute rounds of questions. I'll start and then go to Senator Durbin. I want to apologize to the three of you, because when I'm done asking my questions, other Members will take over chairing because I have to go to the Agriculture Committee.

So, I'm going to start with Mr. Reitz. Being a major in the Marines, and your service in Afghanistan, how do you think your military service has informed your legal career, and what lessons will you take from the Marine Corps to your role at DOJ?

Mr. REITZ. Well, thank you for that question, Chairman Grassley. I first raised my hand and swore an oath to defend the Constitution when I was 22 years old. I take that oath deadly seriously.

That not only structures my philosophy of how I would approach my job at the Justice Department, but that commitment also

shapes how I work and how I execute that mission: with integrity, with excellence, with high standards, morals, and treating everybody with dignity, the way that they deserve to be treated. And so not only do I bring a commitment to the U.S. Constitution but I also bring a way of acting that I think adheres to the best that our Nation has to offer.

Chairman GRASSLEY. Yes. Mr. Sauer, you clerked for Justice Scalia, a famous champion of interpreting the doctrine of originalism and, throughout his career, promoting the concept of federalism. What was your most important lesson that you learned from Justice Scalia?

Mr. SAUER. Thank you for the question, Mr. Chairman. It would be very hard to reduce it to just one. But I would, in response to your question, echo the personal characteristics of Justice Scalia that I emphasized when I had the privilege of giving a eulogy for him in 2016 after his death. Not just his titanic influence on the development of law in the United States and advancing the doctrines of textualism and originalism, but in my experience he exemplified the characteristics of a teacher and mentor, a man of great personal devotion, a man of great personal courage, and a person of deep humility.

And I think you see the humility of Justice Scalia reflected in his attraction to the legal theories that he espoused, which are ultimately humble legal theories: the legal theories of the limited role of courts in the interpretation of congressional statutes and the Constitution.

Chairman GRASSLEY. Ms. Dhillon, you'll have to protect the civil rights of all Americans. Under Diversity, Equity, and Inclusion, the previous administration imposed a nationwide regime that discriminated against some people. The Civil Rights Division completely failed to enforce our Nation's Civil Rights Laws. So, how will your approach to enforcing our Civil Rights Laws differ from the previous administration?

Ms. DHILLON. Chairman Grassley, thank you for that question. The Civil Rights Division has 11 sections, and each of them is charged with an important duty under the Constitution and the statutes, of course. So, my approach is going to be to meet with the section heads in each of those sections, understand the present work that they are doing, and then assessing the extent to which that work is consistent with my view of the civil rights statutes and the priorities of the Department of Justice.

And I think the President and Attorney General Bondi have made clear that Diversity, Equity, Inclusion—as it has been applied to use racial quotas to deny people equal access to education, employment, even potentially housing and other aspects of civil life that are covered by the civil rights statutes—are inappropriate. And so we'll certainly be taking a close look at all of those and enforcing the law equally in favor of all Americans.

Chairman GRASSLEY. Would you approach Title VII discrimination and Civil Rights Laws and use it against companies that discriminate on the basis of race?

Ms. DHILLON. Senator, if the facts support such a prosecution or a civil litigation, I certainly would do that. It is inappropriate, in my view—and I think Title VII's language is clear—that racial dis-

crimination is inappropriate in hiring. And so that is certainly a priority that I would undertake and one that I have undertaken in private practice, as well.

Chairman GRASSLEY. The same question, as it relates to Title VI, against universities that receive Federal funds but who discriminate on the basis of race.

Ms. DHILLON. Senator, we have a problem throughout the United States, not just on the basis of race in universities, but also religion. We've seen antisemitism sweep the Nation, and it is very problematic that many people of the Jewish faith are barred by professors and fellow students from access to the classroom. So, yes, in addition to race, I would see religious discrimination and other forms of discrimination on campuses as an appropriate target for the Civil Rights Division.

Chairman GRASSLEY. Thanks to all three of you. Senator Durbin.

Senator DURBIN. Thanks, Mr. Chairman, and congratulations to each of you, your family, and friends for this historic opportunity. Mrs. Dhillon, I thank you for coming by the office. Though we may not agree on many issues, I certainly respected the exchange.

I want to say for the record I'm still proud of the fact that the Sikh community came to me after 9/11 and asked me to introduce a resolution which said that there should not be any discrimination against those who follow your religion, as a result of 9/11. It passed on a bipartisan basis. George W. Bush, as President, I think showed real leadership on that and many other issues.

I also held a hearing in this Committee when we had the terrible incident at the gurdwara in Wisconsin where a white supremacist killed innocent people of the Sikh community. We had a hearing on that and packed the room with those who were interested in making sure that it never happens again.

I'd like to go to specific questions, if I can, of the nominees. Mr. Reitz, have you ever expressed support for the idea that an elected official should defy a Federal court order?

Mr. REITZ. Thank you, Ranking Member Durbin. I'm not aware of any instances, at this time, of having made such an assertion.

Senator DURBIN. So, let me remind you of a statement that you made. On March 30, 2020, U.S. District Judge Lee Yeakel, a George W. Bush appointee, temporarily blocked Texas from closing abortion clinics as a response to the State's COVID–19 outbreak. You commented on this and wrote——

[Poster is displayed.]

Senator DURBIN [continuing]. "Looking for some Andrew Jackson-level leadership on this one. Judge Yeakel has made his decision. Now let him enforce it." This was an obvious reference to the fictitious story about language supposedly used by Andrew Jackson in suggesting he would defy a Supreme Court ruling in *Worcester v. Georgia*. Do you stand by your tweet?

Mr. REITZ. Thank you for reminding me of this tweet, Ranking Member Durbin. What this tweet reflects is a conservative view of Article III and the role of courts and their ability to bind parties that are not litigants to the case before it, which is a mainstream view within jurisprudential debates, but captured in, you know, 140 characters on a tweet.

Senator DURBIN. Bottom line: Should an elected official be allowed to defy a Federal court order?

Mr. REITZ. It would be too case specific for me to say—to make a blanket statement about that, Ranking Member Durbin.

Senator DURBIN. So, you're saying that a legal court order from a Federal court should not be followed under some circumstances? What would those circumstances be?

Mr. REITZ. Ranking Member Durbin, what I'm—what I'm saying is that there are some instances in which a public official is lawfully bound by the holding of a particular court, in which case that official would, in fact, lawfully be required to be bound by it. I can't speak, though, Ranking Member Durbin, for all instances in which that dynamic may or may not be at play, given a certain lawsuit.

Senator DURBIN. That's an incredible statement by someone who wants to be part of the Department of Justice. Mr. Sauer, what's your take on this?

Mr. SAUER. Ranking Member Durbin, thank you for the question. Like Mr. Reitz, I don't want to speak to hypotheticals, especially not hypotheticals that might come before me in an official capacity, if I were confirmed by the Senate. Generally, if there's a direct court order that binds a Federal or State official, they should follow it.

Senator DURBIN. Why do you say "generally"? Give me an exception that would be acceptable to you.

Mr. SAUER. I suppose if we—again, as I sit here, I can't think of a hypothetical, one way or the other. I suppose one could imagine hypotheticals in, you know, extreme cases like, you know, the *Korematsu* decision, you know, the *Dred Scott* decision, where people——

Senator DURBIN. Let's go back to *Korematsu*. Describe for me that circumstance that you think relieved an official from obeying a court order.

Mr. SAUER. Well, I believe there was a court order there that upheld—which has now been, I think, correctly repudiated by virtually everyone—a court order that upheld the internment of Japanese civilians in——

Senator DURBIN. As bad as it was——

Mr. SAUER [continuing]. Internment camps during——

Senator DURBIN. As bad as it was, that court order was followed for years. Was it not?

Mr. SAUER. And I just wonder whether some historians might think we'd be better off if it hadn't been followed.

Senator DURBIN. But once we——

Mr. SAUER. Again, I don't want to get into a——

Senator DURBIN. I want to get——

Mr. SAUER [continuing]. Discussion about that.

Senator DURBIN [continuing]. Into it, because I think it goes to the heart of the question of the future constitutional challenge we face as a Nation. There's a great fear among many people—academics and people in the legal profession—as to whether or not this President would defy a court order, which basically would put him above the law, at least in his own eyes. And I want to know what circumstances Mr. Reitz and Mr. Sauer believe justify that conclusion.

[Gavel is tapped.]

Senator MOODY [presiding]. And you can answer that quickly. He's run out of time.

Mr. SAUER. Very quickly. I've represented President Trump for the better part of 2 years, and I just think that that's not a plausible scenario.

Senator DURBIN. Do you say the same, Mr. Reitz?

Senator MOODY. You've run out of time, Ranking Member. Thank you. Senator Hawley.

Senator HAWLEY. I think maybe I've misunderstood this last line of questioning. I thought it sounded to me like my friend, Senator Durbin, was defending the *Korematsu* decision, which I think is one of the worst and most abhorrent decisions in the history of the United States. So, I just want to be clear on this.

Let me—let me give you all a chance to weigh in on this. When we have a decision that is absolutely morally abhorrent—*Korematsu*, *Dred Scott*—we can go down the line. Should officials who disagree with a morally abhorrent decision just blindly follow it? Or do they register their disagreements?

I suppose if they have to, they resign in protest. I mean, there's a system for this. There's a pattern for this. But is the United States of America better off if our public officials, in the face of grievous moral wrong, say and do nothing? Mr. Sauer?

Mr. SAUER. I strongly agree, Senator Hawley, with your—with your reaction to that. And the only point I was trying to make in my exchange with the Ranking Member was, it's hard to make a very blanket, sweeping statement about something without being presented with the facts and the law that applied in that particular scenario. So those historical examples, I think, are designed to illustrate the difficulty of doing that.

Senator HAWLEY. Mr. Reitz, do you want to add anything?

Mr. REITZ. Yes. Thank you for your background and also for teeing up that question. I stand by my earlier comments, which is to say that there is no hard-and-fast rule about whether in some—in every instance a public official is bound by a court decision. There are some instances in which he or she may lawfully be bound and other instances in which he or she may not lawfully be bound.

Senator HAWLEY. Well, certainly I know that everybody sitting on this panel in front of me is a firm believer in the rule of law. It just seems to me—I think I can—we can multiply these instances.

The Fugitive Slave Act, for example—and we had numerous judges and other public officials—when the Supreme Court said that the Fugitive Slave Law, an absolutely abhorrent law, had to be enforced in the North, you had multiple judges who said, I can't in good conscience enforce this. Many of them then resigned. The United States might be a better place if more of them had done so and had taken a stand firmly against such injustice.

So, I can't believe that it's the position of anybody on this Committee that in the face of decisions like *Korematsu* and *Dred Scott* and the Fugitive Slave Act that we should say to people, oh, just grin and bear it. Don't say anything. Enforce the law. For heaven's sake—I mean, good heavens.

Ms. Dhillon, let me ask you, you spoke very movingly about religious liberty, and it made me think of that line that America didn't invent religious liberty. Religious liberty invented America. And your family's story is certainly a testament to that. I also am mindful of the fact that in the last 4 years we have seen unprecedented attacks on religious liberty in this country, absolutely abhorrent attacks on people of faith.

Just to take one example, after the Supreme Court's *Dobbs* decision, 100 pregnancy care centers—more than that—were vandalized, criminally assaulted, firebombed. Over 300 churches, many of them Catholic churches, were targeted in the same manner. The Biden Justice Department did nothing to defend these institutions. They let them twist in the wind. They allowed the violence to go on virtually unchecked, and indeed Members of this body encouraged this kind of violence with outrageous irresponsible rhetoric on the floor of the United States Senate and on the floor of the United States House of Representatives.

My question to you is, will you commit to stopping the disparate treatment of Americans on the basis of religious faith that we have seen in the last 4 years? Will you make sure that people of faith are protected in the religious expression of their most deeply held beliefs?

Ms. DHILLON. Thank you for that question, Senator Hawley. I believe my career and the disclosures made to the Senate would back up the fact that my entire career in 32 years has included religious liberty litigation on the side of people of faith, of minority and majority faiths, and I'm very proud of that.

And I've won cases at the United States Supreme Court, defending people of faith from Government tyranny and obstruction. And so I would absolutely be committed, as a top priority in the Civil Rights Division, if confirmed, to defending people of faith equally.

Senator HAWLEY. Very good. And will you investigate and, where it's warranted, prosecute those who carry out attacks on pregnancy care centers, places of worship, those who with religious—or maybe it's anti-religious motivation target people of faith in their houses of worship and other places where, frankly, they're quite vulnerable?

Ms. DHILLON. Absolutely, Senator. I don't think there's any question about that.

Senator HAWLEY. Good. Let me ask you about antisemitism on America's campuses. You referenced this, I think, in your opening statement. Since October 7 of 2023, we've seen the most horrific explosion of antisemitic violence.

Just yesterday I met in my office with a young man, a student at DePaul University, an ROTC member. He's also Jewish. He's a Jewish American. His arm was in a sling because he had been physically assaulted on his campus. What was his offense? He had been tabling in support of the state of Israel. Will you commit to vigorously enforcing, Ms. Dhillon, Title VI violations related to antisemitism to make sure that we root out the scourge on America's campuses?

Senator MOODY. If you want to briefly answer?

Ms. DHILLON. Absolutely, Senator. I would certainly commit to that.

Senator HAWLEY. Very good. Thank you, Madam Chair.

Senator COONS. Thank you——

Senator MOODY. Senator Coons.

Senator COONS [continuing]. Madam Chair. Mr. Sauer, thank you for your service as a Federal prosecutor to the people of Missouri, Mr. Reitz, for your service to this body, to my colleague Senator Cruz, and your military service to our Nation, and, Ms. Dhillon, I appreciate your willingness to step forward and raise your hand to serve. You are all seeking critical leadership positions in a Department of Justice that is reeling and questioning the direction that it's being taken.

Career prosecutors were fired for working on cases that President Trump did not approve of or like. Senior DOJ leaders in national security posts have been reassigned. And at the Southern District of New York and in the Public Integrity Unit, a half dozen prosecutors resigned earlier this month rather than carry out what they believed to be unlawful or unethical orders in the *Eric Adams* case.

Now, Ms. Dhillon, if President Trump were to ask you to do something that you believed was either illegal or unconstitutional, what would you do?

Ms. DHILLON. Thank you for that question, Senator Coons. First of all, I have represented President Trump for 4 years in numerous different cases, and I currently represent him as a private attorney. And in all of those years, in multiple cases, in multiple jurisdictions, the President has never asked me to do anything that I found to be objectionable, immoral, unlawful, or illegal. And so I really can't fathom the circumstance that you're describing. It would——

Senator COONS. Well, as I——

Ms. DHILLON [continuing]. Really be a hypothetical——

Senator COONS. As I just conveyed, I don't think it's a hypothetical. You've got folks in the Public Integrity Unit and the Southern District resigning over what they believe to be an unethical and inappropriate order, and I put that exact question to your predecessor in the first Trump administration, Eric Dreiband—his first AG for Civil Rights. He didn't call it hypothetical. He answered directly. He said, every Department of Justice attorney swears an oath to faithfully execute and defend the Constitution and laws, and it would therefore be appropriate to refuse to follow a directive of the President if illegal or unconstitutional. Mr. Dreiband, in exactly the same situation, answered the question. Is there any reason you can't?

Ms. DHILLON. Well, Mr. Dreiband didn't have 4 years of representing President Trump as his lawyer, and so I would—I'm going to give him the grace of not knowing, for that experience that I've had. And so I think that it is a hypothetical to me, and so I respectfully——

Senator COONS. It may be to you, but sadly it is not to currently serving members of the Department of Justice. If I might, Mr. Reitz, in the exchange that was just held both between Senator Durbin and Senator Hawley and yourself, dozens of President Trump's Executive orders have been blocked by Federal courts in recent weeks—Federal district courts, and a number have been re-

viewed on appeal. To your knowledge, has the administration complied with these Federal court orders?

Mr. REITZ. Thank you, Senator Coons. I have not been following the procedural posture of those cases very closely. Of course, I intend to do so, should I be confirmed, once I'm in the Justice Department.

Senator COONS. You'll be centrally involved in those decisions, and part of what my colleague was trying to focus on was the tweet that you apparently posted in response to a decision you didn't like. The tweet said, "Looking for some Andrew Jackson-level leadership on this one. Judge Yeakel has made his decision. Now let him enforce it." My colleague from Missouri suggested that somehow Senator Durbin was standing up for the *Korematsu* decision or standing up for the *Dred Scott* decision.

And I think buried in what he said, and in what my colleague said, is clarity. What are the avenues appropriately available to a litigant, which can include the President or a Department Secretary, what are the avenues available to properly challenge a duly issued Federal circuit or district court order? And is it ever proper to simply refuse to obey that order?

Mr. REITZ. Thank you, Senator Coons. I'll answer your second question first, which is what I referenced earlier. There is no hard-and-fast rule in all instances in which a litigant must comply with all or some or various parts of a judicial decision. It is so fact, law, and case specific that one cannot speak generally.

Senator COONS. In your view, do litigants before a Federal court get to choose whether or not to obey a Federal court order? They can——

Mr. REITZ. If——

Senator COONS [continuing]. Appeal it. They can speak out against it. They can question it. But can they refuse? Could the President of the United States refuse, as a litigant before a Federal court, refuse to follow that order, which was the key implication of your tweet?

Mr. REITZ. So, generally speaking, Senator Coons, parties to a case are bound by a lawful court holding from that court. And as you rightly pointed out, Senator Coons, there are many different avenues to right a perceived wrong: appeals, rehearings, various motions, et cetera. You're familiar with them.

Senator COONS. I hope you will be clear in your service, since I recognize I'm nearing the end of my time. Thank you for that answer. I think all of us are holding our breath to see whether or not President Trump and those who will be advising him correctly understand what is a foundational principle of the rule of law.

Senator MOODY. Thank you, Senator Coons——

Senator COONS. A litigant before——

Senator MOODY [continuing]. For your brevity.

Senator COONS [continuing]. A Federal court may——

Senator MOODY. Appreciate that.

Senator COONS [continuing]. Appeal, may question, may challenge, but may not ignore a district——

Senator MOODY. Thank you, Senator Coons.

Senator COONS [continuing]. Court order.

Senator MOODY. We'll move to Senator Blackburn for her questioning.

Senator BLACKBURN. Thank you, Madam Chairman, and congratulations to each of you. We are—we're really pleased that your families are here, that you have this nomination, and we're so looking forward to having you serve President Trump and the American people in your positions. So, congratulations to you.

Ms. Dhillon, I want to come to you first. In Tennessee, we follow the motto, "Let's Make it Easier to Vote and Harder to Cheat." And it is important for each person to know that their vote is counted and that votes are—that the process is going to be a process that is true, transparent, and honest. And so our counties have been busy cleaning up voter rolls, and it's why Tennessee has been ranked number one in the country for election integrity.

And I know that you're going to follow those same premises at the Department of Justice. So, I would like for you to talk about what you can do at the Civil Rights Division to make certain that we restore election integrity.

Ms. DHILLON. Well, thank you for that question, Senator Blackburn. And I really appreciate how Tennessee has taken a lead in cleaning up the voter rolls. Federal law provides under the National Voter Registration Act that States do maintain their voter rolls in an up-to-date way.

But, in fact, most States are woefully behind in doing so, which creates confusion and distress among citizens who are concerned that their votes are not being equally cast. I think there are limited enforcement mechanisms for the Department of Justice to necessarily take the lead on this particular issue.

But there've been many cases in which private organizations or State parties have been granted standing to challenge and the Department of Justice has the opportunity in those cases, where the facts have been developed, to come in and take a position, as well.

And the position, in my opinion, of the Department of Justice should be 100 percent in favor of clean voter rolls. And now many States have evolved excellent methods for doing that in a fair way, giving citizens notice, giving them notice in multiple election cycles. And so I think there are many ways that States can stay up to date, like Tennessee has done.

Senator BLACKBURN. Thank you for that. Mr. Sauer, I want to come to you. And I appreciated the opportunity to visit with you prior to the hearing. I want to drill down on one comment you made, "justice without fear or favor."

And I appreciated that, because so many people that have reached out to us, Members of this Committee, have noted that it seemed we were in the season under the last administration where there were two tiers of justice and two tiers of access and two tiers of treatment. And the American people have spoken against this, loudly, and they want equal justice for all. So, I would like for you to comment on what you mean and how that concept, justice without fear or favor, is essential to your role as the Solicitor General.

Mr. SAUER. Thank you very much for the question, Senator. And again, thank you very much for the opportunity to meet and speak with you. I greatly appreciated that opportunity. I greatly appreciate the question, as well, because I think that you've asked about

something that goes to the heart of the role of the Department of Justice.

As I mentioned in my opening statement, the principle of equal justice under law, which is the same as justice without fear or favor, is central to the Department of Justice's mission. Senator Hawley, I think, referred to some recent historical examples of situations where that was not fully upheld in the most recent administration.

In my opening statement, I referred to what to me obviously are the most compelling and, really, astonishing experiences that I have had with respect to that, that really—certainly that involved many of the cases that I had the privilege of litigating under the leadership of Senator Schmitt, but in—when he was attorney general of Missouri—but also representing President Trump in the recent lawfare and weaponized prosecutions that he experienced.

So, we have a number of unfortunate examples in our recent history, in the Department of Justice, and that's why what was really kind of a ringing call to me in President Trump's inaugural address was his statements that I quoted about restoring equal justice under law and the constitutional rule of law.

Senator BLACKBURN. Thank you. Mr. Reitz, in your role over at DOJ, you're going to be responsible for initiating policy initiatives. And this is something important to addressing violent crime that is just raging across the country. And I want to get from you in writing what you can do. The previous Trump administration had programs like Operation Legend, which was very effective in Memphis, Tennessee. And I know my time has expired, but if you'll submit that one to me in writing.

Senator MOODY. Thank you, Senator Blackburn. Thank you for respecting that time. We're going to hear from Senator Hirono now.

Senator HIRONO. Thank you, Madam Chair. I ask the following two initial questions of all nominees before any of my Committees, so I will ask you, starting with Mr. Sauer, and we'll just go right down the line. Since you became a legal adult, have you ever made unwanted requests for sexual favors or committed any verbal or physical harassment or assault of a sexual nature?

Mr. SAUER. No.

Mr. REITZ. No.

Ms. DHILLON. No, Senator.

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

Mr. SAUER. No.

Mr. REITZ. No, Senator.

Ms. DHILLON. I have not, Senator.

Senator HIRONO. I would like to state, with regard to Mr. Reitz that—for the record, that in 2023, during impeachment proceedings against Texas Attorney General Ken Paxton, a Texas Ranger testified that there were, quote, "many complaints of sexual harassment by female employees," end quote, about Mr. Reitz when he worked in the Texas attorney general's office. And I will have further questions for the record regarding these complaints.

For Ms. Dhillon, relating to Section 2 of the Voting Rights Act, I think that your position is that Section 2 of the Voting Rights Act requires actual discrimination and basically discriminatory intent

before it will be deemed unconstitutional under Section 2. Is that correct? Is that your view of Section 2, Voting Rights Act?

Ms. DHILLON. I would say, to generalize, yes, it is.

Senator HIRONO. So, that means that unless there is discriminatory intent and, let's say, a State legislature says, yes, we are about to enact legislation that will discriminate against a group, you do not think that Section 2 applies?

Ms. DHILLON. I disagree with your characterization, Senator. There are many ways to prove intent other than a blanket statement from a State legislature, and——

Senator HIRONO. Well, Ms. Dhillon, let me mention that under President Biden's Attorney General Merrick Garland, they filed a number of lawsuits under Section 2—for example, a law prohibiting civil groups from providing food or water to people who are standing in line to vote. There was no discriminatory intent. Would you have filed that lawsuit against that law?

Ms. DHILLON. Senator, I haven't had the opportunity to study all of the facts underlying those prosecutions by the Biden Department of Justice. On its face——

Senator HIRONO. Well—excuse me. What they—Merrick Garland also filed a lawsuit under Section 2 of State law limiting counties' use of absentee ballot dropboxes. So, there are a number of these kinds of voting rights laws that the States enacted after *Shelby County*, and in fact 13 States very immediately passed all kinds of laws that made it a lot tougher to vote.

So, I'm just wondering, how are you going to decide which ones to go after? I mean, these obviously have the effect of discrimination against certain groups, making it harder for them to vote. How would you decide which of these kinds of voting rights laws enacted by States—without, you know, the obvious smoking gun?

Ms. DHILLON. Well, Senator, I have to disagree with the premise of your question, that all of these measures that Georgia and other States took to improve confidence of all citizens in voting in fact had any——

Senator HIRONO. Well——

Ms. DHILLON [continuing]. Discriminatory impact.

Senator HIRONO. Excuse me. I only have a minute. I mean, obviously there is disagreement. That is the crux, isn't it, as to whether or not these laws actually have an antidiscriminatory effect? And you obviously do not think so.

For Mr. Reitz: You stated, in one of your many tweets—in fact, there are thousands of tweets that you deleted before your nomination. And we could go over some of them. They're quite astounding. But one of them said birthright citizenship is not a thing. Is birthright citizenship in the Constitution? Yes or no? Yes or no?

Mr. REITZ. Thank you, Senator Hirono. I think that there are reasonable debates to be had about the meaning and application and scope of what is commonly called birthright citizenship in the Fourteenth Amendment.

Senator HIRONO. Well, actually, since it's been 130 years where this particular provision has been deemed to confer birthright citizenship, and not in the way that President Trump uses it—and apparently not you.

So, when we start talking about, you know, the rule of law and that you all would follow the rule of law, I do wonder what constitutes rule of law in your mind, because after President Trump issued all of his Executive orders, some 70 lawsuits have been filed challenging the legality of his Executive orders. So, legality is often in the minds and eyes of the beholder. Thank you.

Senator MOODY. Thank you, Senator Hirono. We'll turn to Senator Britt.

Senator BRITT. Thank you, Madam Chairwoman. I just want to say congratulations to each and every one of you for being nominated and to your families. I know that this is a big moment and you're really proud of the work that they've done to get here and what an honor it is. I think all of us up here know that when you serve, it's not just you—it's your entire family that does. And so we say thank you.

I especially want to say something to Mr. Reitz. It has been an honor and privilege to get to work with you over the last 2 years. I am not only grateful for your service to this Nation and the U.S. Marine Corps, but what I have seen you do for Senator Cruz firsthand.

As a former chief myself, I know what it takes to make it all work and to make sure that your boss and your State and the Nation are in the best place possible. You have done that in a manner that is second to none. And I am excited to see each and every one of you serve our Nation at a higher level. So, thank you.

I'm going to start with Mrs. Dhillon. So, to follow up on Senator Blackburn's comments, Alabama feels strongly about making sure that every single person has access to vote—that we make that easier, whether that's providing free voter ID, whether that's coming to your house to allow you to register. We want to make sure that every citizen does that.

We also want to make sure that that vote is protected. Part of the work of the Civil Rights Division relates to protecting that right to vote. In my view, it's an important part of protecting the right of American citizens to vote, and it's to ensure that the votes aren't diluted by those who have actually no right to vote.

I know you've done some work on this issue during your time in private practice, and it's an issue that I've also worked to address here in Congress. During this Congress, I'll be reintroducing, once again, the Citizen Ballot Protection Act, which amends Federal law to explicitly allow States to put in place proof of citizenship, to require that for Federal mail-in voter registration forms and any State mail voter registration forms that they might develop.

I think many people across the Nation would be shocked to know that States are currently hamstrung when it comes to requiring proof of citizenship as part of certain voter registration processes. It's common sense to ensure that only American citizens are registering to vote in our elections.

Based on your experience, can you explain why it's important and necessary to take steps to ensure that non-citizens are not voting in our election and the role that you think DOJ and, in particular, the Civil Rights Division can or should play in ensuring the votes of American citizens are not diluted?

Ms. DHILLON. Thank you for your question, Senator Britt, and I actually want to particularly thank you for introducing the legislation you just described, because while the NVRA doesn't itself, of course, bar States from requiring proof of citizenship, courts have done that and laid that prohibition—that, in fact, was the subject of some conversations I had with some of your fellow Senators while we met.

I do think that it would be a tremendous boost to voter confidence in the integrity of elections in the States if there was assurance that only citizens are voting. Similarly, that they're only voting once. I think that's also very important.

And the current self-certification system has not only allowed people to maliciously vote when they weren't entitled to, it's actually led many legal immigrants to unknowingly cast a vote and thereby putting their own ability to become United States citizens in peril. And we've seen this happen in Pennsylvania and other States. So, I do think that it would be a tremendous boost to voter integrity and confidence. And that, in turn, would cause more Americans to come out to vote, which I think all of us want on both sides of the aisle.

Senator BRITT. Absolutely. I couldn't agree more. Mrs. Dhillon, another question. As you're aware, President Trump signed an Executive order in January related to the measures to combat antisemitism. Senator Hawley touched on this earlier, but pursuant to that order, Attorney General Bondi earlier this month announced the formation of a multi-agency task force to do this, to make sure that we're doing this. The task force will be coordinated through the Civil Rights Division.

I have long been concerned about this issue and didn't think the Biden administration acted aggressively enough to address it, particularly on college campuses. So, once confirmed as the head of the Civil Rights Division, can you assure me that you will take aggressive action via this task force to ensure that Jewish students are protected from abuse and harassment and that those who engage in such behavior will be subject to the full force of the law?

Ms. DHILLON. Well, Senator, this is a very high priority for me. And I have several Orthodox Jews who've worked at my law firm and have personally given me stories about their family circumstances and instances of discrimination on campuses and in other settings. Coming from a religious minority myself, I think it is very important and crucial that the Civil Rights Division step up to defend students on campus, because it is a blow not just to those individual students but to the entire community when they see campus administrators refuse to protect them.

Senator BRITT. Thank you so much.

Senator MOODY. Thank you, Senator Britt. You're so timely. Senator Booker.

Senator BOOKER. Thank you, Madam Chairwoman. Mr. Reitz, I want to pick up with a discussion that I found a little troubling, and I'd love to go into it a little bit more with you. It just sounds like that you have been suggesting that government officials can ignore a court order if they disagree with it.

You're pointing to some of the worst cases in our Nation, like *Korematsu*. This would really create a constitutional crisis in this

American context in which we're living right now, if our courts impose injunctions that restrict or compel government action and then government officials go against that. To me, that's the very nature of what a constitutional crisis is.

My staff pulled a tweet of yours that you compared the *Dred Scott* decision to the Court's decision in same-sex marriages. And so I want to know, do you think public officials have it within their right, if they find it morally wrong—the *Obergefell* decision—to violate that court order or that Court's conclusions?

Mr. REITZ. Thank you, Senator Booker. So, my position, I've been consistent on, which is that parties to the litigation are bound by the lawful holdings of their respective court. I understand that there is genuine jurisprudential disagreement about the scope of certain holdings, whether they can apply nationally or to just litigants or other litigants. But I think that it is a fair discussion for attorneys in good faith to discuss the scope of a holding of a case.

Senator BOOKER. I find academic discussions important in our national dialogue. But you're being nominated for a very important position, and my question to you, I guess, is very plain: If you morally disagree with a court order, do you believe you can defy that court order—that the Trump administration, that the Government, that you, in your position, can defy that court order?

Mr. REITZ. Senator Booker, I appreciate the clarification. However, just a general reference in this hearing to a litigant morally disagreeing to the decision of a court, in my opinion, is too hypothetical for me to be able to answer with precision.

Senator BOOKER. Do you understand that that is not a comfortable assurance for me, when there are credible concerns about the Supreme Court making a decision, as in *Obergefell*, and having an administration that feels that it can defy that? You're not giving me great confidence by stating unequivocally that we are a Nation that respects the separation of powers, the role of the courts.

And far be it for me to lecture you, and I hope you don't take it that way. But the traditions of our country, if you disagree with a morally wrong law—the traditions we exalt—one of the two exceptions of statues underneath the dome of the Capitol is Martin Luther King, who was very clear about when you find a law morally wrong and you break that law, you accept the consequences of that, which is jail or removal from a position. I'm seeing, right now, good-faith actors within Government resigning from their positions.

That is a very different tradition, that vaunted tradition in our country, than a person in a position like you were nominated for willfully disregarding a court order. That is, in its very nature, a constitutional crisis, and your failure in this forum to resolutely state your commitment to abide by court orders—I hope you can understand why that would be troubling to many of the Senators before you. You understand that that's troubling?

Mr. REITZ. I understand, Senator Booker, that that is a perspective that Members of this body may have.

Senator BOOKER. Very difficult for me to swallow that, and honestly, you send a chill to me and my concerns about the current administration. Ms. Dhillon, I am happy to see you here because of the pride of your family behind you. You can see it written over their faces. I hope you understand that. They are just extraor-

dinary for me, as an American, to see you sitting here and your incredible family behind you.

I have some very direct questions for you that I do not have time with because I fear the Chairwoman.

[Laughter.]

Senator BOOKER. But I'm going to put them in writing, and they have to do with your knowledge of any plans to dismiss employees and a lot of the things that're going on here that do arise concerns to me. So, I'll put them in writing. Would you commit to responding to me?

Ms. DHILLON. Yes, Senator, I commit to responding to your questions.

Senator BOOKER. Thank you very much. Madam——

Senator MOODY. Thank you——

Senator BOOKER [continuing]. Chairwoman——

Senator MOODY [continuing]. Senator Booker.

Senator BOOKER. I hope——

Senator MOODY. You, too, are timely.

Senator BOOKER. Thank you for the same kindness that you extend to me that you extended to my colleague.

Senator MOODY. Senator Lee.

Senator LEE. Thank you, Madam Chair. A few moments ago, one of my colleagues asked a question about abiding by the rule of law and abiding by Supreme Court decisions. Now, when the Supreme Court ruled that President Biden didn't, in fact, have authority to undertake his student loan forgiveness program, President Biden made a statement—made a statement following that, to the effect of the following, quote, "The Supreme Court blocked it, but that didn't stop me"—flouting openly his defiance of the Supreme Court and the rule of law.

Now, I would like to ask each of you—we'll start with Mrs. Dhillon and then go to Mr. Reitz and Mr. Sauer. Just to be clear, in your view, does President Biden's statement hold water, and would you follow the rule of law, if confirmed to your position?

Ms. DHILLON. Senator, thank you for that question. I, too, was surprised at President Biden's reaction to that order, because the order itself, I think most lawyers, many lawyers, would agree, was entirely consistent with the law. No argument was made by the President that the order was unconstitutional, illegal, immoral, et cetera. He just simply defied it. So, I think that's——

Senator LEE. Sort of like possession is nine-tenths of the law, is what he was saying?

Ms. DHILLON. Correct. And I think that's a little bit hard to swallow. In general, there are many mechanisms for a party to disagree with a ruling: seek a stay, seek an appeal, et cetera. And those are the steps you would normally take—seek reconsideration. In this case, it was, of course, the highest court in the land. So in that circumstance, I disagree with the President's position.

Senator LEE. Mr. Reitz?

Mr. REITZ. Thanks, Senator Lee. Yes, if confirmed, you personally, this body, the American people have my absolute commitment to always observe the letter of the law. No doubt about it. I think my reaction to President Biden's brazenly flouting a Supreme

Court decision in which he was a litigant and thus lawfully bound to the holding of that Court was disappointing and unlawful.

Senator LEE. Mr. Sauer?

Mr. SAUER. Thank you, Senator Lee. I agree with my colleagues. On a personal note, as Senator Schmitt mentioned in his introduction, we were directly involved in litigating on that issue in the decision that became *Nebraska* against *Biden*. So, having taken all those efforts, those sorts of statements were particularly troubling.

Senator LEE. Right.

Mr. SAUER. And, if confirmed, I will follow the rule of law.

Senator LEE. Thank you. Mrs. Dhillon, the position to which you've been appointed—to which you've been nominated, is one that in some ways gets to the essence of the professional obligation we have as lawyers to represent clients as they come to us, even—especially—when that client happens to be unpopular—even, especially, when that client doesn't necessarily have the winds of public opinion at his or her back.

Now, you've had a prestigious career in civil rights law, in which you've represented unpopular clients, in which you've represented people who have been forgotten by much of society, and even much of the modern civil rights movement. How do you believe the Civil Rights Division can be utilized in order to look out for those people?

Ms. DHILLON. Thank you, Senator Lee, for that question. The Civil Rights Division was established in 1957, and it has a long and storied history of standing up for some of the most important heroes in the civil rights movement, including looking into violent crimes against many marchers in the civil rights movement and other important figures—Martin Luther King, Jr., and others. And so I would view my role, if confirmed, to be consistent with that obligation.

And as a lawyer involved in First Amendment cases, you're often asked to defend and protect some of the most outrageous and unpopular speech. My work at the ACLU and dating back to college has taught me the importance of standing up for the rights of free speech and rights of individuals to protest, whether you agree or disagree with the subject matter or not. And that would definitely be my charter, if confirmed. Thank you, Senator.

Senator LEE. Thank you. Mr. Sauer, you've been nominated to serve as Solicitor General of the United States. The Solicitor General, of course, performs many of the roles that a lot of Americans probably associate with the Attorney General. You are the chief litigator for the United States Government, particularly in matters pending before the U.S. Supreme Court and other Federal appellate courts. Consequently, in that position, if confirmed, you'll have a client.

So, I've got two closely related, very important questions connected to that. Number one, who is your client? Number two, will you wear the morning suit, if confirmed as Solicitor General?

Senator MOODY. You can answer briefly.

Mr. SAUER. Yes. Your client—as the Solicitor General, if I were to be confirmed—would be the United States and the people of the United States. Your fidelity would be to the Constitution and the

rule of law. And I commit to wearing the morning suit, but I will not look nearly as good as your father did when he wore it.

Senator LEE. Terrific. Thank you.

Senator MOODY. Senator Klobuchar.

Senator KLOBUCHAR. Thank you very much. I was over at an ag hearing, which was just a little more mellow, so I am happy to be here. Ms. Dhillon, I know we're going to talk on the phone at some point soon, and I appreciated that you're willing to do that.

I've led efforts to protect voters' access to the polls and the security of our elections—the Freedom to Vote Act, setting basic national standards to make sure all Americans can vote in a way that works best for them, regardless of their zip code. John Lewis once said, "The right to vote is precious and almost sacred and one of the most important blessings of our democracy." Today, we must be vigilant in protecting that blessing. Do you agree?

Ms. DHILLON. Senator, I agree with everything that you said with respect to the importance of the right to vote. I think it is a sacred right, and I promise to safeguard that right, if confirmed to this position.

Senator KLOBUCHAR. Okay. Thank you. Your comment earlier, though—you've written about the Voting Rights Act, referring to it as a law—and this was in 2022—referring to it as a law that, quote, "was once"—and I emphasize once—"necessary to push back on Jim Crow Laws." I'm concerned about, of course, a Civil Rights Division under your leadership, whether or not it will enforce the Voting Rights Act.

Isn't it true that 2 years ago the Supreme Court reaffirmed Section 2 of the Voting Rights Act, which prohibits States and localities from enacting laws or taking actions that have the effect of denying or abridging the right to vote on the basis of race?

Ms. DHILLON. That's correct, Senator. And I would add that I don't know the full context of the quote that you read, but, of course, we all know that the United States Supreme Court has actually struck down provisions of the Voting Rights Act as unconstitutional, specifically Section 4(a), which effectively renders Section 5 of the Voting Rights Act a nullity unless Congress acts to——

Senator KLOBUCHAR. Okay.

Ms. DHILLON [continuing]. Fill in the gap.

Senator KLOBUCHAR. I was referring to Section 2 of the Voting Rights Act, in *Allen v. Milligan*. But will you commit—the bigger thing, for me—to vigorous enforcement of Section 2 of the Voting Rights Act, including with respect to groups that have been subject to historic discrimination on the basis of race, ethnicity, or language minority status?

Ms. DHILLON. Thank you, Senator. I would have to see the facts, but if the facts merited a Section 2 investigation and/or legal action, I would certainly pursue that.

Senator KLOBUCHAR. Okay. Will you commit to not reassigning or firing career attorneys in the Division based on their political and ideological affiliations, who they voted for, or their views of the 2020 election?

Ms. DHILLON. Senator, without getting into the job itself and understanding all of the motivations of individuals, I can't really commit to any particular personnel decisions. However, I will say that

in my home State of California, you know, we have laws about that, and that is certainly my general practice—to not react against people based on their—solely on their political views.

Senator KLOBUCHAR. All right. Mr. Sauer, at the nomination hearing for President Trump's first-term Solicitor General Noel Francisco, Chair Grassley said, quote, "It is the responsibility of the Solicitor General to defend the law even when they don't personally agree with the law," end quote.

Mr. Francisco agreed, stating that the Solicitor General is a lawyer representing the United States, what matters are the views expressed by the United States in the statutes that this body passes. Do you agree it is the duty of the Justice Department to defend the laws Congress passes, and will you commit to do so even when the President may disagree with an Act, campaign against its passage, or call for its repeal?

Mr. SAUER. I believe Mr. Francisco stated that the duty of the Solicitor General is to defend the validity of congressional enactments when there are reasonable arguments available to do so. I think he noted an exception in certain cases where there's a conflict between a claim of encroachment on the President's Article II authority, and I would commit to following those principles that he outlined in his testimony.

Senator KLOBUCHAR. All right. I also note that on her first day in office, the Attorney General issued a memo in which she said DOJ lawyers must be zealous advocates for their client's interest. And then she said—and this was troubling to many of us—"and to do otherwise deprives the President of the benefits of his lawyers." When you served as a prosecutor in the Eastern District of Missouri during the Obama administration, did you see yourself as President Obama's lawyer?

Mr. SAUER. I believe as an attorney for the Department of Justice at any level, as I said to Senator Lee, the client of that attorney would be the United States or the people of the United States.

Senator KLOBUCHAR. All right. So, thank you. And all Justice lawyers, as you know, take an oath to the Constitution, and as you noted, their client is the people of the United States. I asked this of Todd Blanche, and he answered that is true. And so your client will, in fact, be the United States Government and the United States of America, and not the President. That's right?

Mr. SAUER. I stand by my prior answer.

Senator KLOBUCHAR. All right. Thank you very much. Appreciate it.

Senator MOODY. Thank you, Senator Klobuchar. Appreciate all of you being here today. Certainly, I think, based on my history as a Federal prosecutor and a judge and attorney general of the State of Florida, I think the roles in which you are volunteering to serve and have accepted these nominations are some of the most important roles in our Government, especially at this moment in time, when so many people believe, so many Americans believe that the Department of Justice and agencies within it have been used to unfairly target those that may hold a different political preference or persuasion.

It is so important for the stability and consistency and long-term success of this Nation to have people like you—patriots, passionate

about this country and its founding principles—in these roles, to assure Americans that we are going to bring this back to a place where Americans can trust that you are in true—that the institution of the Department of Justice is a shield protecting not only Americans' safety but their inalienable rights. Do you believe at its core that is one of the missions that you will fulfill? And I'll ask each of you to answer, please.

Mr. SAUER. Thank you very much for the question, Senator. And I greatly appreciated the ability to work with you and your staff, when I was in the State attorney general's office, on many important issues.

Senator MOODY. Oh, and let me just pause right here. I know that you've said that you equally adored the two Missouri attorney generals, but you never said which attorney general on the dais you liked and respected the most, and, you know——

Senator SCHMITT. There's only one here right now.

[Laughter.]

Senator MOODY. You can always go with Florida.

Mr. SAUER. Yes.

Senator MOODY. It doesn't have to be your home State.

Mr. SAUER. There are many wonderful public servants in the room, and I respect them all greatly. In response to your question, yes, I don't think I can improve on the way that this principle is expressed in the quotations from President Trump's inaugural address that I referenced in my opening statement.

Senator MOODY. Mr. Reitz?

Mr. REITZ. I 100 percent agree with you, Senator Moody.

Senator MOODY. Ms. Dhillon?

Ms. DHILLON. And, Senator, I would agree with you, as well.

Senator MOODY. At this time, without objection I would like to introduce for the record a letter from all four women Republican attorneys general, my former colleagues, where they voiced support for you, Ms. Dhillon. And we'll enter that into the record without objection.

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

Senator MOODY. One of the things that they highlighted, and I noted that we share this in common—and most people don't know this about you because they hear what's only pushed and highlighted within the media—but as a young lawyer and continuing through this day, you have, without charge, free of charge, using your skills as an attorney, for pro bono, defended victims, sought justice for victims of sex trafficking and domestic violence.

I remember, after working long days at my law firm, going and sitting at the courthouse and helping victims of domestic violence. I believe that shows your heart for protecting the most vulnerable in their time of need that may not understand how to navigate the court system and understand that the court system is there for their protection. And I believe that's what you will bring in heart and spirit and passion to this role. To that end, you've spoken to this.

As attorney general, I was one of the first to request that a large corporation be investigated for discrimination for some of their hiring practices, using racial quotas. I also brought suit, one of the first of the kind in the Nation, when pregnancy crisis centers were

being firebombed and threatening messages were being written on them, to make sure that we were protecting the life of those that are pro-life—or protecting the rights of pro-life Americans. Many of these duties would fall under the DOJ.

I hope that you will go back and review—or that might not have been done under the last administration. And do you assure this body and this Committee that you will make every effort to do what this Government is intended to do, why it was set up to be a government of the free people—first and foremost, to protect our rights. Will you confirm for this body that you will make sure that every American is protected under your tenure and leadership?

Ms. DHILLON. Senator, thank you for that question, and I'm deeply touched by the support from the women attorneys general. And it is an issue dear to my heart. But absolutely, as I mentioned, my entire legal career has spoken to the fact that protecting the rights of the defenseless and following the law and enforcing those Civil Rights Laws is, has, and will be a passion of mine and a top priority, to make sure that the defenseless and those who look to the United States for justice will certainly have an open door in the Civil Rights Division.

Senator MOODY. Thank you so much. And in under 5 minutes, I am concluding my questioning——

[Laughter.]

Senator MOODY [continuing]. As a model for all of my colleagues. All right. We will now turn it over to Senator Padilla.

Senator PADILLA. Thank you, Madam Chair. I was hoping you'd confer to me your extra 15 seconds, but——

Senator MOODY. Not a chance.

[Laughter.]

Senator PADILLA. Colleagues, before I jump into my questions for the nominees before us, I just have to express not just disappointment but alarm. There's been a number of Department of Justice nominees that have come before us—most, if not all, you know, echoing over and over again the respect for the Constitution, the commitment for the Constitution, commitment to the rule of law.

Yet, when pressed about whether or not they would be loyal to the Constitution versus potential directives or decisions contrary to existing law and the Constitution, they don't give strong answers, at least none that give us the comfort level that the American people need and deserve.

When it comes to something as simple as, the existing law says this, a court has ordered the administration to stop doing that—to obfuscate, to not—I mean, I can't remember a time in history when, of all the nominees, Department of Justice—high-ranking Department of Justice officials not adamantly defending the balance of power, co-equal branches of Government, the checks and balances built into the Constitution. It's telling of the political times that we're living in—and alarming.

That being said, I know my time is limited, so let me jump into a couple of questions for the folks before us. First, for Mr. Sauer. Now, as Solicitor General, you're tasked with representing the United States before the Supreme Court, should you be confirmed.

As an attorney, though, admitted to any State bar in the country, you're tasked with obeying and defending the Constitution of the

United States. The President's already defied the Constitution and Supreme Court precedent in issuing an Executive order in regards to birthright citizenship.

We talked about this in my office. I told you I was going to ask it in this hearing. Can you please articulate for the Committee the current binding Supreme Court precedent with respect to birthright citizenship and the Fourteenth Amendment?

Mr. SAUER. Thank you, Senator Padilla, for the question, and thank you for the opportunity to meet with you. I really appreciated the cordial conversation that we had on Monday evening in your office. I do recall that, in that conversation, you asked me to look at certain 19th century Supreme Court decisions, and I agreed to do that. I have done that since then. However, given that this is a matter that would be very likely to come within my purview, I don't think it would be appropriate for me to comment on——

Senator PADILLA. Okay. Another dodge. Thank you. Ms. Dhillon, now your record demonstrates to me—and as a fellow Californian, I've seen your work closely.

You've opposed key voting rights protections over the years, including the John Lewis Voting Rights Advancement Act. You fought against the use of the Voting Rights Act to challenge discriminatory laws. You've also spread disinformation about the 2020 election, and you've defended restrictive voting laws in multiple States.

Now, in 2019, you sued the California Department of Motor Vehicles, alleging issues with the State's Motor Voter program. However, an audit found no widespread voter fraud. The lawsuit was unsuccessful. And that was just one of, I think, about 10 lawsuits that you brought against the State when I was secretary of State. All unsuccessful, many dismissed. Will you commit—or how can you convince us that, based on this track record, that you would equally enforce, fairly enforce voting rights through the Department of Justice?

Ms. DHILLON. Thank you for your question, Senator. When we had the opportunity to meet in your office yesterday, I gave you one example of California's failure to abide by the NVRA and make its voter rolls clean, and that is one million "voters," quote, unquote, in Los Angeles County alone, which the County of Los Angeles agreed in a consent——

Senator PADILLA. My recollection——

Ms. DHILLON [continuing]. Decree not to——

Senator PADILLA. So, I'm going to cut you off, because my time is limited. My recollection is the County agreed to adopt additional practices on maintaining voter rolls. All the lawsuits were unsuccessful.

Ms. DHILLON. Well, that's not true, factually, Senator. Actually, I've won——

Senator PADILLA. In——

Ms. DHILLON [continuing]. Several lawsuits against California at the United States Supreme Court during the time——

Senator PADILLA. In the interest of my time——

Ms. DHILLON [continuing]. That you were the secretary of State.

Senator PADILLA [continuing]. Left, a couple of questions for Mr. Reitz. Thank you for being here. Appreciate the time in my office.

As part of our homework, I came across some disturbing social media posts of yours. I'd like to present them for the record and ask if they are indeed you, as they appear to be.

[Poster is displayed.]

Senator PADILLA. In February 2021, you wrote, "*Bostock* is the worst SCOTUS decision since *Obergefell*. We all knew that'd be the case. But the left's almost total reliance on *Bostock* to support its insane cram-down of the radical LGBTQ agenda is breathtaking." Is this you? Yes or no?

Mr. REITZ. Senator Padilla, it was indeed nice visiting——

Senator PADILLA. Thank you.

Mr. REITZ [continuing]. With you the other day, and——

[Poster is displayed.]

Senator PADILLA. April 2021: "Friendly reminder that birthright citizenship is not a thing." Is this your post? Yes or no?

Mr. REITZ. That appears to be my X handle. Yes, Senator.

[Poster is displayed.]

Senator PADILLA. Thank you. November 2020: "Once again, Chip is one of a tiny handful of Texas Republicans with a spine, unwilling to capitulate to an obviously fraudulent election. Wish there were others." Was this you or not?

Mr. REITZ. That appears to be my X handle. Yes, Senator.

Senator PADILLA. Thank you. And last, for the record—I know my time is up.

[Poster is displayed.]

Senator PADILLA. In September 2020, I believe it was: "Bring back the good old days." For the record, this is a picture of the infamous Joe McCarthy. Was this your post? Yes or no?

Mr. REITZ. That appears to be my X handle, Senator.

Senator PADILLA. Enough said. Thank you, Mr. Chair.

Senator CRUZ [presiding]. Thank you, Senator Padilla. Senator Schmitt.

Senator SCHMITT. Thank you, Mr. Chairman. I do find it fascinating, though, that my friends on the other side of the aisle are very concerned all of a sudden about an administration ignoring Supreme Court decisions. Mr. Sauer, you and I brought the student loan debt forgiveness case. We won at the Supreme Court, and Joe Biden said, the Supreme Court blocked me. That didn't stop me. So, this lawlessness we've seen over the last 4 years—all of a sudden my Democrat friends have found religion on abiding by Supreme Court decisions.

Ms. Dhillon, I want to ask you a couple questions. My colleagues on the other side tell us that you're a threat to civil rights. The truth is, I think you're one of the fiercest advocates of civil rights in a generation. On paper, civil rights are supposed to mean protection from discrimination based on characteristics like race. In practice, the entire civil rights bureaucracy as it currently exists is a vehicle for an entrenched new system of discrimination based on race.

The left is right about one thing, in my view. There is systemic racism that exists in America today, but it's not Jim Crow or redlining or our criminal justice system. It's the pervasive racial discrimination that exists against Asians, whites, and other disfavored groups that take place now on college campuses, in the board

rooms of Fortune 500 companies, even in the halls of our own Government. It goes by a bunch of different names, principally equity or DEI or CRT. You can go on and on. But whatever you want to call it, it's wrong, and it has to stop.

As Chief Justice Roberts eloquently put it, the best way to stop discrimination on the basis of race is to stop discriminating on the basis of race. And that's one of the reasons I like you. I think, unlike most, quote, unquote, "major civil rights organizations" today, you oppose racial discrimination in all forms. So, I want to ask you, is reverse racism still racism?

Ms. DHILLON. Thank you for the question, Senator. I don't even use the term, reverse racism. It's just racism——

Senator SCHMITT. Yes.

Ms. DHILLON [continuing]. To discriminate on the basis of race.

Senator SCHMITT. I agree with you. And do civil rights protections apply equally to all races?

Ms. DHILLON. In my view, yes, they do, Senator.

Senator SCHMITT. Okay. In my view, we've got to root out this wokeism and this discrimination that's been under the cover—this cultural Marxism of DEI that I'm glad President Trump is taking out of the Federal Government.

But you've seen this, obviously, play out in the private sector, as well. In 2023, Target—the company, Target, the store, explicitly stated that as part of its REACH initiative, it wanted to hire 20 percent more Black employees, an overt racial quota system. Title VII of the Civil Rights Act prohibits discrimination in employment based on race, color, religion, sex, and national origin.

Racial quotas violate our civil rights. Does Target's practice of having racial quotas raise red flags for you?

Ms. DHILLON. Well, Senator, if the facts are as you just described them, I believe that practice is illegal and unconstitutional.

Senator SCHMITT. And so one of the things that I find fascinating, based on—from the last administration, you know, against companies like SpaceX, for example, the Biden administration brought hundreds—hundreds—of civil rights actions. How many actions did the Biden administration bring against DEI racial quotas? Are you aware?

Ms. DHILLON. I'm not aware of any, Senator.

Senator SCHMITT. Well, I know the answer to it. It's "Blutarsky." It's zero point zero. None. Because this is the truth. My friends on the other side had a system in place that needs to fundamentally be dismantled. The left views this, again, as cultural Marxism—a way to divide the room by race. And it's tearing this country apart.

You have a really important role that you're going to step into when you're confirmed—I think you're going to get confirmed—to try to end this. We shouldn't have quotas—racial quotas in this country. People should be judged on their merits. We need to bring merit back. It's not a four-letter word. It's actually a bedrock principle that's made this country such a great place. And regardless of your skin color, you should have every opportunity to succeed, but you also shouldn't be held back because of your skin color, either.

And again, I think this leftist movement that the Democrats have been captured by, they totally lost the plot. And the American

people have rejected it. Part of what the American people did in November, I think, is they sat in that jury box and they watched all this craziness over the last 4 years, and they rejected it. And you, given your background and your experience and I think your grit to fight these tough fights—I couldn't think of anybody more qualified to do the job that you're about to do. So, congratulations, and you have my support. Thank you, Mr. Chairman.

Senator CRUZ. Thank you, Senator Schmitt. And I would like the record to reflect I believe this is the first time in the history of the Republic the word Blutarsky has been used in the Senate Judiciary Committee.

[Laughter.]

Senator CRUZ. And with that, Senator Schiff.

Senator SCHIFF. Thank you, Mr. Chairman. Mr. Sauer, you've served as one of the President's defense lawyers. Should cases arise in the Justice Department involving the same cases in which you represented him, will you recuse yourself?

Mr. SAUER. Senator, thank you for the question. As reflected in the ethics agreement that I have signed and in the regulations of the Department of Justice, as to any matter that were to come before me that might require a recusal obligation, I would consult with the Department of Justice ethics officials and follow my recusal obligations.

Senator SCHIFF. So, you'll consult with the career ethics lawyers at the Department?

Mr. SAUER. Yes, that's correct.

Senator SCHIFF. You are aware, of course, that the career ethics officials at the Department have been fired, demoted, transferred—they no longer exist. The two people in that office are one of your fellow criminal defense lawyers of Donald Trump and a political appointee who graduated from law school just a few years ago. They don't exist. So, who are you going to consult? Are you going to go to one of his other criminal defense lawyers to find out if you should recuse yourself?

Mr. SAUER. Senator, I—the—I'm not aware of any personnel actions that you've described, so I can't speak directly to those. I've just recently been through a process where I was consulting closely with a career DOJ——

Senator SCHIFF. I'll tell you——

Mr. SAUER [continuing]. Attorney——

Senator SCHIFF [continuing]. Mr. Sauer, those actions have taken place. And the two appointees are political appointees. The people who'll make the recusal recommendations to you are political appointees. One was Mr. Bove's former chief of staff, the other was a fellow criminal defense lawyer for Donald Trump. If that's who you're going to for recusal advice, no one can have confidence that that judgment will be made properly.

But let me move on to another question. You took the position, as Donald Trump's lawyer, that he could order SEAL Team Six to assassinate a political opponent and not be prosecuted for it unless he was impeached first. Should the President order the use of violence against a political opponent? Will that continue to be your position as the lawyer for the United States? Will you represent to

the court that any prosecution should be dismissed if the President is not first impeached?

Mr. SAUER. Senator, I believe the exchange that you're referring to, which occurred during oral argument in the D.C. Circuit in that Presidential immunity decision—I was asked a question about that, and what I responded was that the President may be prosecuted for an action like that. But under the plain language of the impeachment judgment clause, he must be first impeached and convicted by the Senate.

Senator SCHIFF. And as——

Mr. SAUER. And therefore——

Senator SCHIFF [continuing]. The judge in that argument made clear, that means your position is he cannot be prosecuted unless he's impeached first. So, he could order the use of his office to use violence against a political opponent, and you would defend his ability to do that in any criminal prosecution, unless he's impeached. Is that your testimony?

Mr. SAUER. I believe the situation came up with respect to a real-world example——

Senator SCHIFF. Well, I'm——

Mr. SAUER [continuing]. Where President—if I may——

Senator SCHIFF [continuing]. I'm giving you——

Mr. SAUER [continuing]. If I may? The——

Senator SCHIFF [continuing]. I'm giving you—yes.

Mr. SAUER [continuing]. President——

Senator SCHIFF. You'll answer my question?

Mr. SAUER [continuing]. Obama—yes. I believe I am answering the question. President Obama ordered the essential killing of U.S. citizens located abroad, by drone strike, and my colleague on the other side of that case was asked——

Senator SCHIFF. Well, my question is not about President Obama and using a drone strike against a terrorist. My question is Donald Trump using his office to assassinate a political opponent. If he's not impeached for it, would you defend against any prosecution, as Solicitor General?

Mr. SAUER. The hypothetical you've offered, respectfully, is so outlandish, I don't know if I'm in a position to address it.

Senator SCHIFF. Well, you addressed it for the court, but you won't address it for the country in this hearing?

Mr. SAUER. I think I've just said exactly the same response that I gave——

Senator SCHIFF. Okay, then——

Mr. SAUER [continuing]. In court, which is——

Senator SCHIFF [continuing]. Exactly the same response is that you would evidently defend him against prosecution for that.

Let me move on to the last question. The Department moved to dismiss a corruption case against the mayor of New York. The Acting Southern District of New York U.S. Attorney refused to undertake an action that she believed was deeply unethical. So, then it fell on her number two, Hagan Scotten, to do the dirty deed of dismissing this case.

This is what he said: "Any assistant U.S. attorney would know our laws and traditions do not allow using the prosecutorial power to influence other citizens, much less elected officials, in this way.

If no lawyer within earshot of the President is willing to give him that advice, then I expect you will eventually find someone who is enough of a fool or enough of a coward to file your motion. But it was never going to be me." My question to you, Mr. Sauer, is, would that be you?

Mr. SAUER. Would I—would that——

Senator SCHIFF. Would that be you, if it fell to you to dismiss that case? Would you be the coward or fool willing to dismiss that case on behalf of the President?

Mr. SAUER. I certainly can't speak to any official action that I might or might not take in a hypothetical scenario. I will say that there was a distressing lack of letters like this during the weaponization of Justice——

Senator SCHIFF. Well, there is a disturbing presence of letters like this, and your answer tells me that it would be you. My colleagues have praised your legal skills. I have no doubt about your knowledge of the law, but to me, you can't be a good lawyer if you use the law to subvert the law—if you use our system to undermine our system. And I'm deeply afraid that's what you've done and that's what you will do in this position. I yield back.

Senator CRUZ. Let me say to the three of you, thank you for agreeing to serve our Nation. Thank you for going to the Department of Justice. I will note my Democrat colleagues who are suddenly deeply concerned about the rule of law all seem to have entered the Witness Protection Program during the 4 years of the Biden Presidency, when the Biden Department of Justice was the most lawless and partisan Department of Justice our Nation has ever seen.

And not a single Democrat on this Committee could be bothered to be concerned in the slightest about the weaponization of the Department of Justice to attack President Biden's political opponents, about Merrick Garland's refusal to enforce the law, including refusing to protect Supreme Court Justices when a clear Federal statute made it a crime to protest and threaten the lives and families of Supreme Court Justices—and yet the Biden Department of Justice refused to follow that law.

Now, Mr. Sauer, I will note that you have a—you and I share a lot of legal history. We both attended the same law school. We both clerked for the same judge, Michael Luttig, on the court of appeals. You clerked for the late, great Justice Antonin Scalia. We both started our legal career practicing under Chuck Cooper, one of the finest Supreme Court litigators on the planet.

You've been nominated to an incredibly important position: Solicitor General of the United States, a position frequently referred to as the tenth Justice. It is the only position in the entire Federal Government that is required by statute to be, quote, "learned in the law."

I will note I am grateful that is not a requirement to serve on the Senate Judiciary Committee. But I would ask you to share with this Committee and share with the American people, what is the responsibility of the Solicitor General, and how will you carry out this task, if and when you are confirmed?

Mr. SAUER. Thank you very much, Senator. Thank you for the question. Thank you for the opportunity to meet and discuss legal

issues facing the United States. I believe I responded to earlier questions that the role of the Solicitor General is to defend both the statutes of the United States that are enacted by Congress and the Executive actions of the executive branch. The Solicitor General does so on behalf of the client of the U.S. Department of Justice, which is the United States, the American people—and does so consistent with and with fidelity to the Constitution and the rule of law.

Senator CRUZ. Well, thank you. And I have every confidence you will do exactly that. Mrs. Dhillon, as a Sikh woman who immigrated to the United States at a young age, how has your background shaped your understanding of civil rights? And how can that perspective enhance the Civil Rights Division in advocating for all Americans from all backgrounds?

Ms. DHILLON. Thank you for that question, Senator. I would put it this way. My faith itself teaches first: openness to all; respect for all; and protecting the defenseless. Those are among the tenets of the Sikh faith. And so that is why you see so many Sikhs volunteering in war-torn areas and doing relief work around the world. And so it's actually a tenet of our faith to contribute toward those efforts.

So, it's been my entire career that I have served in that capacity, motivated by my faith and my teachings in my home. And my career has also demonstrated many instances, as other Senators have mentioned, of pro bono work, doing work for people who could not get a lawyer otherwise. And so I'm proud of that work.

In the Civil Rights Division, there is a long and storied history of doing exactly the same thing, which is standing up for the most disadvantaged individuals in our United States and ensuring equal justice for all. And so I would definitely be informed by those lifetime experiences, including 32 years as a lawyer representing the underprivileged.

Senator CRUZ. And let me ask you, how have your experiences as someone who's been subjected to racial profiling and abuse—and, in particular, the incident in 1995 when you and your husband were attacked on a bus—can you please briefly describe that and how that will inform how you will carry out the role of running the Civil Rights Division?

Ms. DHILLON. Well, thank you, Senator. In the early 90s, as a newlywed, I got a terrible phone call from the chaplain at NYU that my husband, who was a medical resident in that program, had been shot and brought to NYU. He'd been shot in the chest by a racist who confronted him on a crowded New York City bus during rush hour and told him to get out of his face and to apologize—and used numerous ethnic slurs. And when my then-husband refused to apologize, he was shot.

And so it really brought home to me that no matter what your education, your affluence, your background, there are instances in which bigots and racists will operate in society to try to harm people, and it is up to lawyers to then stand up to that and make sure that there are severe punishments. Unfortunately, that was New York City, and in that case the person was not severely punished for shooting my then-husband in the chest.

Senator CRUZ. Wow. That's truly horrible. Mr. Reitz, I have one question for you. Will you tell this Committee what the Rule Against Perpetuities is?

[Laughter.]

Mr. REITZ. If the Chairman will grant me—I know that we're over time. If I may answer?

Senator CRUZ. You may answer.

Mr. REITZ. No interest is good unless it must vest, if at all, not later than 21 years after some life in being at the creation of the interest.

Senator CRUZ. Very good.

[Laughter.]

Senator CRUZ. I want to enter into the record multiple letters in support of Mr. Reitz's nomination: a letter from the National Association of Police Organizations; a letter from former editorial board members of the Texas Review of Law & Politics; a letter from the MLK Association of Texas; a letter from the chairman of the Board of Regents at Texas Southern University; a letter from the Village in the Valley; and a letter from Pastor Willie Davis and Houston City Council Member Willie Davis. And without objection these are all entered into the record.

[The information appears as submissions for the record.]

Senator CRUZ. And, Senator Welch, you're recognized.

Senator WELCH. Thank you very much. Mr. Reitz, it was very nice to visit with you yesterday, and it's nice to see your kids. You promised they were going to be here—your wife and a couple of your kids. That's great. All of us are kind of amazed you're the cheerful person you are, having survived working for this guy named Cruz from Texas.

[Laughter.]

Senator WELCH. I'll tell you, it's hard on us, but we can imagine what it's like for the Chief of Staff. You know, this is a——

Senator CRUZ. Your time is expired.

[Laughter.]

Senator WELCH. You know, to all of you, let me express what is a concern I think many of us have. It's not a Democrat-Republican thing. But there's a profoundly new set of expectations and boundaries in what the Executive power is now.

We've had decisions by the Supreme Court that gives immunity to the President. I find that shocking. I think a President has to be subject to the law, not above the law. We also have a President who's been very explicit and determined in his insistence that it's, quote, "my Justice Department" and, you know, has also made the statement that if he does it to save the country, it's lawful.

That's—that's unique. We haven't had that point of view embedded in, to some extent, in the—there's some validation with what the Supreme Court is doing and also what the President is asserting. That causes me great concern, because I think it really threatens the separation of powers and the co-equal authority of Congress to be a check and balance.

And all of you will have major positions that will require you basically to serve the interest of the President, and we all understand that, but where there's a real redefinition of that Presidential authority.

So, I want to ask a little bit about that. I'll ask you, Mr. Reitz. I know your tweet was—you were asked about that: Can the President basically violate the law? Just tell me where you come from in terms of what the limits are on Presidential authority.

Mr. REITZ. Well, thank you. And it was really a pleasure visiting with you and your staff just yesterday. Senator, if I could just clarify. You referenced a tweet in which I said the President has unlimited power?

Senator WELCH. Let me—I'll get to the tweet. I thought Senator Durbin had displayed it. I was told that. Do you have it? "Looking for some Andrew Jackson-level leadership on this one. Judge Yeakel has made his decision. Now let him enforce it." So, it's the famous Jackson dictum that we can essentially disregard the decision of the Supreme Court.

Mr. REITZ. Thank you for that, and thank you for clarifying, Senator Welch. So, my position reflects a fairly mainstream view within right-of-center jurisprudential circles, which is simply to suggest that various Supreme Court or court of appeals decisions are more limited in scope than maybe our friends who share a different jurisprudential view of Supreme Court holding would suggest.

Senator WELCH. Well, let's say there is a Supreme Court holding saying that a Presidential policy is invalid. You know, President Trump has said he can do basically anything, if it's to save the country. That's his motivation. And that anything would include disregarding the order of the Court if, in the judgment of the President, if his disregarding that order was to save the country.

Mr. REITZ. So, Senator, first I think the—I'm not aware of any instance in which President Trump genuinely stated that he can do anything to save the country.

Senator WELCH. All right. Well, I'm asking—maybe it's a hypothetical, but I actually don't think it—this is a hypothetical in that it hasn't happened yet. But it's a hypothetical based on very explicit decisions, one by the Supreme Court on immunity, another by President Trump's own statements. Mr. Sauer, do you believe the President has the authority, in the name of saving the country, to disregard a decision by the Supreme Court?

Mr. SAUER. To be clear, I think, as I stated earlier, Senator, I have had the privilege of representing President Trump for much of the last 2 years, and——

Senator WELCH. I'm not asking that.

Mr. SAUER [continuing]. I've never——

Senator WELCH. You know what I'm asking.

Mr. SAUER. I'm sorry. I didn't hear what you said.

Senator WELCH. I'm not asking about the privilege you had of serving the President. I'm asking the question—you heard my question: Can the President disregard the order because, in his opinion, he's acting in a way that will, quote, "save the country"?

Mr. SAUER. I think the answer that I was trying to give, respectfully, is that I've represented President Trump for 2 years, and I've never seen anything that would lead me to believe that I'd be put in any situation.

Senator WELCH. You know what? I get it. You respect him. You like him. He was your lawyer. But I'm not asking about that. I give you that. Right. But the President has now asserted that he has

the right basically to do what he thinks is necessary to save the country, and I'm asking whether that includes violating a Supreme Court order.

Mr. SAUER. I think I would just refer back to the answers I gave earlier to the similar questions from the Ranking Member.

Senator WELCH. Well, how about answering my question, now that I'm here?

Mr. SAUER. Well, there was a lively exchange about that. But again, I've represented President Trump for 2 years. I've never been put in any situation like that, and I don't——

Senator WELCH. You know, I've just got to say, Mr. Chairman, that's a little bit frustrating. I understand that he has a good relationship with the President, respects him. All right? And the President has never put him in that position. But we're in a new situation here. The President is now the President. He's made these statements. There is a real question, an emerging unitary Executive authority.

This is a very serious question that we've never had to face before: Can the President disregard a decision by the Supreme Court? And, you know what, I'll yield back. But I want to just express my frustration at not getting a direct answer on what I think is an existential question for this country.

Senator CRUZ. Well, I will note the witnesses did point out that President Trump has been President for 4 years and 1 month now, and he has never disregarded a Court order. And we just finished 4 years of Joe Biden routinely disregarding the law—in no instance more flagrantly than concerning our Southern Border, where he defied Federal immigration law and allowed 12 million illegal immigrants to come into this country.

And so, the hypotheticals that are being posed by our Democrat colleagues, sadly, we have lived, in the last 4 years—when you have a lawless President who does not follow the statutes passed by Congress and signed into the United States Code. Senator Kennedy.

Senator KENNEDY. Thank you, Mr. Chairman. The credentials of each of you are impressive. Ms. Dhillon, did you ever have Professor Paul Stephan at Virginia Law School?

Ms. DHILLON. I did, Senator. I think it was my first year.

Senator KENNEDY. Yes. He's brilliant. He should be on the Federal bench. He would have been, if I had gotten here sooner. Mr. Reitz, I introduced Senator Cruz to some of his supporters one time. I was asked about him, and I said, no, let me tell you about Senator Cruz. He's brilliant. But so was the Unabomber.

[Laughter.]

Senator KENNEDY. You've got to watch him like a hawk. Is that a fair description? You don't have to answer that.

[Laughter.]

Senator KENNEDY. Is it true that, after a scotch, Senator Cruz can burp the alphabet backward?

[Laughter.]

Senator KENNEDY. You don't have to answer that, either.

[Laughter.]

Senator KENNEDY. Let me say something serious for a second, and then I'll have one or two questions. You're all adults. You're

all officers of the court. So, I'm going to give you some advice. I may be wrong, but I doubt it. Don't ever, ever take the position that you're not going to follow the order of a Federal court. Ever. Now, you can disagree with it, within the bounds of legal ethics. You can criticize it. You can appeal it. Or you can resign.

For 4 years, I have watched people in this town—not everybody, but many—try to undermine the legitimacy of the Federal judiciary. And it triggered, each and every time, my gag reflex. I've watched them try to pack the Supreme Court. I have watched an esteemed Member of this body, on the steps of the Supreme Court threaten Justice Gorsuch and Justice Kavanaugh. I've seen that.

I've seen this body—some in good faith but some in bad faith—try to impose an unconstitutional, violative of the separation of powers doctrine ethics code on the Supreme Court, just to try to undermine their legitimacy. Now, all of our judiciary has an equal branch of Government as its legitimacy—it doesn't have an army. Don't ever say you're not going to follow the order of a court. You may not agree with it. But that's my advice. And I think you ought to take it.

Mr. Sauer, I'm glad to see that Hawley took you to a Cracker Barrel for lunch.

Mr. SAUER. Yes, Senator. If you're familiar with the area, it's the one near Columbia, Missouri, about halfway through Missouri, on I–70——

Senator KENNEDY. I've always thought of Hawley as more of a Whole Foods-type guy.

[Laughter.]

Mr. SAUER. I can only say that his description of it was accurate. It was chicken fried steak that we were eating.

Senator KENNEDY. I'm glad to see that his taste is getting better. Tell me, Mr. Sauer, give me an example of an instance where a legislative body could pass a statute discriminating on the basis of race—which of course is a suspect classification—that could pass the strict scrutiny test.

Mr. SAUER. I can't think of a hypothetical as I sit here. However, I am aware that there is a line of cases holding that——

Senator KENNEDY. I am, too. But is there any way that a legislative body can pass legislation classifying people on the basis of race, that passes strict scrutiny?

Mr. SAUER. I can't imagine a scenario, as I sit here, Senator.

Senator KENNEDY. How does the doctrine of equal protection apply to the Federal Government? I know the Fourteenth Amendment says that the States can't deny people equal protection of the law, but I don't see anything in the Constitution about the Federal Government and equal protection. It's not in the Fifth Amendment. I'm not suggesting we shouldn't, but how does it apply?

Mr. SAUER. Senator, I believe there's a Supreme Court decision from the late 1940s or early 1950s that essentially incorporated the doctrine of Equal Protection—people say, reverse incorporated the doctrine of Equal Protection through the Due Process Clause of the Fifth Amendment.

Senator KENNEDY. Do you agree with the substantive due process model?

Mr. SAUER. I have criticized that doctrine in many of the legal briefs that I've filed, that I've disclosed to the Committee.

Senator KENNEDY. Well, without it, how would we have equal protection of the laws apply to the Federal Government?

Mr. SAUER. I—I—as I sit here today, I don't dispute the holding of what the Supreme Court held about 60, 70 years ago, and I accept that as binding law.

Senator KENNEDY. You just think they got the methodology wrong?

Mr. SAUER. Well, you asked about the substantive due process doctrine. The doctrine of reverse incorporation is different than that, and as I sit here today, I'm not prepared to say whether they got it right or got it wrong. I'd have to read the opinion again. It is long-settled and binding law, in my understanding, though.

Senator KENNEDY. Thank you, Mr. Chairman.

Senator CRUZ. Thank you, Senator Kennedy. And in light of your initial line of questioning, I ask unanimous consent that at subsequent hearings, Senator Kennedy be bound and gagged.

[Laughter.]

Senator CRUZ. I'll withdraw that request and recognize Senator Whitehouse.

Senator WHITEHOUSE. Thank you, Chairman. I will take this opportunity to put up what I consider to be a red flag of a MAGA takeover of the Department of Justice. What we regularly see is extremely good bromides until we hit the area of Trump sensitivity. We've seen it in this hearing, too. And then it's like watching people fly into the Bermuda Triangle, and all the navs and comms get weird. And I think that's a very strong signal of what folks' intentions are as we go into this.

"Project 2025" author Russ Vought said that it was his purpose to impose trauma in the Federal workforce, and I think we're seeing those efforts right now with respect to FBI agents who were assigned, for instance, to the January 6 cases. We see repeated signals that politics now matters.

We saw Attorney General Bondi ask members of the Department of Justice to disavow their own political beliefs in favor of—and I'm quoting her here—"the political views that prevailed in the election." I don't think we've ever heard an Attorney General say anything like that before. We see the DC U.S. Attorney in office—not formerly, like you, Mr. Sauer—in office describe himself now as Trump's lawyer, out to "protect his leadership," unquote, when challenged by the media.

The Department actually has some pretty noble traditions of standing against politics and for the law. Recent examples include when the Department stood against the Bush administration's unlawful warrantless wiretapping scheme and threatened mass resignations if it wasn't corrected. And it was corrected. That was a good thing.

The Department itself rejected its own secret, shoddy Office of Legal Counsel opinions that had propped up the torture program. That was the Department cleaning up its own mess, not just going along with the signal from the White House. Most recently, you saw the Department stand against efforts to involve the Department of Justice in the Georgia election subversion scheme.

To me, those were noble days for the Department. I don't see any chance of that happening. What I see in front of me now is an Environment and Natural Resources Division that has already been decapitated. No coincidence that the biggest polluters are the biggest donors to Trump's campaign.

I see the entire anti-kleptocracy initiative of the Department of Justice eliminated, canceled, just as we watch a President cozy up to Vladimir Putin. Whatever Trump Russia was, it still is, and to take down the Department's effort that goes after Russian oligarchs who prop up Putin sends a terrible and, to me, unjustifiable signal.

We have seen a fake grand jury investigation mounted in order to create—or at least attempted to be mounted—in order to create a pretext to allow a fund that the President objects to, but is way too late to veto, to be seized and held back from the obligations on it that Congress has provided.

And recently, we saw a flagrant pretense that the withdrawal of the prosecution of New York's mayor was not part of an agreement—the Latin term for agreement being quid pro quo. And then you saw Tom Homan, from the administration, go right onto TV and say, yes, this was an agreement, and if you don't honor it, I will be—and I won't use the phrase that he used, because it's vulgar.

I hope that in some way I can call to each of your senses of decency so that when the moment comes—which it will—when you're asked to choose between the public duties of the Department of Justice and the political imperatives of the Trump administration, you'll come down on the right side. I'm sad to say, I don't see any indication of that right now.

Senator CRUZ. Thank you, Senator Whitehouse. Thank you to each of the three witnesses.

Senator KENNEDY. Mr. Chairman?

Senator CRUZ. Senator Kennedy.

Senator KENNEDY. I want to raise a point of order. I forgot to ask William and Caroline if they had anything they wanted to add. Anything? How about, vote for my dad?

[Children speak from the hearing room.]

[Laughter.]

Senator KENNEDY. Thank you, Mr. Chairman. Sorry for the interruption.

Senator CRUZ. An excellent ground to close the hearing. Congratulations. Each of the three of you did a terrific job. Senator Kennedy did an okay job.

[Laughter.]

Senator CRUZ. For everyone's information, written questions for the record can be submitted until tomorrow at 5 p.m., and the Committee will ask each of the nominees to answer and return the questions to the Committee as soon as possible, so that we can quickly schedule Committee votes.

And with that, the hearing is adjourned.

[Whereupon, at 12:40 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).

   Harmeet Kaur Dhillon.

   I went by the name Harmeet Kaur Dhillon Singh from 1989-1990 during my first marriage.

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

   Assistant Attorney General for Civil Rights.

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.

   177 Post St., Suite 700
   San Francisco, CA 94108

   My law firm has five offices nationally; I'm resident in the San Francisco office.

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

   Chandigarh, India October 2, 1968.

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.

   Dartmouth College, A.B. Classical Studies, 1985-1989.
   University of Virginia Law School, JD, 1990-1993.

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.

   Assistant Editor, Policy Review Magazine, The Heritage Foundation, 214 Massachusetts Ave NE Washington, DC 20002-4958. 1989-1990.

The Newport News Daily Press, beat reporter (school boards), summer of 1990.

Center for Individual Rights, summer of 1991. Law Clerk/Summer Associate.

U.S. Department of Justice, Civil Division, Constitutional Torts Section (Bivens), summer of 1992. Law Clerk.

Shearman & Sterling, Summer Associate/Law Clerk in NY litigation department, summer of 1993 prior to clerkship.

Chambers of Hon. Paul V. Niemeyer, 4th Circuit Court of Appeals, Baltimore MD, 1993-1994.

Shearman & Sterling, Litigation Associate in NY, 1994-1998. During this time, seconded by Shearman to Freshfields, 1997-1998.

Sidley Austin, Litigation Associate, 1998-2000.

Cooley Godward LLP, Associate, 2000-2002, Palo Alto, CA.

Support Network for Battered Women, Director, 2001-2003 (now part of the YMCA of Silicon Valley) (volunteer position).

Trustee, The Sikh Foundation, 2001-2009 (volunteer position).

Orrick Herrington & Sutcliffe, Of Counsel, 2003-2004 San Francisco, CA.

American Civil Liberties Union of Northern California, Director 2003-2005 (also chair of the Audit and Election Committees during parts of this tenure) (volunteer position).

The Dhillon Law Firm (sole proprietorship) 2004-2005.

California Women's Leadership Association Director 2004-2005 (volunteer).

San Francisco Republican Party 2004-2005 Central Committee Member (appointed) (volunteer).

Dontzin Law Firm, Associate 2005.

Gibbs & Oliphant, Partner 2006.

Dhillon Law Group, Partner 2006-present (known as Dhillon & Smith from 2006-2014).

Center for American Liberty, CEO and Founder, 2019-Present.

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.

None.

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.

Dartmouth Dean's List 1988-1989

University of Virginia Law Review Editorial Board, 1991-1993

Lawyers Committee for Human Rights (NY) – Recognition for pro bono service in asylum case (approximately 1995)

Minority Bar Council Outstanding Community Service Award, 2002

Centennial Foundation of Canada Distinguished Community Service Award, 2003

Best Lawyers Under 40 Award – National Asian Pacific American Bar Association, 2007

Outstanding Attorney Award – South Asian Bar Association of Northern California, 2010

Northern California Super Lawyer – Super Lawyers Magazine, 2011-2024

Cornerstone Award – North American South Asian Bar Association, 2012

Woman Leader in Law – The Recorder, 2012

SALDEF Public Service Award" – Sikh American Legal Defense and Education Fund (SALDEF), 2013

Woman of the Year – California Women's Leadership Association

Top 100 Lawyers in California – Daily Journal, 2018

Republican National Lawyers Association Lawyer of the Year – 2018

City of Lancaster, CA Mayor's Commendation for excellence in defense of civil liberties (citing various cases) – October 23, 2024

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.

Federalist Society, University of Virginia, Member 1990-1993 and President, 1992-1993

Federalist Society, San Francisco Bay Area, member 2001-2005

South Asian Bar Association of Northern California, At-Large Board Member, 2001-2004

South Asian Bar Association of Northern California, At-Large Board Member, 2007-2009 and Chair, Civil Rights Committee

Minority Bar Coalition of Northern California Executive Committee member, 2008-09

San Francisco Bar Association Judicial Nomination Committee, 2011-2013

Republican National Lawyers Association Board of Governors, 2016-2025; Vice President for Communications, 2017 to 2019; co-Chair, 2019 to 2021; Chairman, 2021 to 2023

Federalist Society Free Speech & Election Law Executive Committee, 2020-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 York – February 6, 1995
California – June 23, 2000

I was also a Solicitor of the Supreme Court of England and Wales from 1998 until about 2008. I voluntarily dropped membership due to lack of need for the credential and difficulty in maintaining status.

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.

Jurisdiction	**Admission Date**
US District Court – District of Columbia	2/1/2021
US District Court – NY - SD	5/9/1995
US District Court – CA - CD	8/5/2010
US District Court – CA - ED	7/6/2009
US District Court – CA - ND	7/10/2000
US District Court – CA - SD	4/27/2012
US District Court – CO	8/23/2024
US Court of Appeals 2nd Circ	4/27/1999
US Court of Appeals 5th Circ	11/11/2021
US Court of Appeals 6th Circ	9/21/2021
US Court of Appeals 9th Circ	4/16/2001
US Court of Appeals 11th Circ	4/1/2020
US Court of Appeals District of Columbia	3/27/2024
Supreme Court of the United States	5/1/2021

I have also been admitted *pro hac vice* in the following jurisdictions:

USDC Pro Hac Vice Appearances	**Order Granting Appearance Pro Hac Vice**	**Case Terminated**	**Case Number**	**Case Title**
Arizona	2/28/2022	2/7/2024	2-22-cv-122	Greenburg v. Wray *et al.*
Arizona	5/27/2022	1/3/2024	2-22-cv-859	Wray et al v. Greenburg *et al.*
Arizona	8/10/2020	1/21/2021	2:20-CV-01554	Compu-Tax & Accounting LLC v. Bank of America NA *et al.*
Arizona	6/8/2020	1/21/2021	2:20-CV-00985	Panda Accounting LLC v. Academy Bank NA *et al.*
Georgia - Middle District	8/12/2020	1/14/2021	1-20-CV-142	Cleghorn Financial Operations, Inc. v. AMERIS BANK *et al.*
Georgia - Northern District	5/19/2021	N/A	1-21-cv-1722	Project Veritas v. Cable News Network, Inc.
Georgia - Northern District	8/29/2022	12/18/2024	1:22-cv-01734	Vote.org *et al.* v. Georgia State Election Board *et al.*

Georgia - Southern District	8/18/2020	12/1/2020	4:20-CV-00160	Williams & Haupt, P.C. v. Century Bank *et al.*
Hawaii	6/16/2020	9/21/2020	1:20-CV-00273	Carmichael v. Ige
Massachusetts	10/3/2012	8/1/2013	4:12-CV-11820	Agama Solutions, Inc. v. Orasys, LLC.
Nevada	9/27/2016	7/19/2019	2:16-CV-01748	Beta Soft Systems, Inc. v. The Yosemite Group, LLC *et al.*
North Carolina -Western District	10/1/2020	1/13/2021	3:20-CV-00405	Fisher, P.A. v. Bank of America, N.A., *et al.*
Pennsylvania - Eastern District	8/27/2019	2/7/2020	2:19-CV-03299	REBEL NEWS NETWORK LTD. v. GATE 1 TRAVEL, LTD.
Pennsylvania - Middle District	9/21/2021	3/31/2022	1-19-cv-622	The Public Interest Legal Foundation v. Boockvar *et al.*
Puerto Rico	8/18/2021	10/26/2021	3:21-CV-01347	Tucker v. AD Practitioners LLC *et al.*
Texas - Eastern District	6/10/2019	12/19/2019	4:19-CV-00418	Stiles v. CVS Pharmacy Inc.
Texas - Eastern District	9/9/2019	6/3/2020	4:19-CV-00489	Stiles v. H-E-B, LP
Texas - Eastern District	6/10/2019	10/23/2019	4:19-CV-00417	Stiles v. Target Corporation
Texas - Eastern District	6/10/2019	10/23/2019	4:19-CV-00420	Stiles v. Wal-Mart Stores Inc.
Texas - Northern District	8/13/2024	N/A	7:24-cv-00114	X Corp v. World Federation of Advertisers et al
Texas - Northern District	10/6/2005	4/18/2007	3:05-CV-01321	Telesis, II v. Durus Capital Management (N.A.), LLC et al
Texas - Southern District	10/29/2012	12/13/2012	4:12-CV-02717	Advent Global Solutions, Inc v. Shah *et al.*
Vermont	9/15/2020	9/16/2020	5:20-cv-00131	Martel *et al.* v. Condos
Vermont	7/24/2024	N/A	2:24-cv-00783	Antonucci *et al.* v. Winters *et al.*
Virginia - Eastern District	2/25/2022	10/24/2022	3:21-cv-00756	Democratic Party of Virginia et al v. Brink *et al.*
Washington - Western District	1/7/2011	6/26/2013	2-10-cv-1915	United States of America v. 2007 Aston Martin DB9 Automobile
Washington - Western District	6/25/2024	N/A	3:24-cv-05466	Jaman *et al.* v. City of Port Townsend *et al.*
Washington - Western District	3/31/2010	7/21/2010	2:10-CV-00549	A Dot Corporation v. Anthony Bay, *et al.*

State Pro Hac Vice Appearances	**Order Granting Appearance Pro Hac Vice**	**Case Terminated**	**Case Number**	**Case Title**
New Jersey Superior Court, Bergen County	10/6/2022	2/15/2024	BER-C-000163-22	Foda v. Valley Health System, Inc., *et al.*
Arizona Superior Court, Maricopa	5/27/2022	9/20/2023	CV2022-001353	Greenburg v. Wray, *et al.*
Oregon Circuit Court, Multnomah County	7/8/2020	9/21/2022	20CV19618	Andy Ngo v. Rose City Antifa, *et al.*
Pennsylvania Supreme Court	11/10/2021	N/A	244 MD 2021	Doug McLinko v. Commonwealth of Pennsylvania, Department of State, *et al.*

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. n/a

b. Indicate whether any of these organizations listed in response to 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. n/a

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 performed an exhaustive search of my files and the internet, with the assistance of several colleagues and media professionals, to identify and record answers to this question. It is possible that materials exist that are neither on the internet, nor in my files, but I and many others have done our best to comply with this request.

Responsive items are included in the Appendix.

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

The following are all during my leadership at the Republican National Lawyers Association, and I participated in their drafting:

September 20, 2018
Statement on Kavanaugh Nomination
https://www.rnla.org/statement_from_young_and_dhillon_kavanaugh_nomination

October 3, 2018
Women Leaders' Letter in Support of the Nomination of Brett Kavanaugh to the U.S. Supreme Court
https://d3n8a8pro7vhmx.cloudfront.net/rnla/pages/1148/attachments/original/1538591991/RNLA_Women_Leaders_Letter_in_Support_of_Kavanaugh_10_2018.pdf?1538591991

April 22, 2019
Letter to House Committee on Oversight and Reform re: Subpoena to Mazars USA LLP for Confidential Information
https://d3n8a8pro7vhmx.cloudfront.net/rnla/pages/1393/attachments/original/1555961659/RNLA_Letter_re_Subpoena_to_Trump_Accountants_4-22-19..pdf?1555961659

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.

Responsive items are included in the Appendix.

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

Note: I frequently deliver speeches with a few bullet points as notes, quickly discarded after the speech. It is not my habit to keep notes of speeches.

Responsive items are included in the Appendix.

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

Responsive items are included in the Appendix.

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

n/a

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 ran for the California State Assembly as the Republican nominee from San Francisco in 2008.
- I ran for the California State Senate as the Republican nominee from San Francisco in 2012.
- I did not win either of the above races.

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.

President, Dartmouth Students for Jack Kemp, 1988

Volunteer, George H.W. Bush for President, 2004

Volunteer, John McCain for President, 2004

Volunteer, Schwarzenegger for Governor 2006

Volunteer, Mitt Romney for President, 2012

Volunteer, Trump for President 2016

- Co-Chair, Women for Trump
- Co-Chair, Lawyers for Trump
- Media surrogate nationally

Volunteer, Trump for President 2020

- Co-Chair, Women for Trump
- Co-Chair, Lawyers for Trump
- Co-Chair, Indian Americans for Trump
- Co-Chair, Sikhs for Trump
- Media surrogate nationally

Candidate, RNC Chair, December 2022-January 2023

Director, Americans Winning Elections (political action committee) mid-2023-December 2024.

Legal Counsel and volunteer, Trump for President 2024

- Participated as counsel in certain matters including Colorado 14th Amendment case before U.S. Supreme Court
- Volunteer media surrogate
- Women for Trump member

San Francisco Young Republicans, 2004-2008 (approx. as to start)

Nob Hill Republican Women's Club, 2005-2010 and general counsel for part of this time

(approx.; this organization no longer exists).

San Francisco Republican Party, Central Committee member (appointed 2006-2007, elected 2008-2016; Communications Vice-Chair 2008-2010; Chairman, 2010-2014).

California Women's Leadership Association Director 2008-2009.

California Republican Party, Vice Chairman 2013-2016.

Republican National Committee, National Committeewoman from California, 2016-present. At various times roles have included Rules Committee member (2016-present), Co-chair, Western Region (2021-2023), Chair of temporary Election Integrity Committee (2019-2021), Executive Committee (2024-present).

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;

• As noted above, I served as a law clerk for one year from the fall of 1993 to 1994 for Hon. Paul V. Niemeyer of the federal Fourth Circuit Court of Appeals in Baltimore, Maryland.

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

• I handled a few discrete client matters as a solo practitioner in 2004-2005 at 2238 Jones St., San Francisco CA 94109 and early 2006 at 404 E. 66th St., PHB, New York, NY 10065.

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.

Center for Individual Rights, summer of 1991. Law Clerk/Summer Associate.

U.S. Department of Justice, Civil Division, Constitutional Torts Section (Bivens), summer of 1992. Law Clerk.

Shearman & Sterling, Summer Associate/Law Clerk in NY litigation department, summer of 1993 prior to clerkship.

Chambers of Hon. Paul V. Niemeyer, 4th Circuit Court of Appeals, Baltimore MD, 1993-1994.

Shearman & Sterling, Litigation Associate in NY, 1994-1998. During this time, seconded by Shearman to Freshfields in London, 1997-1998.

Sidley Austin, Litigation Associate, 1998-2000.

Cooley Godward LLP, Associate, 2000-2002, Palo Alto, CA.

Orrick Herrington & Sutcliffe, Of Counsel, 2003-2004 San Francisco, CA.

American Civil Liberties Union of Northern California, Director 2003-2005 (also chair of the Audit and Election Committees during parts of this tenure).

The Dhillon Law Firm (sole proprietorship) 2004-2005.

Dontzin Law Firm, Associate 2005. Boutique finance/comple litigation firm in Manhattan.

Gibbs & Oliphant, Partner 2006. Boutique small minority-owned law firm in Oakland (no longer exists).

Dhillon Law Group, Partner 2006-present (known as Dhillon & Smith from 2006-2014). Founder and President of 26-attorney firm with 40+ employees nationwide in five physical offices and operating throughout the country.

Center for American Liberty, CEO and Founder, 2019-Present (CAL is a nonprofit civil rights organization that raises funds for and hires counsel for civil rights cases nationally on a low-fee (to the lawyers, no fee to clients) basis.

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 trained with and served on the mediation panel for the Northern District of California mediation program for several years. I only handled a small number of matters, and they are confidential.

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.

n/a.

b. Describe:

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

I started my career in the law during my first two summers of law school handling civil rights litigation. At the Center for Individual Rights, I supported litigation involving the use of "testers" in housing litigation and the use of racial quotas in educational admissions. At the Bivens section in DOJ, I supported litigation defending Constitutional tort claims against federal government agencies. During my clerkship in the 4th Circuit, I took a particular interest in 4th Amendment issues and in gender-based admissions to military academies (VMI and Citadel).

The next decade of my career (1994-2004) was in large international law firms handling a wide variety of commercial litigation, ranging from M&A, banking and telecommunications litigation to complex insurance coverage disputes and art law. In Silicon Valley, I worked on patent, trademark, novel internet tort, and Sarbanes-Oxley matters as well as mass tort defense. Throughout this decade of my career, I handled a substantial amount of pro bono litigation, including numerous asylum cases for political, religious and conscience applicants from India, Tibet, and Eritrea; domestic violence cases, artists' rights matters, and religious liberty cases.

I transitioned from large law firm practice to small/solo practice, eventually founding my own law firm 18 years ago (originally called Dhillon & Smith LLP, now Dhillon Law Group Inc.). In early years, our clients were small businesses and individuals, including many plaintiffs in Title VII and related state civil rights matters. As the firm grew, our clients included larger companies, venture-funded companies, and individuals suing their employers for discrimination on various bases, including age, gender, race, national origin, pregnancy, and sexual orientation. Our practice grew to include extensive First Amendment litigation, founder disputes, intellectual property disputes, entertainment matters, and novel internet law matters.

Today our clients include President Trump as an individual and his 2024 presidential campaign, various candidates for office at every level, complex antitrust plaintiffs, entertainment figures, high net worth individuals, and senior executives at many public and well-funded private companies alleging discrimination or wrongful termination. At the nonprofit firm I founded, the Center for American Liberty, and law firm The Dhillon Law Group, we also represent plaintiffs in several parental rights litigation and medical malpractice cases involving experimental transgender treatments performed on minors.

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

Summarized immediately above.

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.

90% of my practice has been in litigation, with 10% pre-litigation dispute resolution/counselling.

1. Indicate the percentage of your practice in:
1. federal courts: 75%
2. state courts of record: 25%
3. other courts: 0
4. administrative agencies: 0

11. Indicate the percentage of your practice in:

I. civil proceedings: 99%
2. criminal proceedings: 1%

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.

Sole counsel: 2

Chief Counsel: 8

Associate counsel: 2

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

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 submitted various briefs to the Supreme Court, both as a private attorney and through my nonprofit, the Center for American Liberty. I have not argued before the court. Solely focusing on cases where my name appears on the brief, these include several cases I litigated in lower courts that were appealed to the Supreme Court.

Date Filed	Case	Case Title	Party	Docs Available	Counsel of Record?

	Number				
November 24, 2020	20A136; 20-746	*South Bay United Pentecostal Church, et al v. Newsom, et al*	Petitioner	Petition for Writ of Certiorari Reply in Support of Emergency Application for Writ of Injunction Reply in Support of Petition for Writ of Certiorari	Charles S. LiMandri, LiMandri & Jonna LLP
January 7, 2021	20A120	*Gish, et al v. Newsom, et al*	Applicant	Application for Writ of Injunction Relief Reply in Support of Application for Writ of Injunction Notice of Status of Church Discrimination in California	Ron Coleman
March 8, 2021	20-1066	*Hoggard v. Rhodes, et al*	Center for American Liberty	Amicus Brief	Mark Meuser
June 20, 2021	20-843	*New York State Rifle & Pistol Association, et al v. Bruen, et al*	National Foundation for Gun Rights and National Association for Gun Rights	Amicus Brief	Warrington
December 21, 2021	21A260	*Bentkey Services, LLC dba The Daily Wire v. OSHA, et al*	Applicant	Emergency Application for Stay Pending Judicial Review, or, alternatively, Petition for a Writ of Certiorari	HKD
January 18, 2022	21-248	*Berger, et al v. North Carolina State Conference of the NAACP et al*	Republican National Committee	Amicus Brief	Warrington
May 2, 2022	21-1086; 21-1087	*Merrill, et al v. Mulligan, et al*	Republican National Committee	Amicus Brief	Benjamin I. Mehr
September 13, 2022	22-250	*Brach, et al v. Newsom, et al*	Petitioner	Petition for Writ of Certiorari Reply in Support of Petition for Writ of Certiorari	HKD
May 17, 2023	22-1135	*Center Medical Progress, et al v. National Abortion Federation*	Petitioner	Petition for Writ of Certiorari	Jeffrey M. Harris, Consovoy
May 30, 2023	22-1168	*Center Medical Progress, et al v. Planned Parenthood Federation of America, et*	Petitioner	Petition for Writ of Certiorari Reply Brief for Petitioners	Jeffrey M. Harris, Consovoy

		al			
June 8, 2023	22-1199	*O'Handley v. Weber*	Petitioner	Petition for Writ of Certiorari Reply in Support of Petition for Writ of Certiorari	Taylor A.R. Meehan
January 3, 2024	23-719	*Trump v. Anderson, et al.*	Petitioner	Petition for Writ of Certiorari Brief for the Petitioner Reply in Support of Petition for Writ of Certiorari	Warrington
January 23, 2024	22-555	*NetChoice v. Paxton* [conslidated with *Moody*]	Center for American Liberty	Amicus Brief	Randall W. Miller,
January 23, 2024	22-277	*Moody v. NetChoice* [consolidated with *NetChoice*]	Center for American Liberty	Amicus Brief	Munsch Hardt Kopf & Harr
February 8, 2024	23-411	*Murthy, et al v. Missouri, et al*	Center for American Liberty	Amicus Brief	HKD
May 24, 2024	23-1155	*Villarreal v. Alaniz*	Center for American Liberty	Amicus Brief	John Reeves, Reeves Law
August 14, 2024	24A164	*Republican National Committee, et al v. Mi Familia Vota, et al*	Republican Party of Arizona	Amicus Brief	HKD
September 4, 2024	23-975	*Seven County Infrastructure Coalition v. Eagle County, Colorado*	Center for American Liberty	Amicus Brief	HKD

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.

A. *Gish v. Newsom* (US Supreme Court Case No. 20A120):

- **Represented Parties:** Dhillon Law Group and the Center for American Liberty represented Wendy Gish and other individuals representing congregations from three Southern California churches—Shield of Faith Family Church, Church Unlimited, and Word of Life Ministries International, Inc.

- **Capsule summary:** *Gish v. Newsom* primarily centered around issues of religious liberty during the early stages of the COVID-19 pandemic. Our clients, the plaintiffs, challenged executive orders issued by California Governor Gavin Newsom, which restricted in-person religious gatherings as part of the state's response to COVID.
    - The plaintiffs argued that these restrictions violated their First Amendment rights, specifically the Free Exercise Clause, the Establishment Clause, and the right to freedom of assembly. They contended that the orders were not narrowly tailored to serve a compelling governmental interest and that they treated religious gatherings more harshly compared to some secular businesses which were allowed to operate under certain conditions.
    - The defendants, including Governor Gavin Newsom and other state officials, defended these restrictions as necessary public health measures to curb the spread of the virus, arguing that they applied equally to all large gatherings and were not discriminatory against religion.
- **Procedural Posture:** The district court initially dismissed the case with prejudice on December 14, 2020, but this was appealed. The case was appealed to the Ninth Circuit Court of Appeals, where it was consolidated with other similar appeals, notably *South Bay United Pentecostal Church v. Newsom*. It was further appealed to the Supreme Court of the United States.
- **Final Disposition:** The Supreme Court granted an application for injunctive relief and remanded the case back to the district court for further consideration. The Defendants later settled the case.
- **Role in Litigation**: I handled this case actively at every stage. I corresponded with and interviewed the plaintiffs, argued the motion for a temporary restraining order and preliminary injunction, drafted and edited briefs, including to the 9th Circuit and the U.S. Supreme Court. I headed a team of lawyers and paralegals. The most notable colleagues on the case at my firm were Mark Meuser and Gregory Michael.
- **Date of Representation**: Complaint filed 04/13/2020; SCOTUS issued ruling in favor of client (grant, vacate, remand) on March 12, 2021. The case terminated as of April 3, 2023 upon stipulation of the parties.
- **Name of Court**: The underlying matter was filed in the United States District Court, Central District of California on April 13, 2020. An appeal was heard by the Ninth Circuit and the Supreme Court of the United States.
- **Trial Judge:** Jesus G. Bernal, District Judge
- **Ninth Circuit panel:** Judge Kim Wardlaw, Judge Richard Clifton, Judge Timothy Hillman
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B. ***Tandon v. Newsom****:*

- **Represented Parties**: The Center for American Liberty retained outside counsel to represent Ritesh Tandon and the other plaintiffs. Neither my firm nor Center for American Liberties formally represented them.
- **Capsule Summary**: The case was brought by Ritesh Tandon, a candidate for Congress seeking to be able to campaign more effectively than allowed by California COVID regulations, and several other California residents, including a group who wished to regularly gather for home Bible studies and prayer meetings, as they had done before COVID. They argued that the state's restrictions on home gatherings, which were part of broader efforts to control the spread of COVID-19, violated their rights to the free exercise of religion. There were other arguments related to other groups of plaintiffs.
  - The defendant was California Governor Gavin Newsom, along with other state officials, who had issued executive orders limiting gatherings, including those for religious activities, to prevent the spread of the virus
  - The core of the lawsuit was whether California's restrictions discriminated against religious activities by treating them more harshly than comparable secular activities. The plaintiffs argued that while their home Bible studies were limited, other in-home activities, like hair salons or fitness classes, were allowed under certain conditions.
  - Equal Treatment: The argument was that if the state allowed any in-home gatherings, religious gatherings should be allowed under the same or similar restrictions, unless the state could prove the restriction was narrowly tailored to serve a compelling state interest.
- **Procedural Posture:** Initially, the district court denied the plaintiffs' request for a preliminary injunction, and this decision was upheld by the Ninth Circuit Court of Appeals, which found that the state's restrictions were justified under public health concerns.
  - The case was then appealed to the U.S. Supreme Court. In a *per curiam* (unsigned) opinion issued on April 9, 2021, the Supreme Court granted an application for injunctive relief, effectively reversing the lower courts' decisions. The Court held that California's restrictions on at-home religious gatherings must be subject to strict scrutiny, meaning the state had to show that the restrictions were the least restrictive means of achieving a compelling government interest.
  - **Court's Reasoning**: The Supreme Court criticized the state's approach for not treating religious gatherings the same as secular gatherings where similar risks of transmission were present. The Court noted that if the state allowed exceptions for other activities, it should also accommodate religious practices unless the state could prove otherwise under strict scrutiny.
- **Legal Precedent**: This case set a significant precedent for how states could regulate religious gatherings during public health emergencies. It emphasized that states must apply any restrictions on religious activities in a manner that is neutral and generally applicable to both religious and secular activities. It is one of the most significant
- **Role in litigation:** My role in this case was mainly at the outset and in the background. I initially helped identify and work with all the plaintiffs, together with Mark Meuser at my firm and colleagues at the Center for American Liberty. We vetted the legal theories, selected outside counsel to handle the case day to day, and also raised all funds to pay the plaintiffs' counsel at Eimer Stahl. I did not appear on the papers, as I was handling over 20 other COVID lawsuits in federal courts, but I did review briefs, manage fundraising for the case, and facilitate client communication with outside counsel.

- **Date of Representation**: Complaint filed on 10/13/2020; SCOTUS granted application for injunctive relief on 04/02/2021. The case was terminated in July, 2021 following award of attorney fees at trial court level.
- **Name of Court:** The underlying matter was filed in the United States District Court, Central District of California on October 13, 2020. An appeal was heard by the Ninth Circuit and the Supreme Court of the United States.
  - **Trial Judge:** Assigned to Judge Lucy Koh; Referred to Judge Virginia DeMarchi
  - **Ninth Circuit panel:** Judge Milan D. Smith; Judge Bridget S. Bade; Judge Patrick J. Bumatay.
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C. ***South Bay United Pentecostal Church v. Newsom***

- **Represented Parties:** Plaintiff South Bay United Pentecostal Church
- **Capsule summary:** The plaintiff church sought to continue in-person worship services despite state-imposed restrictions. Governor Gavin Newsom, through executive orders, limited religious gatherings while allowing various "essential" activities to proceed without such restrictions. The case dealt with issues concerning free exercise of religion and equal treatment.
- **Procedural Posture:** The United States District Court for the Southern District of California initially denied the Church's request for a preliminary injunction. The Ninth Circuit affirmed the district court's decision reasoning were justified under public health concerns.
- **Final Disposition:** In the first review for May 2020, the U.S. Supreme Court declined to grant an injunction pending appeal in an unsigned order, allowing the state's restrictions to continue. However, Justices Alito, Thomas, and Kavanaugh dissented, indicating concerns over the restrictions' impact on religious freedom. In the second review in November 2020, after the state modified its rules but placed limits on religious gatherings, the Supreme Court revisited the case. This time, in a 5-4 decision, the Court issued a per curiam opinion granting an injunction against the state's restrictions. Chief Justice Roberts, who had previously voted to uphold the restrictions, now voted with the majority. The Court held that the state's restrictions must be subject to strict scrutiny, meaning they must be narrowly tailored to serve a compelling government interest.
- **Lega Precedent & Implications:** This case set an important precedent for how religious gatherings could be regulated during public health emergencies. It underscored that states must apply restrictions in a neutral and generally applicable manner or justify under strict scrutiny why religious activities are treated differently. The ruling influenced numerous similar cases nationwide, leading to a reevaluation of many state and local regulations on religious gatherings during the ongoing health crisis.
- **Role in Litigation:** I played an active role in this matter as co-counsel with LiMandri & Jonna lawyers. We talked daily and shared drafts of briefs and edited each other's work. We helped moot court each other's arguments in COVID religion cases for the 9th Circuit arguments, which happened one after the other as the cases were consolidated for appeal.
- **Date of Representation**: May 2020 - 2021
- **Name of Court**: United States District Court for the Southern District of California (Case No. 3:20-cv-00865); Ninth Circuit (Case No. 20-55533); Supreme Court of the United States (Case No. 20-A136 (20-746))
  - **Trial Judge:** Assigned to Judge Cynthia Bashant; Referred to Judge Allison Goddard
  - **Ninth Circuit panel:** Judge Kim McLane Wardlaw, Judge Richard R. Clifton, and Judge Timothy Hillman.
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D. *Konen v. Caldeira*:

Konen v. Caldeira was a lawsuit involving a parent, Jessica Konen, and her daughter, challenging actions taken by teachers and the Spreckels Union School District in California.

- Plaintiffs: Jessica Konen and her minor daughter, referred to as "A.G." in the lawsuit, were the plaintiffs. The lawsuit was brought against the Spreckels Union School District, including specific educators Lori Caldeira and Kelly Baraki from Buena Vista Middle School in Salinas, California.
- Defendants: The defendants included the school district, teachers Caldeira and Baraki, and the school's principal, Katelyn Pagaran.

- The case, filed in 2022, alleged that the school district and teachers allegedly facilitated or encouraged A.G.'s social transition to a different gender identity without informing or getting consent from Konen, the parent. This included using a different name and pronouns for A.G. at school, which was kept secret from her mother.
- Parental Notification: The lawsuit challenged the school's "Parental Secrecy Policy" whereby staff were instructed to conceal from parents information about their children expressing or exploring gender identity changes unless the student explicitly allowed parental notification.
- Legal Claims: The complaint asserted several claims, including:
  - Violation of parental due process rights under 42 U.S.C. § 1983, arguing that parents have a fundamental right to direct the upbringing of their children.
  - Conspiracy to violate civil rights under 42 U.S.C. § 1985(3).
  - Intentional infliction of emotional distress.
  - Negligence and negligence per se.
  - Violation of the Bane Act (California Civil Code § 52.1), which protects against interference with civil rights by threats, intimidation, or coercion.
  - Civil conspiracy.
- Procedural: The lawsuit was initially filed in January 2022, following public attention after a leaked audio recording where teachers Caldeira and Baraki discussed tactics for running a Gay-Straight Alliance (GSA) in conservative/rural communities, including how to recruit students into these clubs without parental knowledge.
- Settlement: The case ended with a settlement agreement on June 22, 2023 where the plaintiffs received a total of $100,000.
- Public and Policy Debate: This case fueled national discussions on school policies regarding gender identity, the role of educators in students' identity exploration, and the rights of parents to be informed about significant changes in their children's school life.
- My role included initial communications with the plaintiffs after Ms. Konen spoke publicly about the matter, reviewing and editing pleadings and briefs, directing legal strategy, raising funds for the litigation, and media advocacy.

- **Date of Representation:** Complaint filed on June 14, 2022; Case settled on 06/22/2023
- **Name of Court:** Filed in the Superior Court of California County of Monterey.
  - **Trial Judges:** Judge Beth Freeman; Assigned to Judge Edward Davila; Referred to Judge Virginia Demarchi
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E. *Young America's Foundation v. Napolitano*:

Young America's Foundation v. Napolitano concerned free speech rights on college campuses, specifically at the University of California, Berkeley (UC Berkeley).

- Plaintiffs: The plaintiffs were Young America's Foundation (YAF), a conservative youth organization, and the Berkeley College Republicans (BCR), a student group at UC Berkeley. They filed the lawsuit against UC Berkeley's administration.
- Defendant: Janet Napolitano, then President of the University of California system, was named as the defendant in her official capacity.

Capsule Summary:

- Free Speech and Campus Policy: The case centered on allegations that UC Berkeley was restricting free speech, particularly for conservative speakers, through its policies and actions. After violent protests disrupted a conservative speaking event in which the Berkeley College Republicans had sought to host Milo Yiannopoulos, UC Berkeley implemented new policies that the plaintiffs argued unfairly targeted conservative groups.
- Specific Policies:
  - High-Profile Speaker Policy: An unwritten policy that allegedly restricted the time, place, and manner of events involving "high-profile" speakers, which disproportionately affected conservative groups.
  - Security Fees: The plaintiffs claimed they were charged security fees for hosting controversial speakers including Ann Coulter and David Horowitz, which they argued was not equally applied to all groups or speakers.

- First Amendment Violations: YAF, which funded the speakers affected by the challenged policies, and BCR argued that these policies violated their First Amendment rights by:
  - Applying speech restrictions in a discriminatory manner.
  - Allowing a "heckler's veto" where the fear of potential disruption by protesters effectively silenced speech.
  - Imposing burdensome security fees that acted as a deterrent for hosting certain speakers.

- Filing: The lawsuit was filed in April 2017 in the U.S. District Court for the Northern District of California.
- Motion to Dismiss: The defendants moved to dismiss the complaint, arguing that the policies were content-neutral and necessary due to security concerns.
- Court Decisions:
  - Partial Dismissal: In May 2018, Judge Maxine M. Chesney partially granted the defendants' motion to dismiss. She dismissed claims related to the security fees but allowed other claims to proceed, particularly those concerning the High-Profile Speaker Policy and allegations of viewpoint discrimination.
  - Settlement: Ultimately, the case was settled in January 2018 after a judicial settlement conference. Under the settlement agreement, UC Berkeley agreed to:
    - Stop charging security fees for speakers invited by student groups.
    - Provide clearer guidelines for event planning that would ensure equal treatment of all speakers, regardless of viewpoint.
    - Implement training for certain administrators on First Amendment rights.
- The case highlighted critical issues about free speech on college campuses and how universities manage security and event planning without infringing on constitutional rights.
- The case was viewed as so significant on First Amendment issues that the Civil Rights Division of the U.S. Department of Justice filed a statement of interest in the case, supporting free speech and the claims made by the plaintiffs.
- Public and Policy Debate: The case sparked national discussions on the balance between free speech and campus safety, the role of universities in maintaining open discourse, and the rights of student groups to host speakers of all political persuasions. The settlement was seen as a victory by free speech advocates, reinforcing the notion that universities should not use security concerns as a pretext to limit speech. This case has been frequently cited in discussions and legal actions concerning free speech rights in educational settings.

- My role in this case was lead counsel at every stage, from intaking the matter to drafting the demand letter, response letter, and lawsuit with Krista Baughman and Gregory Michael at the Dhillon Law Group, drafting and editing briefs, arguing the motions in court, leading the settlement discussions at the judicial settlement conference, and helping to monitor compliance after the settlement.
- **Date of Representation:** Complaint filed on 04/24/2017; Notice of conditional settlement entered on 12/03/2018.
- **Name of Court**: US District Court for the Northern District of California, San Francisco Division
  - **Trial Judge:** Hon. Maxine Chesney
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F. ***Chloe Brockman a/k/a Chole Cole v. Kaiser Foundation Hospitals:***

Chloe Brockman v. Kaiser Foundation Hospitals, Inc. is an ongoing lawsuit filed by Chloe Brockman, also known as Chloe Cole, against Kaiser Foundation Hospitals, Inc., and other related defendants.

Background:

- Plaintiff: Chloe Brockman, who is also known publicly as Chloe Cole, a detransitioner and advocate against gender transition medical procedures and drug therapy for minors.

- Defendants: The defendants include Kaiser Foundation Hospitals, Inc., The Permanente Medical Group, Inc., and several individual medical professionals associated with these organizations, such as Lisa Kristine Taylor, M.D., Hop Nguyen Le, M.D., and Susanne E. Watson, Ph.D.

Key Issues:

- Medical Malpractice: The lawsuit alleges medical negligence and fraud, claiming that when Brockman was a minor, she was coerced into undergoing transgender hormone therapy and a double mastectomy (top surgery) without proper informed consent. It asserts that her psychological issues, including gender dysphoria, were mishandled, leading to irreversible physical and psychological damage.
- Consent and Informed Decision: The complaint argues that Brockman and her parents were not adequately informed about the risks, alternative treatments, or the potential for regret post-transition. It also claims that the defendants promoted hormone treatments and surgery as the only viable solution, ignoring less invasive psychological or psychiatric interventions.
- Fraudulent Misrepresentation: Brockman's legal team alleges that the medical professionals falsely informed her and her family that she was at a high risk for suicide if she did not transition, using this as leverage to push for medical transition.

Legal Journey:

- Filing: The lawsuit was filed on February 22, 2023, in the San Joaquin County Superior Court in California.
- Court Actions:
  - Motion for Arbitration: Kaiser attempted to move the case into arbitration, arguing that Brockman's parents had agreed to arbitration through their employment benefits with Kaiser. However, this motion was denied by Judge Robert T. Waters on April 15, 2024, allowing the case to proceed in court, a decision the defendants have appealed, causing the case to be presently stayed while the arbitration issue is decided on appeal.
  - Amended Complaint: In April 2024, Brockman's legal team filed an amended complaint seeking punitive damages, supported by declarations from various medical professionals and others, detailing Brockman's medical history and the psychological assessments she underwent.

Impact and Broader Context:

- Legal and Social Debate: This case has become emblematic of the broader debate over transgender healthcare, particularly for minors. The legal merits of the case focus on the specifics of consent, medical practice, and patient autonomy.
- Publicity: The lawsuit has received significant international attention, and is the first of several medical malpractice lawsuits filed by attorneys on similar facts and issues.
- Future Implications: The outcome of this case could influence how medical consent and practices regarding transgender healthcare are approached, especially concerning minors. It also touches on issues of malpractice, informed consent, and the role of medical providers in managing alleged gender dysphoria.
- **Date of Representation:** Complaint filed 02/22/2023—present

- **Name of Court:** Superior Court of the State of California, County of San Joaquin, Stockton Branch
  - **Trial Judge:** Judge Robert Waters
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G. ***James Damore et al. v. Google*:**

Plaintiff: James Damore was a senior software engineer at Google when he wrote and circulated an internal memo titled "Google's Ideological Echo Chamber" in July 2017.

Defendant: Google LLC, where Damore was employed until he was fired on August 7, 2017.

Capsule Summary:

- Content of the Memo: In his memo, Damore criticized Google's diversity efforts in detail, proposing that Google's approach to diversity was creating an "ideological echo chamber" that discriminated against conservative viewpoints and potentially against certain groups in hiring practices. He was fired for circulating this memo internally.
- Lawsuit Claims:
  - Discrimination: Damore alleged that Google discriminated against white men, particularly those with conservative views, in its hiring and employment practices.
  - Political Viewpoints: He claimed that Google had created a hostile work environment for conservative employees, including through alleged "blacklists" and by punishing employees for expressing conservative political views.
  - Class Action: The lawsuit was initially filed as a class action, aiming to represent other employees similarly situated, including white, male, and conservative individuals.
- Damore, along with another former Google engineer, David Gudeman, filed the lawsuit in January 2018 in the Santa Clara County Superior Court in California.
- Evidence: The lawsuit included numerous screenshots from Google's internal communications, which Damore claimed demonstrated a bias against conservative viewpoints and certain demographics.
- Court Proceedings:
  - Motion to Dismiss: Google moved to dismiss the lawsuit, but this was partially denied by Judge Brian Walsh in June 2019, allowing certain claims to proceed to discovery.
- Resolution: In May 2020, Damore and the other plaintiffs moved to dismiss the lawsuit entirely, with Google agreeing to the dismissal. The terms of the resolution were not disclosed publicly.
- Public Discourse: The case and the memo sparked a significant public debate over workplace diversity policies, free speech in the workplace, and the role of biological differences in professional representation.
- Corporate Culture: The lawsuit highlighted issues surrounding political ideology in tech companies, leading to discussions about inclusivity versus ideological conformity within corporate environments.
- My role in this case was extensive and hands-on from beginning to end, including numerous meetings with the clients, drafting the complaint, arguing the motion to dismiss, supervising discovery, engaging with various interests, media advocacy, and participating in settlement discussions. I also appeared once before the NLRB to discuss the clients' complaint that preceded the lawsuit.
- **Date of Representation:** January 2017 - 2020
- **Name of Court:** Superior Court of the State of California, County of Santa Clara
- **Trial Judge:** Hon. Brian Walsh
- **Name contact information of co-counsel and counsel for all parties—**
  - Plaintiff co-counsel from Dhillon Law Group
    - Ravdeep Grewal
      415-433-1700

177 Post Street, Suite 700
San Francisco, CA 94108
- Krista Baughman
- Gregory Michael
  - Opposing counsel from Paul Hastings, LLP
- Cameron W. Fox
  213-683-6000
  515 South Flower Street, 25th Floor
  Los Angeles, CA 90071
- Zachary Hutton
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  101 California Street, 48th Floor
  San Francisco, CA 94111
- Barbara Brown
  202-551-1700
  875 15th Street, N.W.
  Washington, DC 20005
- Kenneth Willner
- Anna Kim Yoon

H. Cases against Gurbaksh Chahal and Gravity 4

Encarnita Alonso v. Gurbaksh Chahal et al. (Case No. CGC-15-545426) (Employment) (San Francisco Superior Court)
Encarnita Alonso v. Gurbaksh Chahal et al. (Case No. CGC-16-551721) (Defamation) (San Francisco Superior Court)
Yousef Khraibut v. Gurbaksh Chahal et al. (Case No. 3:15-CV-04463) (United States District Court - Northern District of California)

- **Represented Parties:** Encarnita Alonso and Yousef Khraibut.
- **Capsule summary:** These three cases involve claims brought by former employees of Mr. Chahal and/or his company, Gravity4.
  - With respect to Ms. Alonso's employment case, she alleged that Mr. Chahal and his company engaged in discriminatory employment practices, including but not limited to, discrimination and harassment of female employees. Ms. Alonso also alleged that she was unlawfully terminated after raising concerns about workplace conditions and reported illegal conduct.
  - With respect to Ms. Alonso's defamation claim, she alleged that Mr. Chahal and Gravity4 caused defamatory statements to be published about her which negatively impacted her reputation and ability to obtain new employment. Ms. Alonso was awarded $12,102,994.07 by the Court.
  - With respect to Mr. Khraibut's claims, he alleged that Mr. Chahal and Gravity4 discriminated against and harassed him because of his religion, ethnicity, and/or national origin. He also brought retaliation claims, wage and hour claims, and breach of contract claims. Mr. Khraibut was awarded $1,35,452.20 by the Court.
- **Final Disposition:**
  - Ms. Alonso was awarded $4,017,938.38 by the Court for her employment action.
  - Ms. Alonso was awarded $12,102,994.07 by the Court for her defamation action.

- Mr. Khraibut was awarded $1,35,452.20 by the Court.
- **Role in Litigation:** I oversaw all aspects of the litigation and managed it over the years. I had an active role in the initial discussions, negotiations, and settlement attempts. I reviewed and edited the final pleadings, and participated in investigations and depositions. I personally deposed the defendant. He has moved offshore and I am presently managing collection efforts with co-counsel for collection, Mark Geragos.
- **Date of Representation**:
- Encarnita Alonso (employment) – April 21, 2015 (filed), September 9, 2020 (judgment).
- Encarnita Alonso (defamation) – April 28, 2016 (filed) – April 1, 2021 (judgment).
- Yousef Khraibut – September 28, 2015 (filed) – March 26, 2021 (judgment).
- **Name of Court**: San Francisco Superior Court and the United States District Court, Northern District of California.
- **Trial Judge:** SF Superior Court – Judge Gerardo C. Sandoval / Northern District – Judge Charles R. Breyer
- **Name contact information of co-counsel and counsel for all parties—**
- Plaintiff co-counsel at Dhillon Law Group
  - Krista Baughman
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  - John-Paul S. Deol
    415-433-1700
    177 Post St., Suite 700
    San Francisco, CA 94108
  - Michael R. Fleming
    415-433-1700
    177 Post St., Suite 700
    San Francisco, CA 94108
  - Hwui Lee (now at Cummins & White, LLP)
    949-852-1800
    2424 Southeast Bristol Street #300
    Newport Beach CA 92660
- Co-counsel Mark Geragos
  644 South Figueroa Street
  Los Angeles, CA 90017
- Defense counsel at Gordon Rees, LLP
  - Stuart M. Gordon (initial)
    415-986-5900
    315 Pacific Avenue
    San Francisco, CA 94111

- Defense counsel at Glaser Weil, LLP
  - Patricia L. Glaser (intermediate counsel)
    310-282-6217
    10250 Constellation Blvd., 19th Floor
    Los Angeles, CA 90067

- Defense counsel at Murphy, Pearson, Bradley & Feeney, P.C.
  - James Lassart (final counsel of record)
    415-788-1900
    580 California Street, Suite 1100
    San Francisco, CA 94104

I. ***Trilochan Singh Oberoi v. Department of Corrections and Rehabilitation*** **Case No. 34-2009-00054595:**

Capsule Summary: In 2009, Oberoi sued the California Department of Corrections and Rehabilitation, highlighting that while the CDCR enforced a no-beard policy for safety reasons, exceptions were made for certain individuals with certain medical conditions, allowing beards up to one inch in length. Oberoi argued that similar accommodations should be extended for religious reasons. Sikh serve in the military and peace forces of most western nations and throughout Asia, including where gas masks are required.

During the pendency of this case, the Civil Rights Division of the US Department of Justice opened an investigation into the CDCR's employment practices, including this issue.

In August 2011, the CDCR agreed to a settlement following substantial national publicity on the case, including a press conference in which a broad coalition of civil rights organizations, ranging from the ACLU to the Asian Law Caucus and the Becket Fund joined in demanding fair employment for Mr. Oberoi. The settlement terms included a payment of $295,000 to Oberoi and his appointment to a managerial position within the department's Regulation and Policy Management Branch, with an annual salary of approximately $61,000.

I actively handled this case from start to finish, including interacting with and retaining the client, who had been referred by the Sikh Coalition, funding the case including substantial discovery expenses for nearly four years, researching and arguing novel legal theories and obtaining evidence from other jurisdictions about gas mask adaptations and uses by bearded law enforcement officers, arguing the motion to dismiss, preparing the summary judgment motion and opposition, responding to media requests, organizing national awareness of the case and building a coalition of over 20 civil rights organizations that joined me in demanding that Attorney General Harris resolve this matter, and negotiating the settlement.

- **Date of Representation**: The court case was active in court from approximately July 31, 2009 to October 12, 2011, preceded by two years of administrative action including a merits trial.
- **Name of Court**: Superior Court of California for the County of Sacramento
  - **Trial Judges:** Hon. Shelleyanne W.L. Chang; Hon. Michael G. Virga
- **Name contact information of co-counsel and counsel for all parties—**
  - Plaintiff co-counsel from Dhillon & Smith (now Dhillon Law Group)
    - Krista Shoquist (Baughman)
      415-433-1700
      177 Post St., Suite 700
      San Francisco, CA 94108

- Defendant counsel from California AG's Office
  - Kamala Harris
    916-322-5471
    1300 I Street, Suite 125
    Sacramento, CA 94244
  - Barbara Seidman
  - Susan Slager

J. ***Planned Parenthood Federation of America, Inc. et al. v. Center for Medical Progress et al.*** **Case No. 3:16-cv-00236 (N.D. CA 2016):**

Clients: Center for Medical Progress and David Daleiden

Capsule Summary: Planned Parenthood and National Abortion Federation alleged that the Center for Medical Progress and its associates engaged in unlawful activities, including fraud, RICO, and secret recordings, during their undercover operations targeting Planned Parenthood's practices of selling body parts of aborted fetuses.

After a jury trial spanning six weeks against multiple defendants, the jury found for the plaintiffs on most claims. The case was appealed to the 9th Circuit, which upheld the verdict, and the Supreme Court denied cert.

My role in this case was an active trial role. I joined the trial team in the months leading up to trial and helped prepare it for trial. I made opening statements and closing arguments for David Daleidin and Center for Medical Progress, handled witnesses, in limine arguments, cross examination, jury selection, and in camera legal arguments as well as proposing and arguing jury instructions. I also managed the trial demonstrative and exhibits teams with my associate, Dorothy Yamamoto.

- **Date of Representation:** January 14, 2016 (Filed) – November 15, 2019 (Jury Verdict); appeals continued through 2024.
- **Name of Court**: United States District Court, Northern District of California.
  - **Trial Judges:** Assigned to Hon. William H. Orrick III; Referred to Hon. Donna Ryu
- **Name contact information of co-counsel and counsel for all parties—**
  - Co-counsel from Dhillon Law Group
    - Gregory Michael
    - Dorothy Chen Yamamoto (both, now at Michael Yamamoto)
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    - Paul Jonna

- Jeffrey Trissell
  - Co-counsel from Life Legal Defense Foundation
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  - Co-counsel from American Center for Law and Justice
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- Vladimir Kozina
  - Co-counsel from Law Offices of Michael Millen
- Michael Millen
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- Co-counsel from Liberty Counsel
  - Horatio Gabriel Mihet
    407-875-1776
    P.O. Box 540774
    Orlando, FL 32854
  - Jonathan David Christman

- Opposing counsel from Planned Parenthood Northern California
  - Beth Harrison Parker
    925-887-5366
    2185 Pacheco Street
    Concord, CA 94520
- Opposing counsel from Planned Parenthood Federation of America
  - Maithreyi Ratakonda
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    123 William Street, 9th Floor
    New York, NY 10038
  - Helene Krasnoff
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    Washington, DC 20005
- Opposing counsel from Rogers Joseph O'Donnell
  - Amy Lynne Bomse
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    San Francisco, CA 94104
- Opposing counsel from Arnold & Porter Kay Scholer LLP
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    777 South Figueroa Street, 44th Floor
    Los Angeles, CA 90017
  - Rhonda Renee Trotter
  - Steven Lee Mayer
    415-471-3100

Three Embarcadero Center, 10th Floor
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- Stephanie Hana Fine
- Steven Lee Mayer
- Sharon Mayo
- Tommy Huynh
- Jee Young You
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  Washington, DC 20001
- Diana K. Sterk
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  250 West 55th Street
  New York, NY 10019

- Opposing counsel from Vinson & Elkins, LLP
- Erica Connolly
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  555 Mission Street, Suite 2000
  San Francisco, CA 94105

- Third party Defendant counsel Regents of the University of California
- John G. Gherini
  510-987-9800
  Office of the General Counsel
  1111 Franklin Street, 8th Floor
  Oakland, CA 94607
- Michael Robert Goldstein
- Charles Furlonge Robinson
- Margaret Louisa Wu

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.)

A. Settled Private Discrimination Claims. During my career, especially in the last 18 years since founding my current law firm, I have successfully handled numerous plaintiff discrimination cases that were privately resolved before litigation was filed, resulting in tens of millions of dollars of settlements for victims of sexual harassment, sexual assault, gender discrimination, racial bias, national origin discrimination, age discrimination, sexual orientation discrimination, national origin discrimination, and disability discrimination. Through our advocacy, we have been able to provide substantial compensation for our clients while maintaining their privacy, dignity, and reputations. I have been the lead lawyer in these cases, with the assistance of partners and associates. Sometimes these cases take years of pre-litigation discovery and multiple mediations or settlement discussions to resolve.

B. Hu et al. v. Plehn-Dujowich, 3:18-cv-01791 (N.D. CA 2018) is a class action lawsuit my firm filed on behalf of three named plaintiffs and a class of hundreds of foreign students who sued a U.C. Berkeley and UCLA business school professor, Jose Plehn-Dujowich, for selling them a counterfeit University of California online business course credential while really exploiting them as unpaid labor for his private consulting business. As part of a stipulated summary judgment before Judge Donato, the class was certified and the case settled for reimbursement to the students of the thousands of dollars each of them paid, plus fees and costs. The defendant began paying but defaulted, and our firm has continued to pursue justice and payment for the students for many years and continue to do so.

C. *Givens v. Newsom*, Case No. 2:20-cv-00852-JAM-CKD (District Court)
Case No. 20-15949 (Court of Appeals, Ninth Circuit)

Ron Givens and Christine Bish sued Gavin Newsom in his official capacity as the Governor of California. The case was filed in 2020, and upon denial of the injunction and dismissal, the case was appealed to the United States Court of Appeals for the Ninth Circuit with the case number 20-15949, decided on December 4, 2020.

- Summary: The plaintiffs sought a temporary restraining order (TRO) to enjoin (stop) the enforcement of public health directives that restricted gatherings, which they argued infringed upon their rights. Specifically, Givens wanted to protest restrictions on issuance of firearms licenses during the pandemic and Bish, a congressional candidate, wanted to hold rallies, both of which were restricted under the state's orders.

During the pendency of this case, the U.S. Department of Justice, Civil Rights Division, filed a statement of interest, siding with the plaintiffs in arguing that the state's restrictions on free speech and assembly violated the First Amendment.

Due to the constantly shifting nature of the state's restrictions, this case was ruled moot by the courts.

- **Name of Court**: U.S. District Court for the Eastern District of California; and U.S. Court of Appeals for the Ninth Circuit (Hons. Jon S. Tigar, Ferdinand F. Fernandez and Richard A. Paez)

- **Trial Judge:** Hon. John A. Mendez
- **Court of Appeals Judges:** Hons. Jon S. Tigar, Ferdinand F. Fernandez and Richard A. Paez

- **Name contact information of co-counsel and counsel for all parties—**
- Co-counsel from Dhillon Law Group
  - Mark Meuser
    415-433-1700
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  - Karin Sweigart
  - Gregory Michael (now at Michael Yamamoto)
- Co-counsel from Law Office of D. Gill Sperlein
  - D. Gill Sperlein
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  - Joshua Klein
    510-879-0756
    1515 Clay Street, 20th Floor
    Oakland, CA 94612
  - James Walter
  - Amie Medley
  - Mark Beckington
  - Thomas Patterson
  - Michael Mongan
  - Xavier Becerra

E. ***Hernandez et al. v. City of San Jose et al.,*** Case No. 16-CV-03957-LHK

Our clients Juan Hernandez and over a dozen others alleged that the City of San Jose and its Mayor and police department violated the plaintiffs' constitutional rights during and after a Donald Trump for President rally on June 2, 2016. The lawsuit claimed that police officers intentionally funneled Trump supporters into a canyon of violence, leaving the rally into areas where violent protesters were waiting, resulting in physical attacks, harassment, and verbal abuse. The plaintiffs argued that the police acted with deliberate indifference, failing to intervene or protect them, despite being aware of the danger. They contended this violated their Fourteenth Amendment rights to equal protection and their First Amendment rights to freedom of speech and assembly by deterring their participation in the political event. Additional claims included negligence and gross misconduct by the police department. The plaintiffs sought compensatory and punitive damages for physical and emotional harm, as well as injunctive relief to prevent similar incidents at future events. This case underscored concerns about public safety, law enforcement responsibilities, and the protection of constitutional rights during politically charged gatherings.

I handled this case from beginning to end, including interviewing witnesses, drafting the complaint, negotiating with opposing counsel, arguing the motion to dismiss before Judge Koh, and arguing the qualified immunity appeal before the 9th Circuit. My colleagues from my firm assisting on the case were partner Krista Baughman and associate Gregory Michael (now at Michael Yamamoto).

a. The case was filed on or about July 14, 2016. On or about July 27, 2018, the U.S. Court of Appeals for the Ninth Circuit issued a decision affirming the district court's denial of qualified immunity to the officers, in a ruling that collected and explained circuit law on the state-created danger exception to qualified immunity.
b. The case was settled in April, 2020 after magistrate settlement conference in a settlement that required the city to change its policies in dealing with crowd situations and to require additional training for officers deployed to such events.

b. U.S. District Court for the Northern District of California (Hon. Lucy Koh)
U.S. Court of Appeals for the Ninth Circuit (Hons. A. Wallace Tashima, William A. Fletcher, Richard A. Paez)

- Richard Doyle (deceased)
  Matthew Pritchard
  Office of the City Attorney
  City of San Jose
  200 East Santa Clara Street, 16th Floor
  San Jose, CA 95113-1905
  (408) 535-1900

F. ***Bentkey Services, LLC, dba The Daily Wire v. OSHA, et al.***
Case No. 21A260 (2021)
Client: The Daily Wire

In November 2021, the Daily Wire, a media and entertainment entity, filed a constitutional lawsuit challenging the Biden administration's vaccine mandate for private employers with 100 or more employees. This mandate, issued by the Occupational Safety and Health Administration (OSHA), required employees to be vaccinated against COVID-19 or undergo weekly testing and wear masks at work. The Daily Wire's legal challenge argued that the federal government lacked the authority to impose such a mandate on private employers and that the mandate was unconstitutional. The case progressed through the federal courts and was eventually considered by the Supreme Court in consolidation with other, similar challenges. In January 2022, the Supreme Court issued a ruling that blocked the enforcement of the OSHA vaccine-or-test mandate for large employers, stating that OSHA had exceeded its authority. This decision effectively nullified the mandate, aligning with the Daily Wire's position against the federal government's overreach in imposing vaccination requirements on private businesses.

a. The case was filed in or around December of 2021 and appealed to the U.S. Supreme Court along with other such cases around the country. The Supreme Court ruled on a benchmark case in the group of cases or about January 13, 2022, holding 6-3 that OSHA had

exceeded its statutory authority. The justices noted that OSHA had never before imposed such a mandate, and Congress had not enacted any similar measure. The Supreme Court emphasized that while OSHA has the power to regulate occupational dangers, this mandate was seen as an overreach into broader public health regulation, which was not within OSHA's jurisdiction

b. I played an active role throughout this case, managing the client relationship, complaint drafting, briefing, discussions with co-counsel at ADF, and media advocacy concerning the case.

c. Supreme Court of the United States (Chief Justice John Roberts and Justices Clarence Thomas, Stephen Breyer, Samuel Alito, Sonia Sotomayor, Elena Kagan, Neil Gorsuch, Brett Kavanaugh, and Amy Coney Barrett)

d. Defense counsel: Elizabeth B. Prelogar
Solicitor General
United States Department of Justice

950 Pennsylvania Avenue, NW Washington, DC 20530-0001
(202) 514-2217

G. *Trump v. Anderson*

This is one of over 100 cases brought in the US in 2023 and 2024 making 14th Amendment challenges to President Donald J. Trump's eligibility to run for President in 2024. Trump v. Anderson was brought in Colorado, and after a trial and appeal in state court it was appealed by President Trump to the U.S. Supreme Court. In a unanimous *per curiam* ruling, the Supreme Court held in an opinion based on federalism principles, that States cannot enforce Section 3 of the Fourteenth Amendment against federal officeholders or candidates. This power lies solely with Congress.

Throughout the country in the related lawsuits, I played an active role in identifying and securing local counsel to work with our law firm in various jurisdictions. My role in the case was also at the Supreme Court level, where I appeared on the briefs with my colleagues, and reviewed and commented upon the briefs internally. Jonathan Mitchell argued the case at the Supreme Court for President Trump.

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.

n/a

18. Deferred Income/ Future Benefits: List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted

contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I am entitled to a share of fees in a concluded litigation matter in the amount of up to approximately four million dollars. The exact amount is unknown and pending international collection efforts being conducted by my co-counsel.

I am entitled to a share of the fees in pending contingent litigation matters also in the amount of potentially several million dollars, amounts to be determined upon conclusion of the cases.

I am in the process of negotiating an agreement with my law firm successor owner over the disposition of these funds to which I am entitled. I will also be entitled to my profit share of fees collected and paid on matters originated before I leave the firm, also being negotiated. These may amount to several hundred thousand dollars.

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 Attached Form OGE-287.

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

ASSETS		LIABILITIES	
Cash on hand and in banks	$20,375.71	Notes payable to banks-secured	N/A
U.S. Government securities-add schedule	$600,000 (S.1)	Notes payable to banks-unsecured	N/A
Listed securities-add schedule*	$2,871,395.97 (S.2)	Notes payable to relatives	N/A
Unlisted securities--add schedule	$102,057 (S.3)	Notes payable to others	N/A
Accounts and notes receivable:	N/A	Accounts and bills due	N/A
Due from relatives and friends		Unpaid income tax	N/A
Due from others		Other unpaid income and interest	N/A
Real estate owned-add schedule**	$7.2M (S.4)	Real estate mortgages payable-add schedule	$-3,281,774.06
Real estate mortgages receivable	N/A	Chattel mortgages and other liens payable	$-22,843.96
Autos and other personal property	$500,000 assorted chattels	Other debts-itemize:	N/A
Cash value-life insurance	N/A		
Other assets itemize:			
Dhillon Law Group	Unknown		
Pension Accounts	$3,784,887.45 (S.6)		
		Total liabilities	$-3,304,618.02
Total Assets	$15,078,716.10 (excluding law firm)	Net Worth	$11,774098.10 (excluding law firm)
CONTINGENT LIABILITIES	NONE	Total liabilities and net worth	See above (assets-liabilities = net)
As endorser, comaker or guarantor	N/A	GENERAL INFORMATION	
On leases or contracts	N/A	Are any assets pledged? (Add schedule)	No
Legal Claims	N/A	Are you defendant in any suits or legal actions?	No
Provision for Federal Income Tax	N/A	Have you ever taken bankruptcy?	No
Other special debt			

Schedule 1:

U.S. Government Securities:

UBS

UBS Government Money Market Investments Fund Class P	600,000

Schedule 2:

Listed Securities: UBS

Security Name	Market Value
Ally Financial Inc	81,854.54
Amazon.com Inc	96,896.60
Apple Inc	146,310.00
Broadcom Inc	116,453.96
Costco Wholesale Corp	90,981.00
Federated Hermes Strategic Value Dividend Fund IS	107,638.61
First Trust Exchange Technology Alphadex Fund ETF	134,353.80
First Trust Rising Divid Achievers ETF	56,335.45
First Trust Water ETF	71,798.28
Invesco QQQ Trust ETF	102,046.00
Ishares U.S. Consumer Staples ETF	99,582.50
JP Morgan Equity Income Fund Class I	107,824.82
JP Morgan Growth Advantage Fund Class I	82,484.31
Microsoft Corp	48,973.86
Nvidia Corp	1,066,370.10
Pacer US Cash Cows 100 ETF	86,001.60
Salesforce, Inc.	87,294.24
Selectquote Inc Com	23,761.80

VISA Inc Cl A	158,457.60
Walmart Inc	40,770.00
Zoetis Inc	65,206.61
Total US	2,871,395.97

Schedule 3:

Unlisted Securities- Alumni Ventures:

Year Invested:	Amount:	Current Valuation:	MOIC:
2019	100,000	102,057	1.42

Schedule 4 (real estate):

1. 1591 Ellis St., Unit 207, Concord CA $350,000
2. 1009 Lombard St., San Francisco $1,150,000
3. 1028 Lombard St. San Francisco $3,500,000
4. 97 Hares Tail Close, The Sea Ranch, CA $2,200,000

Schedule 5 (mortgages):

1. 97 Hares Tail Close, The Sea Ranch, CA owed to Ally Bank: $280,444 outstanding
2. 1028 Lombard Street, San Francisco, CA owed to Chase: $2,412,631.18 outstanding
3. 1009 Lombard St., San Francisco CA owed to Shellpoint: $588,698.88 outstanding

Schedule 6 (Pension Accounts):

1. Alumni Ventures:

Year Invested:	Amount:	Current Valuation:	MOIC:
2021	100,000	82,165	1.01
2023	100,000	84,321	1.00

2. Voya

Fund Number Investment Options	3 Mon	1 Yr	5 Yr	10 Yr	Fund Inception Date
Global Bond C994-The Hartford World Bond Fund Cl R6	3.82%	8.89%	0.31%	1.10%	05/31/2011

High Yield Bond 3733-Columbia High Yield Bond Fund I3	4.37%	13.80%	3.44%	3.96%	12/09/1983
Inflation-Protected Bond 7925-Vanguard Infl-Prt Securities Fd Adm	4.00%	8.94%	1.71%	1.63%	06/10/2005
Intermediate Core-Plus Bond 544 -PIMCO Total Return Fund Inst	5.08%	12.11%	-0.04%	1.35%	05/11/1987
Multisector Bond 3795-Pioneer Strategic Income Fund K	6.16%	14.81%	2.04%	2.53%	04/14/1999
Asset Allocation Lifecycle - Index 6999-Voya Index Solution 2025 Portfolio Z	5.52%	20.57%	6.35%	5.77%	03/04/2008
7005-Voya Index Solution 2030 Portfolio Z	5.85%	22.67%	7.35%	6.55%	10/03/2011
3205-Voya Index Solution 2035 Portfolio Z	6.07%	24.99%	8.29%	7.12%	03/04/2008
3206-Voya Index Solution 2040 Portfolio Z	6.21%	26.96%	9.53%	7.81%	10/03/2011
3207-Voya Index Solution 2045 Portfolio Z	6.36%	28.54%	10.23%	8.20%	03/04/2008
3208-Voya Index Solution 2050 Portfolio Z	6.36%	29.07%	10.27%	8.24%	10/03/2011
3209-Voya Index Solution 2055 Portfolio Z	6.39%	29.15%	10.37%	8.28%	03/08/2010
3214-Voya Index Solution 2060 Portfolio Z	6.36%	29.13%	10.44%	7.84%	02/09/2015
E474-Voya Index Solution 2065 Portfolio Z	6.38%	29.38%	11.05%	8.39%	07/29/2020
3215-Voya Index Solution Income Port Z	5.28%	16.96%	4.11%	3.93%	03/04/2008
Balanced Moderate Allocation 6615-Columbia Balanced Fund I3	4.12%	25.72%	9.92%	8.10%	09/12/1991
9256-VY TRowePrice Captl Apprec Pt R6	5.33%	21.51%	10.98%	10.24%	01/24/1989
Large Cap Value/Blend Large Blend 3496-ClrBrg Appreciation Fund IS	4.56%	30.70%	13.34%	11.55%	03/10/1970
9725-iShares S&P 500 Index Fund K	5.65%	35.18%	15.02%	12.44%	07/30/1993
Large Value C507-Hartford Dividend and Growth Fund R6	6.01%	26.02%	12.02%	10.35%	07/22/1996
C805-The Hartford Equity Income Fund R6	8.88%	21.78%	10.36%	9.24%	08/28/2003
Large Cap Growth Large Growth 3059-Franklin Growth Fund R6	3.62%	34.06%	13.81%	12.65%	01/02/2002
Small/Mid/Specialty Mid-Cap Blend 7873-iShares Russell Mid-Cap Idx Fund K	8.97%	28.26%	10.43%	8.95%	05/13/2015
Mid-Cap Growth 6381-AllSpg SMID Cp Gr	7.98%	29.69%	7.06%	9.15%	12/31/1987

Fd R6					
Mid-Cap Value 3311-Vanguard Mid-Cap Value Index Fnd Adm	11.76%	29.99%	9.88%	8.69%	08/17/2006
Small Blend 757 -Vanguard Small-Cap Index Fund Adm	8.81%	26.43%	9.78%	8.77%	11/13/2000
Small Growth 3497-ClrBrg Sm Cp Growth Fnd IS	4.87%	13.13%	6.09%	8.19%	07/01/1998
Small Value 2566-DFA U.S. Targeted Value Port Inst	7.55%	22.90%	13.12%	8.60%	02/23/2000
Specialty - Commodities Broad 3480-DFA Commodity Strategy Port Inst	0.42%	0.42%	6.43%	-0.61%	11/09/2010
Specialty - Real Estate 1999-Cohen & Steers Real Estate Secs Fd Z	16.05%	35.94%	5.86%	8.81%	07/15/1998
Global / International Foreign Large Blend E560-Hartford Schroders Intl Stock Fd SDR	6.17%	26.45%	10.21%	6.54%	12/20/1985
9889-Vanguard Total Intl Stk Index Fd Adm	7.80%	23.89%	6.88%	4.58%	04/29/1996
Foreign Large Value 8633-Vanguard International Value Fd Inv	8.18%	20.64%	7.03%	4.18%	05/16/1983
Foreign Small/Mid Growth D683-DFA Intl Small Cp Grw Portfolio Inst	8.53%	21.79%	5.64%	5.53%	12/20/2012
Global Large-Stock Blend 4713-Vanguard Glbl Min Volatility Fd Adm	5.94%	22.4%	N/A	N/A	12/12/2013
TOTAL VALUE:					687,162.82

3. Dhillon Law Group, Inc. Cash Balance Plan: 1,709,255.06
4. UBS IRA: 1,221,918.35

Fund Name	Current Value
Amazon.com	91,471.60
Apple Inc	47,466.00
Microsoft Corp	7,189.82
Salesforce, Inc	87,117.36
Walmart, Inc	41,902.50
First Trust Rising Divid Achievers ETF	61,139.89

Invesco QQQ Trust ETF	101,948.00
Ishares U.S. Consumer Staples ETF	107,372.88
Pacers US Cash Cows 100 ETF	92,157.82
Columbia Seligman Communications and Info Fund Class Institutional	71,149.89
JP Morgan Equity Income Fund	116,985.85
JP Morgan Growth Advantage Fund Class I	83,256.86
Transamerica Bond	256,816.16
First Trust Merger	122,759.78
Total	1,221,918.35

5. UBS Simplified Employee Pension: 65.22

22. Potential Conflicts of Interest:

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

I do not believe any family members of mine are likely to have relevant legal matters that might pose any conflict of interest. This said, it is possible that my current law firm, which I plan to sell to my brother (who is currently a partner in the firm) and the nonprofit Center for American Liberty, could have legal matters that come to the attention of the Civil Rights Division.

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

In any matter likely to pose a conflict of interest, I would flag the matter for my supervisors in the Department, and follow their guidance, which might include recusal, an ethical wall, or other ethical screen/separation.

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 devoted a substantial portion of my time (10-25% or more, so hundreds of hours a year) to pro bono work, including as a senior partner in supervising other attorneys' work and encouraging every attorney at my law firm to perform public service through pro bono work. During 2020-2021, the vast majority of my law firm's legal work involved representing citizens whose civil rights were impacted by COVID emergency orders, without any charge to the clients. Through the nonprofit I founded, the Center for American Liberty, I have raised over $15 million to fund pro bono legal services. I have served on the boards of several nonprofits, and I have personally handled several court-sponsored panel pro bono legal matters.

A. Domestic Violence Advocacy I started my domestic violence advocacy by training as a state-certified domestic violence advocate during law school, which required 40 hours of training. I began handling calls and giving advice after that. During my time at Shearman & Sterling I volunteered for a complex domestic violence case involving a Muslim woman who claimed abuse by her husband, who also refused to divorce her. Through my advocacy, I was able to obtain a divorce for her. I also have volunteered for domestic violence matters for several women in the San Francisco Bay Area. My work in this regard led me to serve on the board of a domestic violence nonprofit and shelter for several years, the Support Network for Battered Women, alongside a prosecutor, city attorney, and other legal volunteers.

B. Numerous Asylum Cases My first trial as an attorney was for an asylum seeker from Kashmir, India, in exclusion proceedings during my early years at Shearman & Sterling. This was a complex case involving torture, extrajudicial killing of family members, and "disappearing" the brother of the claimant. I obtained expert testimony from physicians at NYU and collected evidence from the home country. At trial, which I handled solo, I was able to prove my client's case and win his asylum and get him on his way to a new life in the US. I personally escorted my client from the detention facility to the airport where I bought him a plane ticket to fly to Florida to stay with his deceased mother's brother. He has built a family and life in Florida, where he still lives.

Other asylum cases I led at both Sidley Austin and Cooley Godward, included victims of religious discrimination from Tibet and Eritrea.

C. Four Victims of Sex Trafficking in Infamous Lakireddy Bali Reddy Case. While at Cooley Godward, in 2001 I led a group of women attorneys who helped four victims of Berkeley landlord and restauranteur Lakireddy Bali Reddy, who was accused of bringing dozens of poor young women from India to work as sex slaves for his immediate family and unpaid labor for his large landlord business. I volunteered for this case that came through Maitri, a South Asian domestic violence shelter and organization for which I was a panel volunteer. Some of these women had been witnesses in the criminal case against Reddy. We applied for sex trafficking visas for these women and had to prove up their case. We overcame hurdles including interpreter difficulty (Reddy was known to threaten the families of his victims back in Andhra Pradesh, India, and many area people from the subcontinent, including interpreters, were leery of getting involved.) The cases ended successfully with the victims being granted visas. Some of them went on to sue the Reddy family in civil court. As the names of most of them are not public, I will not name them here.

D. Judicial Panel Work. I have handled several matters as a volunteer pro bono attorney for the Northern District of California court referral program, and one for the 9th Circuit program. My cases included one case for the parents of a troubled young man who committed suicide while in custody for a drug offense, allegedly not properly supervised or given medical treatment after expressing suicidal ideation. We obtained compensation for the family. One 9th Circuit case involved a prisoner's rights case claiming substantive due process in denying him the right to take his legal papers with him to a court proceeding over dental malpractice. I did not prevail in that case, but it required substantial preparation and time, including oral argument.

E. *United States v. Pablo Fernandez*, Docket 96-1023 (2d Cir. 1997). In this matter, I worked closely on the criminal appeal of a defendant convicted of a single count of conspiracy to distribute narcotics, which was the fruit of an informant's solicitation of the offence. I volunteered as the associate on the matter at Shearman & Sterling, assisting former federal prosecutor Jeremy Epstein, my supervisor in the litigation department. I interviewed the client in prison and then researched and drafted the briefs, where my name appears (I had not yet qualified for admission to the 2d Circuit, so the brief designation is "of counsel."). The arguments included challenging the sufficiency of the evidence and the application of the sentencing guidelines, which were then mandatory and included certain challenged enhancements. The Second Circuit panel upheld the conviction.

F. Appointed Deputy District Attorney in Queens, NY. During my time at Shearman & Sterling in the mid 1990s, I volunteered for an appellate program whereby a private practice attorney could take on the defense of an appeal from a conviction. In my case I defended a traffic stop involving a broken taillight, that had led to the discovery of narcotics on the defendant, who claimed a Fourth Amendment violation. I briefed and defended the appeal before the Appellate Division of the court, and I successfully defended the appeal.

G. Religious Liberty Advocacy Related to 9/11. In the immediate aftermath of 9/11, after many Sikhs were attacked and even killed in vengeance for the Saudi Arabian terror attacks on our country, I led a group of Sikh Silicon Valley professionals from law, business, medicine, and finance to immediately implement a national educational and advocacy effort to inform our fellow Americans about Sikhism, our articles of faith, the distinct appearance of observant Sikhs, and more. This informal working group was called the "Sikh Communications Council." Members included Paul Grewal, who went on to become a federal magistrate judge. While my brother, a turbaned Sikh lawyer, was being called "Osama" at Candlestick Park and Sikh taxi drivers were being assaulted, we made it a priority to keep Sikhs and other Americans safe from this irrational and discriminatory violence. I spent hundreds of hours drafting legal memoranda and advocacy materials for publications, trainings for law enforcement, and more. This work let the American Civil Liberties Union of Northern California to invite me to join their board in 2002 after I appeared on a bar panel with James Brosnahan, prominent Bay Area civil rights and business attorney who was also advocating for religious minority communities at that time. The work of the Sikh Communications Council eventually was absorbed by newly formed Sikh civil rights organizations, including the Sikh Coalition. I have been a substantial donor to several Sikh civil rights and human rights organizations, including SALDEF, Sikh Coalition, and

ENSAAF.

H. Religious Liberty Advocacy more broadly. My law firm has represented religious discrimination plaintiffs and potential litigants on numerous occasions on a pro bono basis. Within the past year my colleagues, with my blessing, supervision and input at settlement, engaged in pre-litigation work resulting in two Sikhs being able to serve as Sheriff's deputies in California counties. We have also counseled and provided legal advice and advocacy to Jewish students facing discrimination on college campuses in 2023 and 2024.

I. Voting Rights/Integrity. I have served as a volunteer legal observer in many election cycles in California, including serving as a poll watcher and recruiting poll workers and poll watchers. I have also trained legal observers on poll watching and led teams of volunteer lawyers on how to assist voters legally. I have answered hotlines of voter calls and provided free guidance to them on various issues that arise during early and election day voting. I have trained hundreds of volunteer lawyers on election integrity, get out the vote, and election-day operations advocacy. Lawyers at my firm, with my guidance and support, have served as volunteer election observers in every one of the last several general election cycles, in multiple jurisdictions.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of San Francisco

Subscribed and sworn to (or affirmed) before me on this 27 day of January, 2025, by Harmeet Kaur Dhillon,
proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

JAMES FLEMING JR.
COMM. #2366482
NOTARY PUBLIC - CALIFORNIA
SAN FRANCISCO COUNTY
My Comm. Exp. July 20, 2025

(Seal) Signature

AFFIDAVIT

I, Harmeet Kaur Dhillon, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

1/27/2025
(DATE)

(NAME)

(NOTARY)

Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for Harmeet Dhillon
Nominee to be Assistant Attorney General for the Civil Rights Division
February 27, 2025

1. You have repeatedly questioned the outcome and legitimacy of the 2020 presidential election. Shortly after Election Day in 2020, you posted "STOP THE STEAL!" on Twitter and encouraged your followers to donate to President Trump's so-called election defense fund. Yet in a January 2023 *Politico* interview, you said, "I did not file a single one of the lawsuits or take them over after the election. You think as one of the leaders of the Republican National Lawyers Association, I wasn't asked?"

    a. Why did you repeatedly and publicly question the legitimacy of the 2020 election?

RESPONSE: As I stated at my hearing, voter integrity and confidence is critical to ensuring voter turnout in American elections. There were irregularities in the administration of the election in multiple states, which decreased voter confidence in the outcome of the election and which should not be repeated in the future.

    b. Why did you refuse to file a lawsuit or take over litigation after the 2020 election?

RESPONSE: I cannot answer this question without violating the attorney-client privilege.

In a *Fox Business* appearance on November 5, 2020, you said, "Meanwhile, we're waiting for the United States Supreme Court, of which the president has nominated three justices, to step in and do something. And hopefully Amy Coney Barrett will come through and pick it up."

    c. In discussing whether the Supreme Court would rule in favor of President Trump, why did you specify that he had appointed three justices?

RESPONSE: I stated a fact in order to provide better context for the viewing public.

    d. Why did you specifically invoke Justice Barrett? Do you believe she is more likely to rule in President Trump's favor because he nominated her?

RESPONSE: Justice Barrett was then the most recently appointed justice. I do not believe she is more likely to rule in President Trump's favor because he nominated her.

    e. Do you believe federal judges or Supreme Court justices should make decisions as political favors to the President who appointed them?

RESPONSE: No.

2. Your firm's clients currently include President Trump as an individual and the Trump 2024 presidential campaign. Your firm has reportedly received more than $8 million in legal fees from Trump's team. In the past, President Trump and his political operatives have asked both his personal attorneys and government officials to violate the law and their ethical obligations.

    a. Why should we trust you to place the Constitution and your professional obligations ahead of your personal loyalty to President Trump?

Response: As I stated at my hearing, if confirmed, I will start every analysis with the Constitution. The Department of Justice represents the United States and the American people. I have never experienced President Trump asking me or attorneys at my firm to violate the law or ethical obligations.

    b. If President Trump attempts to pressure you to engage in unethical or illegal conduct, will you tell him, "No"?

RESPONSE: I must respectfully reject your premise. As I stated at my hearing, I have represented President Trump for four years in numerous different cases, and I currently represent him as a private attorney. In all of those years, in multiple cases, in multiple jurisdictions, the President has never asked me to do anything that I found to be objectionable, immoral, unlawful, or illegal.

    c. If you are confirmed, do you commit to recusing yourself from all matters in which you previously represented President Trump?

RESPONSE: If confirmed, were any matter to come before me that might require my recusal, I would consult with the Department of Justice ethics officials and follow my ethical obligations.

3. In his first month in office, President Trump launched an unprecedented assault on the Department of Justice by firing dozens of career officials. The Trump DOJ reassigned the Civil Rights Division's appellate chief and her deputy, and President Trump also fired two Democratic Commissioners on the Equal Employment Opportunity Commission (EEOC)—the federal agency that administers and enforces civil rights laws against workplace discrimination.

    a. Did you play any role in the discussions or decisions surrounding efforts to remove or reassign career DOJ officials or EEOC commissioners?

RESPONSE: No.

    b. Are you aware of any current efforts to remove or reassign career civil servants in the Civil Rights Division?

RESPONSE: No.

4. As an undergraduate at Dartmouth College, you wrote articles and served as the editor-in-chief for a campus newspaper, *The Dartmouth Review*. During your tenure as editor-in-chief, you published an article comparing Dartmouth's Jewish university president to Adolf Hitler, and an accompanying cartoon, which pictured the president dressed as a Nazi.

   The Anti-Defamation League condemned the article and cartoon, stating that they "serve[d] to trivialize the Holocaust and the memory of those people brutally murdered by the Nazis." However, at the time, you denied that the article was antisemitic and defended its publication.

   a. Do you regret publishing this article?

RESPONSE: As I stated at my hearing, I understand the importance of standing up to defend the right to free speech, whether or not you agree with its subject matter.

   b. Do you believe it was appropriate to compare university administrators and their policies to Adolf Hitler and the Nazis?

RESPONSE: Please see my response to Question 4(a) above.

5. You retweeted a June 2022 criticism of Senator Cornyn and his Bipartisan Safer Communities Act that stated: "That bill is trash, and the fact that you're 'proud' of it is embarrassing." I strongly disagree with your suggestion that the bill was "trash." The legislation cracked down on straw purchases and gun trafficking, expanded background checks for buyers under age 21, and offered support for victims of gun violence.

   Why did you suggest that it was embarrassing for Senator Cornyn to be proud of his support for the Bipartisan Safer Communities Act?

RESPONSE: If confirmed, I will enforce the civil rights laws in accordance with the relevant facts and law to protect the civil rights of all Americans.

6. In an April 2024 speech you gave at the Wyoming State GOP Convention, you said that "[t]here's no such thing as gender, there's only biological sex that God created." In March 2023, you referred to "the two genders of kids."

   Your comments on sex and gender are wrong on the biological facts and wrong on the law. Just last week, a federal judge highlighted problems with President Trump's executive order that declared "'Sex' shall refer to an individual's immutable biological classification as either male or female." The judge noted how that executive order is premised on an assertion that is not biologically correct. There are also intersex individuals, for example.

   Your past comments on sex, gender, and transgender individuals are particularly concerning given that you have been nominated to lead the Civil Rights Division of the Department of Justice.

a. Do you acknowledge that intersex individuals exist? If so, why have your public comments ignored this fact?

RESPONSE: Yes. My public comments did not concern such individuals.

b. How can members of the transgender or intersex communities trust you to protect their civil rights?

RESPONSE: If confirmed, I will enforce the civil rights laws in accordance with the relevant facts and law to protect the civil rights of all Americans.

7. You have often presented yourself as a champion of the First Amendment, including freedom of speech and freedom of the press. You represented Simon Ateba, a Cameroonian journalist, in a case against the Biden White House. You alleged that the Biden White House's process for press credentials was unconstitutional and that the White House engaged in unconstitutional viewpoint discrimination.

   Recently, the Trump White House stopped the Associated Press from attending press events at the White House and Mar-a-Lago after the AP refused to call the Gulf of Mexico by President Trump's newly chosen name, the "Gulf of America." Last week, about 40 news organizations signed onto a letter urging the White House to reverse its policy against the AP. The organizations included outlets like *Fox News* and *Newsmax*. The AP has filed a lawsuit in response to the ban, alleging it violates the First Amendment.

   a. Do you believe that the Trump White House has violated the First Amendment by banning the Associated Press?

RESPONSE: I am not familiar with the facts surrounding the White House's decision.

b. If confirmed to lead the Civil Rights Division, will you defend the First Amendment rights of all Americans?

RESPONSE: Yes. As I stated at my hearing, I understand the importance of standing up to defend the right to free speech, whether or not you agree with its subject matter.

8. In a March 2020 *Daily Signal* podcast appearance, you stated that you believe in "traditional marriage." In a May 2022 *Capitol Weekly* podcast appearance, you dismissed concerns that the Supreme Court could move to overturn the right to same-sex marriage, saying, "I don't hear any conservatives talking about that issue."

   a. Do same-sex couples have the constitutional right to marry?

RESPONSE: The Supreme Court so held in *Obergefell v. Hodges*. *Obergefell* is binding precedent of the Supreme Court and is entitled to respect as such.

b. Will you commit to defending the right of same-sex couples to marry if you are confirmed to lead the Civil Rights Division?

RESPONSE: If confirmed, I will enforce the civil rights laws in accordance with the relevant facts and law to protect the civil rights of all Americans.

9. In September 2022 remarks you delivered at Hillsdale College's Constitution Day Celebration, you said the Department of Justice's role in elections is "very, very limited." In a written adaptation of those remarks, you also wrote that DOJ "has the power to administer the Voting Rights Act…But the era of Jim Crow is long gone, and it shouldn't be up to a politicized DOJ to dictate what election integrity looks like."

a. What role do you believe the Department of Justice and the Civil Rights Division should play in reviewing state laws and protecting voting rights?

RESPONSE: As I stated at my hearing, if confirmed, I will safeguard Americans' right to vote.

In 2022, you filed an amicus brief on behalf of the Republican National Committee in support of the state of Alabama in the Supreme Court case *Allen v. Milligan*. In that case, Alabama questioned the constitutionality of Section 2 of the Voting Rights Act, which prohibits states and localities from enacting laws or taking actions that have the effect of denying or abridging the right to vote on the basis of race. The Supreme Court, in an opinion by Chief Justice Roberts, rejected Alabama's arguments in a 2023 decision.

b. Is Section 2 of the Voting Rights Act constitutional? Please provide a "Yes" or "No" answer.

RESPONSE: As I stated at my hearing, if confirmed, I will enforce Section 2 of the Voting Rights Act in accordance with the relevant facts and law.

10. In June 2024 you publicly posted on social media: "The qualified immunity assumption is that cops, prosecutors, government officials and bureaucrats are acting in good faith, so let's give them the benefit of the doubt and make it hard to sue them. Well, we can no longer assume good faith. Time to update the rules."

Do you believe the doctrine of qualified immunity needs to be reconsidered or abolished?

RESPONSE: Qualified immunity determinations are very fact-specific. If confirmed, I look forward to meeting with other members of the Department to discuss this issue.

11. In a March 2013 interview with NPR, you expressed concerns with the 2013 reauthorization of the Violence Against Women Act (VAWA). In discussing domestic violence and VAWA, you questioned "whether there should a federal law over it," and stated that "there are certain aspects of that law that are troublesome."

In 2022, Congress reauthorized VAWA through 2027. I introduced that legislation alongside the late Senator Feinstein and two Republican Senators. When it passed into law, I noted the reauthorization bill represented the very best of Washington: a bipartisan coalition coming together to prove this country's commitment to protecting the most vulnerable.

Will you commit to supporting the next reauthorization of the Violence Against Women Act?

RESPONSE: It would be inappropriate to commit at this time to a position with respect to any proposed federal legislation or proposed reauthorization of federal legislation. If confirmed and called upon to provide my position on proposed legislation, I will do so only after careful consideration and consultation with appropriate officials within the Department of Justice.

12. You are the CEO of a nonprofit you founded in 2018, the Center for American Liberty (CAL). Public reporting has identified several ethics problems relating to the CAL's relationship with Dhillon Law Group. In 2020, Dhillon Law Group received over $800,000 in legal fees from CAL and was listed as its largest single contractor. In 2021, Dhillon Law Group received over $500,000 in fees from CAL, making it CAL's second highest-earning contractor.

    In addition to the millions of dollars in legal fees your nonprofit has paid to your law firm, CAL has also paid you an annual salary of $120,000. Tax filings initially indicated that you received this salary for a two-hour work week, although CAL's executive director claimed that those filings were incorrect and should have indicated you worked for CAL for 40 hours per week.

    a. **Did you work for the Center for American Liberty for 40 hours per week in 2021, on top of your legal practice and other activities?**

RESPONSE: Yes.

    b. **Do you recognize any ethical problem posed by your receiving a six-figure salary from this nonprofit organization in addition to the legal fees the organization pays to your law firm—particularly since your law firm's financial records are not public?**

RESPONSE: No.

13. You have criticized Justice Ketanji Brown Jackson, claiming in a March 2022 *New York Post* op-ed that her confirmation hearing testimony was "troubling to the point of being disqualifying."

    Do you still believe that Justice Jackson's testimony during her confirmation hearing disqualified her from serving on the Supreme Court?

RESPONSE: Justice Jackson has now been confirmed by the Senate. I would hope and expect that she would give a fair hearing to all of the cases coming before her, including those involving the Department of Justice, and that she would issue her decisions based upon the best reading of the law.

14. Reproductive freedom has been a divisive issue. Sadly, some people have moved past rhetoric and have made threats and committed violence against reproductive health clinics. Since 1977, there have been at least 11 murders, 42 bombings, 200 arson attacks, 531 assaults, and thousands of incidents of criminal activities directed at providers, patients, and volunteers at reproductive health clinics.

    In the years following the *Dobbs* decision, there has been an increase in incidents of violence and intimidation targeted at reproductive health clinics. In 2022, there was a 100 percent increase in arson attacks, a 231 percent increase in burglaries, a 229 percent increase in stalking incidents, and anthrax and bioterrorism threats against clinics for the first time in over a decade. This uptick in attacks disproportionately occurred in states that protect abortion access.

    a. Do you agree that violence, intimidation, and interference with the lawful exercise of rights has no place in American society?

RESPONSE: Yes.

    b. Will you commit to fully enforcing the civil rights laws of the United States and seeking to hold accountable those who violate these laws, including people who threaten, interfere with, or commit violence against others based on reproductive health care activity?

RESPONSE: If confirmed, I will enforce the civil rights laws in accordance with the relevant facts and law to protect the civil rights of all Americans.

    There are laws on the books to address these attacks. One such law, the Freedom of Access to Clinic Entrances Act, or the FACE Act, was passed in 1994 and prohibits injuring, intimidating, or interfering with a person because they are obtaining or providing reproductive health services. Similarly, the law prohibits property damage to reproductive health services facilities.

    In a Department of Justice memo issued on January 24, 2025, Chad Mizelle—the chief of staff to the Attorney General—directed federal prosecutors to limit enforcement of the FACE Act. According to the memo, future prosecutions and civil actions under the FACE Act will only be allowed under "extraordinary circumstances" or in cases involving "significant aggravating factors" such as "death, serious bodily harm, or serious property damage." Mizelle also wrote that, "until further notice, no new abortion-related FACE Act actions—criminal or civil—will be permitted without authorization from the Assistant Attorney General for the Civil Rights Division."

The memo instructed the Civil Rights Division to drop three pending actions that were filed after antiabortion activists had forced temporary evacuations of reproductive health clinics. In one case, an antiabortion activist had forced a temporary shutdown of a Philadelphia clinic after barricading himself inside the clinic's restroom. This antiabortion activist, who had previously been linked to 19 other incidents in clinics across the country, said that he would "do it again," according to court filings.

If confirmed to serve as Assistant Attorney General for the Civil Rights Division, you would set FACE Act enforcement priorities, which would be followed by U.S. Attorney's offices around the country.

c. Do you agree with Mr. Mizelle's memo's directive ordering decreased enforcement of the FACE Act?

RESPONSE: As I am not currently at the Department, I am not familiar with the details of the referenced memorandum.

d. Do you agree with the memo's directive to drop three FACE Act cases?

RESPONSE: Please see my response to Question 14(c) above.

e. Given the increase in violence and threats targeting reproductive health clinics in recent years, what criteria will you use to decide which acts are investigated and prosecuted under the FACE Act?

RESPONSE: The Department's investigative and prosecutorial decisions should be based on the facts, the applicable law and policies, the admissible evidence, and the Principles of Federal Prosecution (Justice Manual §9-27.000).

f. Will you commit to enforcing the FACE Act to protect reproductive health clinics and providers that provide abortion services in addition to clinics and providers that do not provide abortion services?

RESPONSE: Please see my response to Question 14(b) above.

15. The Department of Justice's Civil Rights Division has a long tradition of protecting the rights of all Americans, as it has the authority to enforce virtually every federal civil rights statute on the books. Unfortunately, the Civil Rights Division became a shell of its former self during President Trump's first term. An analysis of the first two years of the Trump Administration found that the Division investigated 60 percent fewer cases (including hate crimes, police bias, and disability rights cases) than during the same period of the Obama Administration, and 50 percent fewer than during the same period of the Bush Administration.

    Under Attorneys General Sessions and Barr, the Civil Rights Division was significantly restricted from using consent decrees, which give DOJ oversight of law enforcement

agencies that engage in a pattern or practice of civil rights violations. In the first days of the second Trump administration, DOJ froze civil rights litigation, and President Trump has revoked the executive order on "advancing effective, accountable policing, and criminal justice practices to enhance public trust and public safety" negotiated under the Biden Administration.

a. As Attorney General, how would you ensure that the Civil Rights Division is best positioned to fulfill its mission of upholding the civil rights of all Americans?

RESPONSE: If confirmed, I look forward to meeting with other members of the Department and discussing how the Civil Rights Division can most effectively carry out its mission to protect the civil rights of all Americans.

b. Will you commit to using all tools at the Justice Department's disposal to ensure that federal law enforcement is held to the highest standards of effective and constitutional policing with accountability and transparency?

RESPONSE: Yes.

16. In your Public Financial Disclosure Report (OGE Form 278e), you disclosed that you received compensation exceeding $5,000 from X Corp. as payment for content creation and that you received compensation exceeding $5,000 from X Corp. for legal services. You also listed content creation income of $43,531, which you described as "X Creator Revenue Sharing."

a. What legal services did you perform for X Corp.?

RESPONSE: I cannot answer this question without violating the attorney-client privilege.

b. Did you or do you perceive any conflict of interest between your legal services for X Corp. and X Corp.'s payments to you for content creation?

RESPONSE: No.

17. A staffer with the so-called Department of Government Efficiency, Marko Elez, publicly posted multiple racist statements, including "Normalize Indian hate," "I just want a eugenic immigration policy, is that too much to ask," and "Just for the record, I was racist before it was cool."

a. Do you condemn these statements?

RESPONSE: Racial discrimination is morally wrong and illegal under the civil rights laws. However, I am not familiar with the statements to which this question refers.

b. If you are confirmed, would you hire or retain anyone in the Civil Rights Division who you knew had made racist statements similar to those listed above?

RESPONSE: Please see my response to Question 17(a) above.

Vice President Vance supported rehiring Elez after Elez resigned following public reporting on his racist posts. When asked about the matter, President Trump said, "I'm with the Vice President."

c. Do you agree with President Trump, Vice President Vance, and the decision to rehire Elez?

RESPONSE: Please see my response to Question 17(a) above.

d. Are there any racist statements that you believe are disqualifying for an individual seeking to serve in the Civil Rights Division?

RESPONSE: Please see my response to Question 17(a) above.

18. In a July 2024 appearance on *India Today Global*, you said that "many" undocumented people who have entered the United States are "the worst criminals" and "degenerates." The Civil Rights Division is responsible for safeguarding the civil and constitutional rights of all people in the United States. Among those people are undocumented children, who have rights to protection from discrimination and harassment on the basis of national origin, as well as a constitutional right to public education regardless of their immigration status under *Plyler v. Doe*, 457 U.S. 202 (1982).

a. How would you safeguard these rights in light of immigration enforcement actions being taken in sensitive locations like schools, which, under longstanding policy recently rescinded by the Trump Administration, had generally been exempt from such enforcement operations absent real public safety reasons?

RESPONSE: As I am not currently at the Department, I am not familiar with the details of the policies referred to in this question. If confirmed, I look forward to meeting with other members of the Department and discussing how the Civil Rights Division can most effectively carry out its mission to enforce the civil rights laws.

There are already widespread reports that children are now afraid to go to school and parents are afraid to send their children to school, as well as reports of increased harassment of children because of their national origin.

b. How will you address the effect these new enforcement practices are having on the safety and rights of undocumented children?

RESPONSE: Please see my response to Question 18(a) above.

Nomination of Harmeet Dhillon
To be Assistant Attorney General of the Civil Rights Division
United States Department of Justice
Questions for the Record
Submitted February 27, 2025

QUESTIONS FROM SENATOR WHITEHOUSE

Please answer each question individually and as specifically as possible.

1. You spread misinformation about the 2020 election and conspiracies about voter fraud and brought litigation that would make it more difficult for people to vote. How does that activity square with the Civil Rights Division's traditional role to protect voting rights?

RESPONSE: As I stated at my hearing, voter integrity and confidence is critical to ensuring voter turnout in American elections.

2. There is a freeze on civil rights litigation at the Department of Justice. If you are confirmed, will you pursue litigation to protect civil rights of all Americans?

RESPONSE: If confirmed, I will enforce the civil rights laws in accordance with the relevant facts and law to protect the civil rights of all Americans.

3. The Civil Rights Division is responsible for enforcing the Freedom of Access to Clinic Entrances Act. Will you commit to uniformly enforcing the FACE Act, including for patients seeking access to reproductive health care facilities?

RESPONSE: Please see my response to Question 2 above.

4. Was the U.S. Capitol attacked by a violent mob on January 6, 2021?

RESPONSE: It is not appropriate to describe the events of that day in the way this question is framed.

5. Were violent rioters who were convicted of criminal activity on January 6 political prisoners?

RESPONSE: Please see my response to Question 4 above.

6. After the 2020 presidential election, you Tweeted "STOP THE STEAL!" Why?

RESPONSE: Please see my response to Question 1 above.

7. Did Joe Biden win the 2020 presidential election?

RESPONSE: Former President Joseph Biden was sworn in as our 46th President on January 20, 2021.

8. If Donald Trump asks you to do something illegal, will you do it?

RESPONSE: I must respectfully reject your premise. As I stated at my hearing, I have represented President Trump for four years in numerous different cases, and I currently represent him as a private attorney. In all of those years, in multiple cases, in multiple jurisdictions, the President has never asked me to do anything that I found to be objectionable, immoral, unlawful, or illegal.

9. If Donald Trump asks you to investigate and sue his political enemies as retribution, even when there is no evidence of wrongdoing, will you do it?

RESPONSE: Please see my response to Question 8 above.

10. If Donald Trump asks you to forgo investigating his political allies, even when there is clear evidence of a civil rights violation, will you forgo the investigation and prosecution?

RESPONSE: Please see my response to Question 8 above.

Senate Judiciary Committee
Hearing on the Nomination of Harmeet Dhillon
to be Assistant Attorney General for the Civil Rights Division
February 26, 2025
Questions for the Record
Senator Amy Klobuchar

1. I am very concerned about the rise in hate crimes, including against members of both the Muslim and Jewish communities following the Hamas terrorist attack in Israel. Unfortunately, we have seen thousands of hate crimes motivated by antisemitism and anti-Muslim bias over the last decade, including at the Dar Al-Farooq Islamic Center in my home state of Minnesota, which was the target of a bombing in 2017.

    - Do you agree that prosecuting hate crimes should be a priority for the Civil Rights Division?

    RESPONSE: Yes.

    - Under your leadership how will the Civil Rights Division work with state and local law enforcement to combat crimes against every community that is victimized by hate crimes, including the Muslim and Jewish communities?

    RESPONSE: As I stated at my hearing, antisemitism and other religious discrimination is a problem in the United States. If confirmed, I look forward to meeting with other members of the Department and discussing how the Civil Rights Division can most effectively carry out its mission to protect the civil rights of all Americans.

2. I worked to support survivors of trafficking and provide resources to federal, state, and local law enforcement officials on the front lines. The Civil Rights Division combats human trafficking through the Human Trafficking Prosecution Unit.

    - How can we work together to strengthen our ability to combat human trafficking?

    RESPONSE: As I stated at my hearing, I have stood up for the rights of the defenseless throughout my legal career. If confirmed, I welcome the chance to work with the Committee on this important issue.

3. We should be doing everything we can to foster the right to vote, which lies at the foundation of our democracy. My state has a tradition of same-day registration, which has helped our high turnout rates.

    - What are your views on voter registration, and on other measures intended to help citizens exercise their constitutional right to vote?

RESPONSE: As I stated at my hearing, voter integrity and confidence is critical to ensuring voter turnout in American elections. As I also stated at my hearing, if confirmed, I will safeguard Americans' right to vote.

4. At her nominations hearing, Attorney General Bondi committed to enforce the *Freedom of Access to Clinic Entrances* ("FACE") *Act*, which protects patients, providers, and facilities that provide reproductive health services. Yet, days after her hearing, President Trump pardoned 23 people who were convicted of violating the *FACE Act*.

   The Acting Associate Attorney General has also issued a memorandum limiting enforcement of the *FACE Act*. Under this order, you will have the sole authority to direct enforcement of this law.

   - Will you commit to vigorous enforcement of the *FACE Act* to protect facilities and providers of reproductive healthcare services, including but not limited to abortion services?

   RESPONSE: If confirmed, I will enforce the civil rights laws in accordance with the relevant facts and law to protect the civil rights of all Americans.

5. You were co-chair of "Lawyers for Trump." You and this group advocated for President Trump's efforts to overturn the 2020 election. Project 2025 has written that the Justice Department should use federal civil rights laws to prosecute state election officials who, in 2020, ensured access to the ballot box, based on election officials' interpretation of state election laws.

   - If you are confirmed, will you commit to not using laws enforced by the Civil Rights Division to relitigate the 2020 election, including by investigating election officials in states which certified President Biden's electoral victory in 2020?

   RESPONSE: Former President Joseph Biden was sworn in as our 46th President on January 20, 2021. As I stated at my hearing, voter integrity and confidence is critical to ensuring voter turnout in American elections. As I also stated at my hearing, if confirmed, I will safeguard Americans' right to vote.

Nomination of Harmeet Dhillon to be Assistant Attorney General for the Civil Rights Division of the U.S. Department of Justice
Questions for the Record
Submitted February 27, 2025

QUESTIONS FROM SENATOR COONS

1. Who does the U.S. Department of Justice Civil Rights Division work for?

RESPONSE: The United States and the American people.

2. In a memo issued to Department of Justice personnel on her first day in office, Attorney General Bondi referred to the Department's attorneys as the President's lawyers.

    a. Do you agree with that characterization of Department of Justice attorneys?

RESPONSE: Please see my response to Question 1 above.

    b. If confirmed, would you consider yourself President Trump's lawyer?

RESPONSE: Please see my response to Question 1 above.

3. If President Trump asked you to do something you judged to be illegal or unethical, would you resign? Please answer yes or no.

RESPONSE: I must respectfully reject your premise. As I stated at my hearing, I have represented President Trump for four years in numerous different cases, and I currently represent him as a private attorney. In all of those years, in multiple cases, in multiple jurisdictions, the President has never asked me to do anything that I found to be objectionable, immoral, unlawful, or illegal.

    a. If you would not resign, what would you do?

RESPONSE: Please see my response to Question 3 above.

4. As a Justice Department lawyer, when is it appropriate to refuse to follow a directive of the President?

RESPONSE: Justice Department lawyers should always uphold their oaths to support and defend the Constitution, and act in accordance with applicable laws, regulations, and Department policies.

5. How would you respond if your role at the Department of Justice required you to follow a policy directive that was unconstitutional?

RESPONSE: Please see my response to Question 3 above.

6. When is it appropriate for the Department of Justice to decide not to defend a federal law?

RESPONSE: While I have not had occasion to consider the issue in depth, it is my understanding that 28 U.S.C. § 530D applies to situations in which the Department determines not to defend unconstitutional federal laws.

7. What is the remedy if the President violates his constitutional duty to faithfully execute the laws?

RESPONSE: In my career as an attorney in private practice, I have not had occasion to consider this issue.

8. What, in your view, are the circumstances when it is appropriate for the President or another White House official to contact the Department of Justice or the FBI with instructions on how to conduct an ongoing criminal investigation?

RESPONSE: It is my understanding that Attorneys General have issued memoranda governing Department officials' contacts with the White House. If confirmed, I would comply with any applicable memoranda from the Attorneys General, as well as all applicable laws and the Constitution.

a. What factors or criteria would you examine to determine if contacts were appropriate?

RESPONSE: Please see my response to Question 8 above.

b. What would you do if there were inappropriate communications between the White House and the Department of Justice regarding an investigation?

RESPONSE: Please see my response to Question 8 above.

c. Is it ever appropriate for the President or another White House official to contact the Department of Justice or the FBI to recommend or request that they open a new investigation?

RESPONSE: Please see my response to Question 8 above.

d. Is it ever appropriate for the President or another White House official to contact the Department of Justice or the FBI to recommend or request suspending or closing an ongoing investigation?

RESPONSE: Please see my response to Question 8 above.

e. Is it ever appropriate for the President or another White House official to ask the Department of Justice or the FBI about an ongoing investigation that potentially implicates the President and/or other White House officials?

RESPONSE: Please see my response to Question 8 above.

f. Does the President have the authority to order the FBI to initiate an investigation into a specific individual?

RESPONSE: The President is bound by the terms of his oath, the Constitution, and applicable law.

9. Do you believe that various forms of discrimination exist, and that it is the Civil Rights Division's job to enforce violations of the *Civil Rights Act*?

RESPONSE: Yes, although great progress has been made in this regard. If confirmed, I will enforce the civil rights laws in accordance with the relevant facts and law to protect the civil rights of all Americans.

10. Which laws does the Civil Rights Division enforce?

RESPONSE: The Civil Rights Division enforces a number of civil rights laws, including the Civil Rights Act of 1964, the Civil Rights Act of 1957, the Civil Rights Act of 1960, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, the Equal Educational Opportunities Act of 1974, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act, the Pregnant Workers Fairness Act, the Fair Housing Act, the Equal Credit Opportunity Act, the Religious Land Use and Institutionalized Persons Act, the housing subpart of the Violence Against Women Act, the Service Members Civil Relief Act, the Uniformed Services Employment and Reemployment Rights Act, the Violent Crime Control and Law Enforcement Act of 1994, the Civil Rights of Institutionalized Persons Act, the Freedom of Access to Clinic Entrances Act, the Omnibus Crime Control and Safe Streets Act, the Voting Rights Act of 1965, the Voting Accessibility for the Elderly and Handicapped Act of 1984, the Uniformed and Overseas Citizens Absentee Voting Act of 1986, the National Voter Registration Act of 1993, the Help America Vote Act of 2002, and the employment discrimination provisions of the Immigration and Nationality Act.

11. What is your general approach to deciding how to focus prosecutorial resources?

RESPONSE: If confirmed, I look forward to meeting with other members of the Department and discussing how the Civil Rights Division can most effectively carry out its mission to protect the civil rights of all Americans.

12. In your opinion, what are the five most important civil rights decisions issued by the United States Supreme Court?

RESPONSE: *Brown v. Board* and other binding precedent of the Supreme Court is entitled to respect as such.

13. What was the holding of the Supreme Court's decision in *Bostock v. Clayton County*, 590 U.S. 644 (2020)?

RESPONSE: *Bostock* held that Title VII prohibits discrimination based on sexual orientation and gender identity.

a. Will you enforce Title VII of the *Civil Rights Act* as it applies to discrimination against transgender people the same way you would as it applies to discrimination against people on the basis of race?

RESPONSE: If confirmed, I will enforce the civil rights laws in accordance with the relevant facts and law to protect the civil rights of all Americans.

b. Do you believe that transgender students should be able to access sex-segregated facilities in accordance with their gender identity?

RESPONSE: No. As I stated at my hearing, dignity in women's private spaces is being sacrificed on the altar of political correctness. I do believe all individuals are entitled to privacy and dignity.

14. Are state and local governments required to accommodate government workers who state a religious or moral objection to serving individuals of a certain race or sexual orientation?

RESPONSE: The Constitution and federal statutes determine the scope of religious and moral objections to the application of federal civil rights laws. If confirmed, I will enforce the civil rights laws in accordance with the relevant facts and law to protect the civil rights of all Americans.

15. Are state and local government officials obligated to comply with federal civil rights laws even when doing so would conflict with their religious or moral beliefs?

RESPONSE: Please see my response to Question 14 above.

16. Anti-Semitic and anti-Islamic hate crimes and incidents have risen sharply in the wake of Hamas' 2023 attacks in Israel. How would you work to mitigate these threats, and what resources do you need from Congress to bolster this work?

RESPONSE: As I stated at my hearing, antisemitism and other religious discrimination is a problem in the United States. If confirmed, I look forward to meeting with other members of the Department and discussing how the Civil Rights Division can most effectively carry out its mission to protect the civil rights of all Americans.

a. What specific steps will you take to enhance coordination and training between local law enforcement and FBI branches to recognize, report, and respond to hate crimes?

RESPONSE: As I am not currently at the Department, I have not had occasion to study this issue in detail. If confirmed, I would welcome the opportunity to meet with the FBI and other appropriate law enforcement officials to combat hate crimes.

17. Experts agree that the FBI's hate crimes data is an undercount due to consistently low reporting rates from state and local law enforcement agencies to the FBI.

    a. Do you support a mandate or some other mechanism to require reporting?

RESPONSE: As I am not currently at the Department, I have not had occasion to study this issue in detail. If confirmed, I will, in good faith, meet with the staff and familiarize myself with this issue.

18. If you are confirmed, what will be your strategy to make sure that all witnesses and victims feel safe in reporting hate crimes and other crimes that the FBI investigates?

RESPONSE: As I am not currently at the Department, I have not had occasion to study this issue in detail. If confirmed, I would welcome the opportunity to meet with appropriate Department and FBI officials and discuss what steps the Department can take to ensure that witnesses and victims feel safe in reporting crimes.

19. If confirmed, what procedures would you put in place to avoid politicization of the Civil Rights Division and ensure consultation with career attorneys?

RESPONSE: The Department's investigative and prosecutorial decisions should be based on the facts, the applicable law and policies, the admissible evidence, and the Principles of Federal Prosecution (Justice Manual §9-27.000).

20. In June 2023, you reposted on Twitter a criticism of the *Bipartisan Safer Communities Act* and Senator Cornyn's advocacy of the bill in particular, stating: "That bill is trash, and the fact that you're 'proud' of it is embarrassing."

    a. Do you think the *Bipartisan Safer Communities Act* is "trash"?

RESPONSE: If confirmed, I will enforce the civil rights laws in accordance with the relevant facts and law to protect the civil rights of all Americans.

    b. Why?

RESPONSE: Please see my response to Question 20(a) above.

21. Evidence shows that solitary confinement has significant mental health consequences when used for extended periods of time. Do you believe solitary confinement should only be used as a last resort?

RESPONSE: I am not familiar with the evidence to which this question refers. If confirmed, I look forward to meeting with other members of the Department to discuss this issue.

a. Do you believe solitary confinement should ever be used for juveniles?

RESPONSE: I have not had occasion to study this particular issue. If confirmed, I look forward to meeting with other members of the Department to discuss this issue.

22. Individuals are being jailed throughout the country when they are unable to pay a variety of court fines and fees. There is often little or no attempt to learn whether these individuals can afford to pay the imposed fines and fees or to work out alternatives to incarceration.

a. Under your leadership, would the Department of Justice work to end this practice?

RESPONSE: If confirmed, I look forward to meeting with other members of the Department to discuss this issue.

b. What is your position on the practice of imposing unaffordable money bail, which results in the pretrial incarceration of the poor who cannot afford to pay?

RESPONSE: Please see my response to Question 22(a) above.

c. Should parents pay the cost of housing their child if that child has been detained in a juvenile detention facility?

RESPONSE: Please see my response to Question 22(a) above.

Senator Richard Blumenthal
Post-Hearing Questions for the Record
Submitted to Harmeet Dhillon

Nomination of Harmeet Dhillon to be Assistant Attorney General, Civil Rights Division
Department of Justice
Thursday, February 27, 2025

1. During a January 7, 2021, appearance on *The Ingraham Angle*, you said in regards to January 6 rioters, "…every single criminal who destroyed property and trespassed and threatened our legislators doing their sacred duty should be punished…" The President has now gifted them "full, complete, and unconditional" pardons.

    a. Do you support the full and unconditional pardons of individuals who assaulted law enforcement officers on January 6?

RESPONSE: The pardon power belongs to the President, and it is inappropriate for me to comment on those decisions.

2. DOJ's Civil Rights Division was created to enforce federal laws protecting the right to vote, including the Voting Rights Act. If confirmed as head of the Civil Rights Division, you will be one of the primary authorities deciding which voting rights cases the DOJ pursues and the position the DOJ will take when it participates.

    a. Do you believe the Department of Justice has a duty to enforce federal protections for the right to vote, including through civil enforcement against states and localities?

RESPONSE: As I stated at my hearing, if confirmed, I will safeguard Americans' right to vote.

    b. Do you believe Section 2 of the Voting Rights Act, which prohibits states and localities from enacting laws or taking actions that have the effect of denying or abridging the right to vote on the basis of race, is constitutional?

RESPONSE: As I stated at my hearing, if confirmed, I will enforce Section 2 of the Voting Rights Act in accordance with the relevant facts and law.

3. An independent Department of Justice is a pillar of our nation and essential to the rule of law. You have a deep personal relationship and loyalty to the President. Your law firm, Dhillon Law Group, represented the President as an individual, and also represented his 2024 campaign.

    a. If confirmed, will you commit to putting the Constitution and rule of law above the desires of President Trump?

RESPONSE: Yes.

b. If confirmed, will you commit to recuse yourself from all matters connected to your prior representation of the President?

RESPONSE: If confirmed, were any matter to come before me that might require my recusal, I would consult with the Department of Justice ethics officials and follow my ethical obligations.

4. President Trump's executive order entitled "Ending Illegal Discrimination and Restoring Merit-Based Opportunity" does not say what DEI is or what kinds of programs President Trump's thinks are illegal. Private companies, nonprofits, schools and universities, and foundations don't know what they need to do to comply.

a. Is employer participation in a job fair to hire veterans illegal DEI?

RESPONSE: As I stated at my hearing, the use of racial quotas to deny people equal access to employment or education is illegal.

b. Is a voluntary affinity group after school where black students gather illegal DEI?

RESPONSE: Please see my response to Question 4(a) above.

c. Is the offering of a scholarship, by a foundation, to female students who can trace their lineage to participation in the American Revolution illegal DEI?

RESPONSE: Please see my response to Question 4(a) above.

5. The COVID-19 Hate Crimes Act was signed into law in 2021. This landmark law included the Jabara-Heyer NO HATE Act, which created three grant programs to combat hate crimes. As the head of the Civil Rights Division, you would be responsible for combating hate-motivated violence and ensuring equal protection under the law.

a. If confirmed, how will you prepare the Department to solicit and disburse these Jabara-Heyer NO HATE grants once funding becomes available?

RESPONSE: As I am not currently at the Department, I am not familiar with the details of the Jabara-Heyer NO HATE grants. If confirmed, I will, in good faith, meet with the staff and familiarize myself with these matters.

b. If confirmed, how will you ensure hate-crimes are thoroughly investigated, particularly given the recent mass firings of FBI staff by the administration?

RESPONSE: Acts of racially or ethnically motivated violence should be appropriately investigated and prosecuted. If confirmed, I look forward to meeting with other members of the

Department and discussing how the Civil Rights Division can most effectively carry out its mission to protect the civil rights of all Americans.

6. The Freedom of Access to Clinic Entrances (FACE) Act shields people seeking to access and provide reproductive healthcare from violence, obstruction, and threats. Its protection is essential—since 1977, there have been at least 11 murders, 42 bombings, 200 arsons, and 531 assaults directed at reproductive healthcare providers, patients, and volunteers.

    a. If confirmed, will you commit to continuing to enforce the FACE Act to address violence and threats against those seeking to access or provide reproductive healthcare?

RESPONSE: If confirmed, I will enforce the civil rights laws in accordance with the relevant facts and law to protect the civil rights of all Americans.

        i. Will you commit to enforcing the FACE Act to protect both facilities that provide abortions and those that do not?

RESPONSE: Please see my response to Question 6(a) above.

    b. Please describe your criteria for determining which instances will be investigated and prosecuted.

RESPONSE: Please see my response to Question 6(a) above.

Senator Mazie K. Hirono
Senate Judiciary Committee

Nominations Hearing | February 26, 2025
Questions for the Record for Harmeet Dhillon

1. **Did Donald Trump lose the 2020 presidential election?**

RESPONSE: Former President Joseph Biden was sworn in as our 46th President on January 20, 2021.

2. **If confirmed as Assistant Attorney General and facing a conflict between your duties to the Constitution and a request from the President, how will you resolve that conflict?**

RESPONSE: As I stated at my hearing, if confirmed, I will start every analysis with the Constitution.

   a. **If President Trump ever directs, asks, or implies that you should take an action that is unconstitutional, would you do it?**

RESPONSE: I must respectfully reject your premise. As I stated at my hearing, I have represented President Trump for four years in numerous different cases, and I currently represent him as a private attorney. In all of those years, in multiple cases, in multiple jurisdictions, the President has never asked me to do anything that I found to be objectionable, immoral, unlawful, or illegal.

3. **If a President takes executive action, and a court later rules that action is unconstitutional, is it ever permissible for a President to disregard the court's order? If your answer is yes, please explain in what circumstances you believe the President is permitted to take an action despite the court having ruled that action unconstitutional.**

RESPONSE: The President is bound by the terms of his oath, the Constitution, and applicable law. He must abide by all lawful court orders that apply to him.

4. **Do you accept that the purpose of the Voting Rights Section of the Civil Rights Division is to uphold federal voting rights protections?**

RESPONSE: The Voting Rights Section enforces the civil provisions of federal laws that protect the right to vote, including the Voting Rights Act, the Uniformed and Overseas Citizens Absentee Voting Act, the National Voter Registration Act, and the Help America Vote Act.

5. **What is the purpose of Section 2 of the Voting Rights Act?**

RESPONSE: The Supreme Court recently held in *Brnovich v. DNC* that "Section 2 of the Voting Rights Act provides vital protection against discriminatory voting rules." *Brnovich* is binding precedent of the Supreme Court entitled to respect as such.

6. **Is Section 2 of the Voting Rights Act constitutional?**

RESPONSE: As I stated at my hearing, if confirmed, I will enforce Section 2 of the Voting Rights Act in accordance with the relevant facts and law.

7. **If confirmed as Assistant Attorney General, do you intend to enforce Section 2 of the Voting Rights Act?**

RESPONSE: As I stated at my hearing, if confirmed, I will safeguard Americans' right to vote.

   a. **If yes, what factors will you use to determine if a local election law violates Section 2? What is your legal basis for relying on these factors?**

RESPONSE: The Department's investigative and prosecutorial decisions should be based on the facts, the applicable law and policies, the admissible evidence, and the Principles of Federal Prosecution (Justice Manual §9-27.000).

   b. **In your legal opinion, if an election law has a discriminatory impact, even if there is no evidence of obvious discriminatory intent, does it violate Section 2? If not, why not?**

RESPONSE: As I stated at my hearing, Section 2 of the Voting Rights Act requires actual discrimination or discriminatory intent, which can be proven in many ways.

8. **If confirmed as Assistant Attorney General, will you investigate, evaluate, and review state laws that tend to hinder voter turnout in order to determine if they are, in fact, discriminatory?**

RESPONSE: Please see my response to Question 7 above.

   a. **If you will conduct such an investigation, evaluation, and review, will you bring Section 2 claims under the Voting Rights Act for any state laws that are determined to have a discriminatory impact or purpose?**

RESPONSE: Please see my response to Question 7, Question 7(a), and Question 7(b) above.

   b. **If you will not conduct such an investigation, evaluation, and review, why not?**

RESPONSE: Please see my response to Question 7, Question 7(a), and Question 7(b) above.

9. If confirmed as Assistant Attorney General, do you intend to use your role as head of the Civil Rights Division to overturn Section 2 of the Voting Rights Act?

RESPONSE: As I stated at my hearing, if confirmed, I will safeguard Americans' right to vote. While I have not had occasion to consider the issue in depth, it is my understanding that 28 U.S.C. § 530D applies to situations in which the Department determines not to defend unconstitutional federal laws.

10. If confirmed as Assistant Attorney General, will you work with congress to provide technical assistance on how to re-draft portions of the Voting Rights Act that have been struck down or undermined by the Supreme Court, including Section 4(b)? If not, why not?

RESPONSE: It would be inappropriate to commit at this time to a position with respect to any proposed federal legislation. If confirmed and called upon to provide my position on proposed legislation, I will do so only after careful consideration and consultation with appropriate officials within the Department of Justice.

a. Would Section 4(b) of the Voting Rights Act be constitutional if congress adopts an updated preclearance formula?

RESPONSE: Please see my response to Question 10 above.

11. Is there a constitutional right to interstate travel?

RESPONSE: *United States v. Guest* held that there is a constitutional right to interstate travel. *Guest* is binding precedent of the Supreme Court entitled to respect as such.

12. The Freedom of Access to Clinic Entrances Act, or the FACE Act, prohibits injuring, intimidating, or interfering with a person because they are obtaining or providing reproductive health care services. Similarly, the law prohibits property damage to reproductive health services facilities. **If confirmed as Assistant Attorney General, will you enforce the FACE Act against persons who threaten, interfere with, or commit violence against others based on their reproductive health care activity?**

RESPONSE: If confirmed, I will enforce the civil rights laws in accordance with the relevant facts and law to protect the civil rights of all Americans.

13. If confirmed as Assistant Attorney General, will you prosecute hate crimes committed against *all* victims based on their race, religion, sexual orientation, gender identity, or other protected characteristics provided in law?

RESPONSE: Yes. The Department's investigative and prosecutorial decisions should be based on the facts, the applicable law and policies, the admissible evidence, and the Principles of Federal Prosecution (Justice Manual §9-27.000).

14. On January 29, 2024, you tweeted, "I'm fired up about protecting America's children from predatory adults pushing trans lies – you cannot change your sex." [https://twitter.com/pnjaban/status/1752100858719072377] **Despite your apparent belief that transgender people do not exist, do you acknowledge that transgender people have the same civil rights protections as everyone else?**

RESPONSE: Please see my response to Question 12 above.

15. If confirmed, will you adhere to the Supreme Court's holding in *Bostock v. Clayton County*, 590 U.S. 644 (2020)?

RESPONSE: *Bostock* is binding precedent of the Supreme Court entitled to respect as such.

16. Under existing law, do transgender persons enjoy the same protection against discrimination in employment based on sex as all other persons? If your answer to this question is anything other than "Yes," please explain your view of the differences between the protection against discrimination in employment on the basis of sex enjoyed by transgender persons and all other persons.

RESPONSE: *Bostock* held that Title VII prohibits discrimination based on sexual orientation and gender identity.

Nomination of Harmeet Dhillon to be Assistant Attorney General
of the Civil Rights Division of the U.S. Department of Justice
Questions for the Record
Submitted February 27, 2025

QUESTIONS FROM SENATOR CORY A. BOOKER

1. The Department of Justice's Civil Rights Division serves an essential role in enforcing federal laws that protect individuals from discrimination based on race, color, national origin, disability, sex (including pregnancy, sexual orientation, and gender identity), religion, and familial status.

    a. If you are confirmed as Assistant Attorney General (AAG) for the Civil Rights Division, do you commit to protecting the rights of all Americans, even those whose political positions, lifestyles, identities, or beliefs you personally disagree with?

RESPONSE: Yes.

    b. In your view, how critical are the Civil Rights Division's efforts in combating discrimination and upholding constitutional rights?

RESPONSE: Absolutely critical. As I stated at my hearing, each of the Civil Rights Division's eleven sections is charged with an important duty under the Constitution and the civil rights statutes.

    c. Are there particular initiatives or enforcement priorities that the Civil Rights Division has undertaken that you hope to further develop if confirmed?

RESPONSE: As I am not currently at the Department, I am not familiar with the details of the Division's current initiatives and enforcement priorities. If confirmed, I will, in good faith, meet with the staff and familiarize myself with these matters.

    d. How will you support and further develop the Civil Rights Division's important work if confirmed?

RESPONSE: Please see my response to Question 1(c) above.

2. In your opinion, is political affiliation alone, without other evidence of wrongdoing, misconduct, or unsatisfactory job performance, appropriate grounds for the demotion, reassignment, or termination of Civil Rights Division personnel?

RESPONSE: As I stated at my hearing, it is my general practice not to react against people based solely on their political views.

a. If you are confirmed as Assistant Attorney General, will you reverse the demotion, reassignment, or termination of any DOJ personnel made under such circumstances since President Trump's inauguration?

RESPONSE: As I am not currently at the Department, I am not privy to any personnel actions that may have been taken and, therefore, I am unable to commit to any particular action.

b. If you are confirmed as Assistant Attorney General, will you reverse the demotion, reassignment, or termination of any DOJ personnel for political affiliation if you learn that this was the sole basis for the demotion, reassignment, or termination?

RESPONSE: Please see my responses to Question 2 and Question 2(a) above.

3. According to public reporting,[1] at least four Civil Rights Division senior career officials have been forcibly reassigned to the "Sanctuary Cities Working Group."[2]

a. Who was involved in the decision to reassign these officials? Please provide the names of the individuals involved.

RESPONSE: As I am not currently at the Department, I am not privy to any personnel actions that may have been taken.

b. Has anyone within DOJ ever spoken to you about, or mentioned, these forced reassignments? If yes, please provide the names of the individuals involved, the mode and content of those discussions, and the dates those discussions occurred.

RESPONSE: No.

c. Has anyone on the presidential transition team ever spoken to you about these forced reassignments? If yes, please provide the names of the individuals involved, the mode and content of those discussions, and the dates those discussions occurred.

RESPONSE: No.

d. Has anyone in the White House ever spoken to you about, or mentioned, these forced reassignments? If yes, provide the names of the individuals involved, the mode and content of those discussions, and the dates those discussions occurred.

RESPONSE: No.

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[1] Andrew Kreighbaum & Ben Penn, *Top Official Replaced at DOJ Immigrant Employee Rights Division*, BLOOMBERG LAW (Feb. 17, 2025), https://news.bloomberglaw.com/daily-labor-report/top-official-replaced-at-doj-immigrant-employee-rights-division.

[2] Mem. from Acting Dep. Att'y Gen. Emil Bove to all Dep't of Justice Employees, *Interim Policy Changes Regarding Charging, Sentencing, and Immigration Enforcement* (Jan. 21, 2015), https://www.documentcloud.org/documents/25501154-doj-all-staff-memo-jan-21/.

4. Alberto Ruisanchez, the long-serving chief of the Civil Rights Division Immigrant and Employee Rights Section, was one of the four career officials reassigned to the Sanctuary Cities Working Group.[3] On behalf of the Civil Rights Division, Mr. Ruisanchez signed a lawsuit against Space Exploration Technologies Corporation (SpaceX) for discriminating against asylees and refugees in hiring.[4] The lawsuit alleged that SpaceX routinely discouraged asylees and refugees from applying and refused to hire or consider them, because of their citizenship status, in violation of the Immigration and Nationality Act.

   Elon Musk is the founder and CEO of SpaceX. On February 20, 2025, the Department of Justice stated that it would dismiss the case against Musk's SpaceX.[5]

   a. Was Mr. Ruisanchez forcibly reassigned because of his involvement in the case against Mr. Musk's SpaceX?

RESPONSE: Please see my response to Question 3(a) above.

   b. Are you involved in or are you aware of any discussions or plans to terminate, involuntarily reassign, or engage in other adverse personnel changes for any other Civil Rights Division employees involved in this case? Please describe the nature of the discussions or your knowledge of those discussions.

RESPONSE: As I am not currently at the Department, I am not privy to any personnel actions that may have been discussed or planned.

5. Are you involved in or are you aware of any discussions or plans to terminate, involuntarily reassign, or engage in other adverse personnel changes for current Civil Rights Division employees and officials? If yes, provide the names of the individuals involved, the mode and content of those discussions, and the dates those discussions occurred.

RESPONSE: Please see my response to Question 4(b) above.

6. Are you involved in or are you aware of any discussions or plans to terminate or engage in other adverse personnel changes for current Civil Rights Division employees and officials who are on probationary status? If yes, provide the names of the individuals involved, the content of those discussions, and the dates those discussions occurred.

RESPONSE: Please see my response to Question 4(b) above.

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[3] *Supra* n. 1.
[4] *See* Compl. *United States v. Space Exploration Tech. Corp.* (filed Aug. 23, 2023), https://www.justice.gov/archives/opa/file/1311656/dl?inline; Press Release, Dep't of Justice, Justice Department Sues SpaceX for Discriminating Against Asylees and Refugees in Hiring (Aug. 24, 2023), https://www.justice.gov/archives/opa/pr/justice-department-sues-spacex-discriminating-against-asylees-and-refugees-hiring
[5] Qasim Nauman, *Justice Dept. to Drop Discrimination Case Against Elon Musk's SpaceX*, NY TIMES (Feb. 20, 2025), https://www.nytimes.com/2025/02/20/us/politics/spacex-elon-musk-discrimination-doj.html.

7. If any other Civil Rights Division employees or officials are terminated, involuntarily reassigned, or subjected to any other adverse personnel changes before you are confirmed, will you commit to reviewing those decisions and ensuring fair process to all Civil Rights Division employees and officials?

RESPONSE: As I am not currently at the Department, I am not privy to any personnel actions that may be taken and, therefore, I am unable to commit to any particular action.

8. Are you involved in or are you aware of any discussions or plans to eliminate or dissolve any of the 11 Sections within the Civil Rights Division? If yes, provide the names of the individuals involved, the content of those discussions, and the dates those discussions occurred.

RESPONSE: No. As I stated at my hearing, each of the Civil Rights Division's eleven sections is charged with an important duty under the Constitution and the civil rights statutes.

9. Are you involved in or are you aware of any discussions or plans to move or reassign some or all of the statutory enforcement authority of the Criminal Section[6] of the Civil Rights Division to the Criminal Division of the Department of Justice? If yes, provide the names of the individuals involved, the content of those discussions, and the dates those discussions occurred.

RESPONSE: No.

10. On January 22, 2025, Department of Justice leadership ordered a freeze on all litigation in the Civil Rights Division, including agreements with police departments to address racial discrimination.[7]

    a. Did you participate in the drafting of this memo? If yes, please describe your involvement in its drafting and provide the names of the other individuals who participated in its drafting and the dates of your involvement.

RESPONSE: No.

    b. Did you have any knowledge of this memo before it was sent to the Civil Rights Division employees on January 22, 2025? If yes, please describe what you knew about the memo and how and when you learned of it. Please include the names of any individuals from whom you learned this information and the date on which you learned this information.

RESPONSE: No.

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[6] The Criminal Section enforces 8 U.S.C. §§ 1324, 1328, 18 U.S.C. §§ 241, 242, 245(b)(2), 247–50, 1351, 1546, 1581, 1584, 1589–94, 1596, 2421–22, 2243(b)–(c), 2244(a)(4), 2244(a)(6), 3271, and 42 U.S.C. § 3631.
[7] Alanna Durkin Richer, *Trump's new Justice Department leadership orders a freeze on civil rights cases*, AP (Jan. 22, 2025), https://apnews.com/article/civil-rights-division-justice-department-trump-2dcb45cca7c9c9cdaea78282d4279c35.

11. On January 24, 2025, Department of Justice leadership issued a "FACE Act Charging Policy" to the Civil Rights Division which prohibits new abortion-related FACE Act actions "without authorization from the Assistant Attorney General for the Civil Rights Division" and ordered the immediate dismissal, with prejudice, of three FACE Act cases.[8]

    a. Did you participate in the drafting of this memo? If yes, please describe your involvement in its drafting and provide the names of the other individuals who participated in its drafting and the dates of your involvement.

RESPONSE: No.

    b. Did you have any knowledge of this memo before it was sent to the Civil Rights Division employees on January 24, 2025? If yes, please describe what you knew about the memo and how and when you learned of it. Please include the names of any individuals from whom you learned this information and the date.

RESPONSE: No.

12. On February 5, 2025, Attorney General Pam Bondi issued a memo entitled "Ending Illegal DEI and DEIA Discrimination and Preferences," which directs the Civil Rights Division to "investigate, eliminate, and penalize illegal DEI and DEIA preferences, mandates, policies, programs, and activities in the private sector and in educational institutions that receive federal funds."[9]

    a. Did you participate in the drafting of this memo? If yes, please describe your involvement in its drafting and the date and provide the names of the other individuals who participated in its drafting.

RESPONSE: No.

    b. Did you have any knowledge of this memo before it was sent to Civil Rights Division employees on February 5, 2025? If yes, please describe what you knew about the memo and how and when you learned of it. Please include the names of any individuals from whom you learned this information.

RESPONSE: No.

13. The Civil Rights Division plays a crucial role in the enforcement of the Freedom of Access to Clinic Entrances (FACE) Act, a federal law that prohibits interfering with access to reproductive health services—including abortion services, pharmacy provided reproductive health services, and pregnancy counseling services—through violence, threats, obstruction, or property damage.

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[8] Mem. from Chief of Staff to Att'y Gen. to Kathleen Wolfe, FACE Act Charging Policy (Jan. 24, 2025), https://www.justice.gov/media/1386461/dl.
[9] Mem. from Att'y Gen. Pam Bondi to Dep't Employees, Ending Illegal DEI and DEIA Discrimination and Preferences (Feb. 5, 2025), https://www.justice.gov/ag/media/1388501/dl?inline.

a. If you are confirmed as AAG for the Civil Rights Division, will you commit to enforcing the FACE Act to protect facilities and providers of reproductive health services that include abortion in addition to facilities and providers that do not?

RESPONSE: If confirmed, I will enforce the civil rights laws in accordance with the relevant facts and law to protect the civil rights of all Americans.

14. Each year, federal data highlights thousands of hate crimes across the United States, reflecting individuals who are targeted through acts of violence or intimidation based on their race, religion, disability, ethnicity, gender, gender identity, or sexual orientation. The Department of Justice is responsible for several important functions in preventing and addressing hate crimes: it prosecutes hate crimes; elevates hate crimes threat levels; expedites review of hate crimes; and enhances state, local, and tribal governments' law enforcement training.

15. If you are confirmed as AAG for the Civil Rights Division, how will you ensure that the Division continues to carry out its responsibilities in preventing and addressing hate crimes?

RESPONSE: Acts of racially or ethnically motivated violence should be appropriately investigated and prosecuted. If confirmed, I look forward to meeting with other members of the Department and discussing how the Civil Rights Division can most effectively carry out its mission to protect the civil rights of all Americans.

16. There is an ongoing epidemic of violence directed at transgender people, particularly Black transgender women. In 2024, there were reports of at least 30 transgender people who had been killed in the United States. Since 2013, 83 percent of transgender people killed were transgender women and 61 percent were Black transgender women.[10] Many of these murders were motivated by hate.

    a. If you are confirmed as AAG for the Civil Rights Division, what will you do to investigate and address this ongoing epidemic of hate violence for all groups? What will you do to investigate and address this ongoing epidemic of hate violence for transgender people?

RESPONSE: If confirmed, I will enforce the civil rights laws in accordance with the relevant facts and law to protect the civil rights of all Americans.

17. In recent years, there has been an increased effort in the law enforcement profession to recruit and train diverse officers. The Fraternal Order of Police, the country's largest police organization of sworn officers, cites diversity as an important part of running a

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[10] *See* HUMAN RIGHTS CAMPAIGN FOUNDATION, THE EPIDEMIC OF VIOLENCE AGAINST THE TRANSGENDER & GENDER-EXPANSIVE COMMUNITY IN THE U.S. (Nov. 2024), https://reports.hrc.org/an-epidemic-of-violence-2024#national-emergency.

successful law enforcement agency and asserts that public confidence in law enforcement increases when their law enforcement agencies represent them.[11]

a. Do you agree that it is an important goal for there to be demographic diversity among law enforcement personnel? Please explain your views.

RESPONSE: As I stated at my hearing, the use of racial quotas to deny people equal access to employment or education is illegal.

b. Do you believe that police departments may have DEI programs to attract more applicants? Please explain why or why not. If no, will you investigate and address these programs?

RESPONSE: As I stated at my hearing, the use of racial quotas to deny people equal access to employment or education is illegal. If confirmed, I will enforce the civil rights laws in accordance with the relevant facts and law to protect the civil rights of all Americans.

c. Do you believe that the military may have DEI programs to attract more applicants? Please explain why or why not. If no, will you investigate and address these programs?

RESPONSE: Please see my response to Question 17(b) above.

18. Studies have confirmed that Black people and other people of color fare worse when it comes to every metric: health, wealth, jobs, homeownership, and contacts with the criminal justice system.[12] Simultaneously it has been widely recognized by the business community that diversity in the workplace brings about better outcomes.[13] Accordingly, the business community has sought to recruit diverse applicants. Schools have also sought to replicate these efforts.

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[11] Mark McDonald, *Leveraging Diversity to Overcome Adversity with Robert Gaddy,* FRATERNAL ORDER OF POLICE (Aug. 31, 2022), https://fop.net/2022/08/episode-29-diversity-robert-gaddy/.

[12] *See e.g.*, Mabinty Quarshie et al., *12 charts show how racial disparities persist across wealth, health, education and beyond*, USA TODAY (Jun. 18, 2020), https://www.usatoday.com/in-depth/news/2020/06/18/12-charts-racial-disparities-persist-across-wealth-health-and-beyond/3201129001/; Sofia Carratala & Connor Maxwell, *Health Disparities by Race and Ethnicity*, THE CENTER FOR AMERICAN PROGRESS (May 7, 2020), https://www.americanprogress.org/article/health-disparities-race-ethnicity/; Ricardo Mimbela & Katie Duarte, *Visualizing the Racial Wealth Gap*, ACLU (Aug. 10, 2023), https://www.aclu.org/news/racial-justice/visualizing-the-racial-wealth-gap; Valerie Wilson et al., *Racial representation in professional occupations*, ECONOMIC POLICY INSTITUTE (Jun. 8, 2021), https://www.epi.org/publication/racial-representation-prof-occ/; *Racial Differences in Economic Security: Housing,* U.S. DEP'T OF TREASURY (Nov. 4, 2022), https://home.treasury.gov/news/featured-stories/racial-differences-in-economic-security-housing; *Racial and Ethnic Disparities in the Criminal Justice System,* NCSL (May 24, 2022), https://www.ncsl.org/civil-and-criminal-justice/racial-and-ethnic-disparities-in-the-criminal-justice-system.

[13] *See e.g.*, *Diversity matters even more: The case for holistic impact*, MCKINSEY & COMPANY (Dec 5, 2023), https://www.mckinsey.com/featured-insights/diversity-and-inclusion/diversity-matters-even-more-the-case-for-holistic-impact.

Attorney General Bondi has instructed the Civil Rights Division to investigate, eliminate, and penalize "illegal DEI and DEIA preferences" in the private sector and in educational institutions that receive federal funds.[14] Attorney General Bondi ordered the Civil Rights Division and Office of Legal Policy to submit a report that, among other things, lays out "proposals for criminal investigations and for up to nine potential civil compliance investigations of entities" engaged in illegal DEI and DEIA.

a. Please provide your understanding of what "DEI" and "DEIA" mean.

RESPONSE: "DEI" means "diversity, equity, and inclusion." "DEIA" means "diversity, equity, inclusion, and accessibility."

b. In your opinion, what differentiates legal DEI and DEIA from illegal DEI and DEIA?

RESPONSE: Please see my response to Question 17(a) above.

c. Pursuant to what statutory authority could the DOJ conduct criminal investigations or prosecutions of entities that meet the criteria outlined in this memo or Executive Order 14173?

RESPONSE: As I am not currently at the Department, I am not familiar with the details of the Attorney General's memorandum and Executive Order 14173. If confirmed, I will, in good faith, meet with the staff and familiarize myself with these matters.

d. Are you involved in or are you aware of any discussions or plans to pursue any specific private sector entities for investigation or prosecution under this memo or Executive Order 14173? If yes, provide the names of the individuals involved, the content of those discussions, and the dates those discussions occurred.

RESPONSE: No.

e. Are you involved in or are you aware of any discussions or plans to pursue any specific educational institutions that receive federal funds for investigation or prosecution under this memo or Executive Order 14173? If yes, provide the names of the individuals involved, the content of those discussions, and the dates those discussions occurred.

RESPONSE: No.

19. Communities of color have lower rates of confidence in law enforcement. A poll from 2023 indicated that 74 percent of white Americans had confidence in police, but only 64 percent of Hispanic Americans and 56 percent of Black Americans felt the same way.[15]

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[14] *Supra* n.9.
[15] M.C. Brown II & Camille Lloyd, *Black Americans Less Confident, Satisfied With Local Police*, GALLUP (Sept. 18, 2023), https://news.gallup.com/poll/511064/black-americans-less-confident-satisfied-local-police.aspx.

a. What policies and practices will you implement to rebuild trust between law enforcement and communities of color if you are confirmed?

RESPONSE: If confirmed, I look forward to meeting with other members of the Department and discussing how the Civil Rights Division can most effectively carry out its mission to protect the civil rights of all Americans.

20. Does the Department of Justice have the duty to enforce federal protections for the right to vote, including through civil enforcement against states and localities? If no, why?

RESPONSE: As I stated at my hearing, if confirmed, I will safeguard Americans' right to vote.

21. Is Section 2 of the Voting Rights Act, 52 U.S.C. § 10301, constitutional? If no, why?

RESPONSE: As I stated at my hearing, if confirmed, I will enforce Section 2 of the Voting Rights Act in accordance with the relevant facts and law.

22. Do you believe that places of public accommodation continue to discriminate against persons based on their race, color, and national origin? Please explain your answer.

RESPONSE: Yes, although great progress has been made in this regard.

23. Do you believe that schools, colleges, and universities continue to discriminate against persons based on race, color, and national origin? Please explain your answer.

RESPONSE: Please see my response to Question 22 above.

24. Do you believe that public employers continue to discriminate and retaliate against persons based on race, color, and national origin? Please explain your answer.

RESPONSE: Please see my response to Question 22 above.

25. Do you believe that private employers continue to discriminate and retaliate against persons based on race, color, and national origin? Please explain your answer.

RESPONSE: Please see my response to Question 22 above.

26. Do you believe that housing providers, such as landlords, homeowners associations, municipalities, and financial lending institutions, continue to discriminate against persons based on race, color, and national origin? Please explain your answer.

RESPONSE: Please see my response to Question 22 above.

27. The Civil Rights Division has prosecuted cases involving excessive use of force by police, racial profiling, and unconstitutional policing. Do you believe that excessive use of force by police, racial profiling, and unconstitutional policing continue to be a problem? Please explain your answer.

RESPONSE: Please see my response to Question 22 above.

28. President Trump has said, "I have absolute right to do what I want to do with the Justice Department."[16] Do you agree? If not absolute, how much power do you believe the President has over the Department?

RESPONSE: No. The President is bound by the terms of his oath, the Constitution, and applicable law.

Should decisions to bring civil rights enforcement cases be made by prosecutors within the Civil Rights Division or by political appointees in the office of the Attorney General or at the White House? Please explain your answer.

RESPONSE: The Department's investigative and prosecutorial decisions should be based on the facts, the applicable law and policies, the admissible evidence, and the Principles of Federal Prosecution (Justice Manual §9-27.000).

29. In *Bostock v. Clayton County*, the Supreme Court held that Title VII's prohibition on workplace discrimination on the basis of sex applies to discrimination based on sexual orientation and gender identity.

    a. In your opinion, was *Bostock* correctly decided? If no, please explain why.

RESPONSE: *Bostock* is binding precedent of the Supreme Court entitled to respect as such.

    b. Do you agree that Title VII prohibits harassment and discrimination in the workplace on the basis of sexual orientation and gender identity? If no, please explain why.

RESPONSE: Please see my response to Question 16(a) above.

    c. Will you commit to pursuing investigations of employers that engage in harassment and discrimination in the workplace on the basis of sexual orientation and gender identity if confirmed? If no, please explain why.

RESPONSE: Please see my response to Question 16(a) above.

30. If President Trump directs you to take an illegal action, how would you respond?

RESPONSE: I must respectfully reject your premise. As I stated at my hearing, I have represented President Trump for four years in numerous different cases, and I currently represent him as a private attorney. In all of those years, in multiple cases, in multiple jurisdictions, the President has never asked me to do anything that I found to be objectionable, immoral, unlawful, or illegal.

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[16] Michael S. Schmidt & Michael D. Shear, *Trump Says Russia Inquiry Makes U.S. 'Look Very Bad,'* N.Y. TIMES (Dec. 28, 2017), https://www.nytimes.com/2017/12/28/us/politics/trump-interview-mueller-russia-china-north-korea.html.

31. If President Trump directs you to initiate a civil rights investigation that you determine is baseless, how would you respond?

RESPONSE: Please see my response to Question 30 above.

32. If President Trump directs you to end an open civil rights investigation that you believe has merit, how would you respond?

RESPONSE: Please see my response to Question 30 above.

33. Do you believe President Trump has the authority to direct executive branch officials or employees to take an illegal action?

RESPONSE: The President is the chief law enforcement officer of the United States and all prosecutions must comply with the Constitution and all relevant statutes.

34. If any member of the administration directs you to take an illegal action, how would you respond?

RESPONSE: Please see my response to Question 30 above.

35. Since President Trump announced your nomination in November 2024, have you had access to, or reviewed, DOJ investigation materials, information, or other potential evidence about specific individuals or investigations?

RESPONSE: No.

a. If yes, please provide the date on which you accessed or reviewed those items and describe what you accessed or reviewed.

RESPONSE: Please see my response to Question 35 above.

b. If yes, have you discussed any of this information with current or former DOJ personnel, or anyone not associated with DOJ?

RESPONSE: Please see my response to Question 35 above.

36. Have you spoken or corresponded with Elon Musk since President Trump announced your nomination in November 2024?

RESPONSE: No.

a. If yes, provide the content of all discussions and correspondences and the dates those discussions and correspondences occurred.

RESPONSE: Please see my response to Question 36 above.

b. If yes, at any point, did you discuss with Mr. Musk DOJ or matters related to DOJ, including personnel matters? Did you ever discuss demotions, reassignments, or terminations of personnel, whether specific individuals or generally? Did you ever discuss potential personnel to be hired or appointed in any capacity at the DOJ? If yes to any of these questions, provide the content of those discussions and the dates those discussions occurred.

RESPONSE: Please see my response to Question 36 above.

37. Do you believe that President Trump won the 2020 election?

RESPONSE: Former President Joseph Biden was sworn in as our 46th President on January 20, 2021.

38. The 22nd Amendment says that "no person shall be elected to the office of the President more than twice."

a. Do you agree that President Trump was elected to the office of the President in the 2016 election?

RESPONSE: Yes.

b. Do you agree that President Trump was elected to the office of the President in the 2024 election?

RESPONSE: Yes.

c. Do you agree that the 22nd Amendment, absent a constitutional amendment, prevents Trump from running for a third presidential term?

RESPONSE: The 22nd Amendment limits a president to two terms in office.

d. Would you like President Trump to run for a third presidential term? Would you make a legal argument that he may run for a third presidential term?

RESPONSE: Please see my response to Question 38(c) above.

39. Please provide your understanding of the Hatch Act. Do you believe that asking Civil Rights Division personnel their views about investigations or prosecutions to assess their political leaning would be a violation of the Hatch Act?

RESPONSE: In general, the Hatch Act prohibits government employees from engaging in certain types of political activities. In my career as an attorney, I have not had occasion to consider the specific scenario you have raised. If confirmed, I would consult with relevant

Department personnel and ensure that the Department is complying with applicable legal obligations, including the Hatch Act.

40. Will you commit to consulting with career officials at DOJ regarding your potential conflicts of interest?

RESPONSE: If confirmed, were any matter to come before me that might present a conflict of interest, I would consult with the Department of Justice ethics officials and follow my ethical obligations.

41. Will you follow the guidance of career officials at DOJ regarding your potential conflicts of interest and recusals?

RESPONSE: Please see my response to Question 40 above.

42. During your tenure as Partner for the Dhillon Law Group, you represented President Trump and his campaigns.

    a. How did President Trump retain you and Dhillon Law Group as his counsel?

RESPONSE: I cannot answer this question without violating the attorney-client privilege.

    b. What matters related to President Trump did you work on?

RESPONSE: Please see my response to Question 42(a) above.

    c. How many total hours did you spend on each matter related to President Trump?

RESPONSE: Please see my response to Question 42(a) above.

    d. How many hours did you spend on each matter related to President Trump last year?

RESPONSE: Please see my response to Question 42(a) above.

    e. As a firm client, did President Trump pay your standard billing rate?

RESPONSE: Please see my response to Question 42(a) above.

    f. As a firm client, did anyone other than President Trump, whether an individual or other entity, pay for your and/or Dhillon Law Group's legal services on his behalf? If yes, please provide the amount, the name of the individual or entity, and matter for the payment.

RESPONSE: Please see my response to Question 42(a) above.

g. Have you received any payments from President Trump unrelated to your legal representation of him? If yes, please provide the amount and the reason for the payment?

RESPONSE: No.

h. Have you received any payments from any person or entity on behalf of President Trump unrelated to your work for him as client? If yes, please provide the person's name, their relation to President Trump, the amount of the payment and the reason for the payment?

RESPONSE: No.

i. Does President Trump, or any affiliated individual or entity, owe your firm for any unpaid bills? If yes, please provide the amount owing and the matter of the unpaid bill.

RESPONSE: Please see my response to Question 42(a) above.

43. At any point during your representation of President Trump, did you discuss a role in his administration with him or any person associated with him? If yes, please provide the mode and content of those discussions and the dates those discussions occurred.

RESPONSE: In late November, 2024, I had a phone call with President Trump and Pam Bondi in which the general idea of working for the Department of Justice in a leadership role was discussed. I subsequently interviewed with Pam Bondi and others for the role of Assistant Attorney General for Civil Rights, the position to which President Trump nominated me after he was sworn in.

44. Since President Trump announced your nomination in November 2024, have you had conversations with anyone at DOJ about investigations involving President Trump? If yes, please provide the names of the individuals involved, the content of those discussions, and the dates those discussions occurred.

RESPONSE: No.

Questions for the Record from Senator Alex Padilla
Senate Judiciary Committee
"Nominations Hearing: Harmeet Dhillon, Aaron Reitz, and John Sauer"
Thursday, February 26, 2025

Questions for Mrs. Dhillon

1. You have opposed key voting rights protections, including the John Lewis Voting Rights Advancement Act, and fought against the use of the Voting Rights Act to challenge discriminatory laws.
    a. Will you commit to enforcing the Voting Rights Act, even when it conflicts with your past positions?

RESPONSE: As I stated at my hearing, if confirmed, I will safeguard Americans' right to vote.

    b. What specific steps would you take as AAG to ensure that election administration remains fair and nonpartisan?

RESPONSE: If confirmed, I will enforce the civil rights laws in accordance with the relevant facts and law to protect the civil rights of all Americans.

2. Disinformation about the 2020 election, which you helped spread, fueled a surge in harassment and threats of violence against election workers.
    a. Did President Joe Biden win the 2020 election?

RESPONSE: Former President Joseph Biden was sworn in as our 46th President on January 20, 2021.

    b. How will you use your statutory authority to protect and support these election workers who were harmed by 2020 election disinformation?

RESPONSE: Please see my response to Question 1(b) above.

3. The Civil Rights Division of the Department of Justice is responsible for enforcing federal statutes that prohibit discrimination and uphold civil rights. Given its mandate, it is critical that its operations are not politicized or unduly influenced.
    a. If President Trump or any other administration official were to request that you engage in actions that are illegal or unconstitutional, how would you respond?

RESPONSE: I must respectfully reject your premise. As I stated at my hearing, I have represented President Trump for four years in numerous different cases, and I currently represent him as a private attorney. In all of those years, in multiple cases, in multiple jurisdictions, the President has never asked me to do anything that I found to be objectionable, immoral, unlawful, or illegal.

b. Would you be willing to publicly oppose or refuse to enforce policies that violate existing civil rights protections?

RESPONSE: Please see my response to Question 1(b) above.

c. What safeguards would you put in place to ensure that civil rights enforcement is driven by the law rather than political considerations?

RESPONSE: The Department's investigative and prosecutorial decisions should be based on the facts, the applicable law and policies, the admissible evidence, and the Principles of Federal Prosecution (Justice Manual §9-27.000).

d. If career DOJ attorneys faced political retaliation for pursuing cases that the administration opposed, how would you respond?

RESPONSE: If confirmed, I would consult with relevant Department personnel and ensure that the Department is complying with applicable legal obligations, including the Hatch Act.

e. Will you commit to protecting the career staff of the Civil Rights Division from political interference in hiring and firing decisions?

RESPONSE: Please see my response to Question 3(d) above.

f. Will you work to uphold the religious liberties of immigrants in this nation?

RESPONSE: As I stated at my hearing, religious discrimination is a problem in the United States. If confirmed, I look forward to meeting with other members of the Department and discussing how the Civil Rights Division can most effectively carry out its mission to enforce the civil rights laws.

g. Do you believe in immigration enforcement against immigrants while they exercise their religious liberty in a place of worship?

RESPONSE: Please see my response to Question 3(f) above.

h. Will you protect immigrants from immigration enforcement while they are exercising their religious liberty in a place of worship?

RESPONSE: Please see my response to Question 3(f) above.

4. As Assistant Attorney General for Civil Rights, you would be responsible for enforcing federal civil rights statutes. However, throughout your career, you have opposed affirmative action, criticized DEI initiatives, and fought against legal efforts to address systemic discrimination.
   a. Do you believe that systemic racial discrimination is a problem in America?

RESPONSE: Racial discrimination continues to occur, although great progress has been made in this regard.

b. What role should the Civil Rights Division play in addressing systemic racial discrimination?

RESPONSE: Please see my response to Question 1(b) above.

c. Will you commit to fully enforcing laws that protect against racial discrimination, including those ensuring equal access to housing, education, and employment?

RESPONSE: Please see my response to Question 1(b) above.

d. How do you view the federal government's role in combating racial discrimination in housing, employment, and education?

RESPONSE: The mission of the Civil Rights Division is to protect the civil rights of all Americans.

5. You have described gender-affirming care as "child mutilation," opposed federal LGBTQ+ protections, and challenged Title IX anti-discrimination rules.
   a. Will you enforce federal anti-discrimination laws protecting LGBTQ+ individuals, including Title VII and Title IX?

RESPONSE: Please see my response to Question 1(b) above.

b. How will you ensure LGBTQ+ individuals are fully protected under existing anti-discrimination laws?

RESPONSE: Please see my response to Question 1(b) and Question 4(d) above.

c. What steps would you take to ensure that all Americans, regardless of sexual orientation or gender identity, receive equal protection under civil rights law?

RESPONSE: Please see my response to Question 1(b) above.

d. Every major medical association and leading world health authority supports health care for transgender people and youth. What is the medical basis of your stance in opposition of the right for trans people to seek gender-affirming care that is determined between themselves and their doctors?

RESPONSE: As I stated at my hearing, access to sports opportunities for women and even dignity in women's private spaces is being sacrificed on the altar of political correctness. Women have privacy rights and rights under Title IX that are being violated, and that need to be protected.

6. The January 6 attack on the U.S. Capitol was an assault on our democracy. Many of those involved were affiliated with extremist groups like the Proud Boys and Oath Keepers.
    a. Do you believe the January 6 attack on the Capitol was an insurrection?

RESPONSE: It is not appropriate to describe the events of that day in the way this question is framed.

    b. As AAG of Civil Rights, how would you handle investigations into domestic extremism, particularly when perpetrators attempt to justify their actions on political grounds?

RESPONSE: Please see my response to Question 3(c) above.

    c. How would you prioritize combating white supremacist extremism as AAG?

RESPONSE: As I stated at my hearing, it is racism to discriminate on the basis of race, and civil rights protections apply equally to all races.

7. Your law firm has received millions in legal fees from Donald Trump's campaign and affiliated organizations. Your nonprofit has also faced ethics concerns over its financial ties to your law firm. Your plan to sell your firm to your brother raises additional conflict-of-interest concerns.
    a. How will you ensure the Division operates independently and fairly?

RESPONSE: Please see my response to Question 3(c) above.

    b. Will you recuse yourself from any matters involving Donald Trump, his allies, or organizations connected to your prior legal work?

RESPONSE: If confirmed, were any matter to come before me that might require my recusal, I would consult with the Department of Justice ethics officials and follow my ethical obligations.

    c. Under what circumstances do you believe recusal would be necessary?

RESPONSE: Please see my response to Question 7(b) above.

Senator Peter Welch
Senate Judiciary Committee
Written Questions for Harmeet Dhillon
Hearing on "Nominations"
Wednesday, February 26, 2025

1. On January 22nd, President Trump ordered a freeze on all litigation by the Civil Rights Division. How do you plan to handle the civil rights investigations that were initiated under the Biden administration?

RESPONSE: As I am not currently at the Department, I am not familiar with the details of the litigation referred to by this question. If confirmed, I look forward to meeting with other members of the Department and discussing how the Civil Rights Division can most effectively carry out its mission to protect the civil rights of all Americans.

2. Do you agree that it is important to hold law enforcement officers and agencies accountable when they violate people's constitutional and civil rights, such as through the use excessive force?

RESPONSE: Yes.

   a. Should this be a priority for the Department of Justice?

RESPONSE: Yes.

3. If confirmed, will you continue the Civil Rights Division's important work in investigating law enforcement agencies that may be violating the rights of individuals?

RESPONSE: Yes.

4. The Civil Rights Division currently has in place a number of consent decrees with law enforcement agencies that were entered into after extensive investigations and settlements. Will you continue to enforce those agreements?

RESPONSE: As I am not currently at the Department, I am not familiar with the details of the consent decrees referred to by this question. If confirmed, I look forward to meeting with other members of the Department and discussing how the Civil Rights Division can most effectively carry out its mission to protect the civil rights of all Americans.

5. Did Joe Biden legitimately win the 2020 election?

RESPONSE: Former President Joseph Biden was sworn in as our 46th President on January 20, 2021.

6. All claims of widespread fraud and interference in the 2020 election have been resoundingly rejected by election security experts from both sides of the aisle. Looking

back on the outcomes of all the legal proceedings, do you agree that there was no evidence of widespread voter fraud in that election?

RESPONSE: As I stated at my hearing, voter integrity and confidence is critical to ensuring voter turnout in American elections.

7. Do you agree that federal judges, including Justices of the U.S. Supreme Court, should not rule on cases based on partisan considerations and political favors?

RESPONSE: Yes.

8. Is it appropriate for a federal official to defy a federal court order?

RESPONSE: A party must abide by all lawful court orders that apply to it.

9. Does the Department of Justice have the duty to enforce federal protections for the right to vote, including through civil enforcement against states and localities?

RESPONSE: As I stated at my hearing, if confirmed, I will safeguard Americans' right to vote.

10. Is Section 2 of the Voting Rights Act, which prohibits states and localities from enacting laws or taking actions that have the effect of denying or abridging the right to vote on the basis of race, constitutional?

RESPONSE: As I stated at my hearing, if confirmed, I will enforce Section 2 of the Voting Rights Act in accordance with the relevant facts and law.

11. Do you support the John Lewis Voting Rights Advancement Act? If not, please explain.

RESPONSE: It would be inappropriate to commit at this time to a position with respect to any proposed federal legislation. If confirmed and called upon to provide my position on proposed legislation, I will do so only after careful consideration and consultation with appropriate officials within the Department of Justice.

12. In *Griswold v. Connecticut*, the Supreme Court recognized the right to privacy encompasses the right for married couples to use contraception. And in *Eisenstadt v. Baird*, the Supreme Court extended *Griswold's* principle to unmarried couples. Do you agree with these decisions? If not, please explain.

RESPONSE: *Griswold v. Connecticut* and *Eisenstadt v. Baird* are binding precedent of the Supreme Court and are entitled to respect as such.

13. Do you believe women have a constitutional right to contraception?

RESPONSE: Please see my response to Question 12 above.

14. If confirmed, would you vigorously oppose any effort to deny women access to contraception?

RESPONSE: If confirmed, I will enforce the civil rights laws in accordance with the relevant facts and law to protect the civil rights of all Americans.

15. The Freedom of Access to Clinic Entrances (FACE) Act makes it a federal crime to use force, the threat of force, or physical obstruction to prevent individuals from obtaining or providing reproductive health care services. If confirmed, will you continue to enforce the protections provided under the FACE Act?

RESPONSE: Please see my response to Question 14 above.

16. Do you believe that the Civil Rights Division should be acting to protect the American people from discrimination based on their sexual orientation and gender identity?

RESPONSE: Please see my response to Question 14 above.

17. If you are confirmed as the head of the Civil Rights Division, the cases you bring are bound by Circuit Court and Supreme Court precedent—including precedents upholding diversity, equity, inclusion, and accessibility programs. Do you commit to abiding by court precedents?

RESPONSE: Binding precedents of the Supreme Court are entitled to respect as such.

18. Do you believe that executive orders can change court precedent?

RESPONSE: No.

19. The Civil Rights Division prosecutes hate crimes that are motivated by the victim's race, ethnicity, religion, disability, sexual orientation, gender, or gender identity. If confirmed, do you commit to continue to robustly enforce hate crimes laws with respect to each of these groups?

RESPONSE: Please see my response to Question 14 above.

Questions for the Record
Harmeet Dhillon – Nominee to be Assistant Attorney General for the Civil Rights Division
Sen. Adam Schiff (CA)

1. On February 5, Attorney General Pam Bondi issued a memo requiring DOJ's Civil Rights Division and Office of Legal Policy to jointly submit a report to the Associate Attorney General that includes "proposals for criminal investigations" and "up to nine civil rights compliance investigations" of corporations, nonprofits, foundations, state and local bar and medical associations, and universities," that implement "DEI and DEIA policies and practices." Yet, the memo failed to define "DEI and DEIA preferences, mandates, policies, programs and activities" and failed to explain which policies DOJ views as illegal.

    a. How does DOJ define "DEI and DEIA preferences, mandates, policies, programs and activities"?

RESPONSE: As I am not currently at the Department, I cannot speak to how the Department defines the terms referenced in your question.

    b. What federal caselaw and/or federal statutes serve as the basis for DOJ's definition of "DEI and DEIA preferences, mandates, policies, programs and activities"?

RESPONSE: Please see my response to Question 1(a) above.

    c. Please list the relevant caselaw, if any, establishing federal criminal liability for DEI and DEIA preferences, mandates, policies, programs and activities:

RESPONSE: As I stated at my hearing, the use of racial quotas to deny people equal access to employment or education is illegal.

    d. Please list in detail the DEI and DEIA preferences, mandates, policies, programs and activities, if any, that you believe violate federal criminal law and the applicable federal criminal statute(s):

RESPONSE: Please see my response to Question 1(c) above.

2. You previously served as Board Member of the South Asian Bar Association of Northern California. One of the missions of the South Asian Bar Association of Northern California is to "support and promote those who value diversity in the legal profession."

a. Is the South Asian Bar Association of Northern California's mission an illegal "DEI and DEIA preference, mandate, policy, program or activity"?

RESPONSE: Please see my response to Question 1(c) above.

b. Do you commit to not targeting professional associations, such as the South Asian Bar Association of Northern California, that seek to "support and promote those who value diversity?"

RESPONSE: If confirmed, I will enforce the civil rights laws in accordance with the relevant facts and law to protect the civil rights of all Americans.

c. Is supporting and promoting individuals with disabilities within a company a federal crime? If yes, please list the relevant federal criminal statute.

RESPONSE: If confirmed, I will enforce the Americans with Disabilities Act and other civil rights laws related to disabilities in accordance with the relevant facts and law to protect the civil rights of all Americans.

d. Is supporting and promoting women within a company a federal crime? If yes, please list the relevant federal criminal statute.

RESPONSE: The use of quotas based on sex to deny people equal access to employment is illegal.

e. Is supporting and promoting LGBTQ employees within a company a federal crime? If yes, please list the relevant federal criminal statute.

RESPONSE: Please see my response to Question 2(d) above.

f. Is supporting and promoting racial minorities within a company a federal crime? If yes, please list the relevant federal criminal statute.

RESPONSE: Please see my response to Question 1(c) above.

g. Is it your position that companies or employees at companies can be sentenced to federal prison for implementing DEI or DEIA preferences, mandates, policies, programs and activities?

RESPONSE: Please see my response to Question 1(c) above.

h. Is it DOJ's position that companies or employees at companies can be sentenced to federal prison for implementing DEI or DEIA preferences, mandates, policies, programs and activities?

RESPONSE: As I am not currently at the Department, I cannot speak to the Department's position on the matter referenced in your question.

3. On July 21, 2021, then-Attorney General Garland issued a memorandum on "Department of Justice Communications with the White House," more commonly referred to as the White House Contacts policy. This policy should govern all communications between Justice Department and White House personnel and is critical to safeguarding the DOJ's criminal and civil law enforcement decisions and legal judgements from partisan influences. According to public reports, the White House has now updated its own guidance to permit the President and select others to initiate conversations with DOJ about specific criminal or civil cases or investigations. This goes beyond even the first Trump administration, and now blesses, for the first time, the President's engagement with DOJ on specific types of cases, whether criminal or civil.

    a. Do you commit to upholding the Department's longstanding policy, as outlined in the 2021 memo, not to "advise the White House concerning pending or contemplated criminal or civil law enforcement investigations or cases unless doing so is important for the performance of the President's duties and appropriate from a law enforcement perspective?"

RESPONSE: It is my understanding that Attorneys General have issued memoranda governing Department officials' contacts with the White House. If confirmed, I would comply with any applicable memoranda from the Attorneys General, as well as all applicable laws and the Constitution.

4. On February 9, 2025, Vice President Vance posted on X that "judges aren't allowed to control the executive's legitimate power." This troubling statement raises concerns that the Trump administration will defy court orders, which could pose a Constitutional crisis and recall a dark period in America's past when Governors and other state and local executives blatantly disregarded the Supreme Court's decision in *Brown vs. Board of Education*. During the Civil Rights Movement of the 1960s, state executives routinely sought to defy federal court orders, refusing to integrate schools for up to 15 years after *Brown*. United States Senator James Eastland of Mississippi, criticized the Court's ruling, stating that "the South will not abide by nor obey this legislative decision by a political body." Mississippi continued to defy the Supreme Court's decision for fifteen years. Ultimately, the Supreme Court of the United States was forced to issue a subsequent

ruling in *Alexander v. Holmes County Board of Education* in 1969, requiring school districts in Mississippi and elsewhere to desegregate "with all deliberate speed."

a. Was there any legal basis for Southern states such as Mississippi to defy the Supreme Court's decision in *Brown vs. Board* for fifteen years after the court issued its decision?

RESPONSE: A party must abide by all lawful court orders that apply to it.

b. Is there ever any legal basis for state executive officials or federal executive officials to defy a federal court order?

RESPONSE: Please see my response to Question 4(a) above.

a. If you are instructed by the President, the Vice President, or any White House personnel – directly or indirectly – to either defy or ignore a court order, will you stand up to and object to such an instruction in order to preserve the constitution's separation of powers?

RESPONSE: I must respectfully reject your premise. As I stated at my hearing, I have represented President Trump for four years in numerous different cases, and I currently represent him as a private attorney. In all of those years, in multiple cases, in multiple jurisdictions, the President has never asked me to do anything that I found to be objectionable, immoral, unlawful, or illegal.

5. The Department of Justice has already seen drastic changes under the Trump Administration. Many divisions within DOJ are gutting and reassigning career attorneys who have been there for years.

a. Will you plan reduce the number of career attorneys in the Civil Rights Division? If so, why and by how many?

RESPONSE: As I am not currently at the Department, I am not privy to any personnel actions that may have been discussed or planned.

b. Will you target career attorneys for termination because of their political views?

RESPONSE: Please see my response to Question 5(a) above.

6. After a federal court dismissed a lawsuit against your client, Donald Trump Jr., for what it described as "leveled harsh, meanspirited, and at times misleading attacks against" Lt. Col. Alexander Vindman, you expressed your gratitude that "harsh political criticism is

still allowed in America." Yet just last week, the Department of Justice ("DOJ") sent letters to members of Congress over their criticism of Elon Musk, warning them that the department will take "threats against public officials very seriously."

a. Do you still believe that harsh political criticism should be allowed in America?

RESPONSE: Yes. As I stated at my hearing, I understand the importance of standing up to defend the right to free speech, whether or not you agree with its subject matter.

b. Do you commit to not targeting politicians for expressing what you or other DOJ officials may perceive as harsh political criticism of Elon Musk, President Trump, or anyone else in the Trump administration?

RESPONSE: Please see my response to Question 6(a) above.

7. During your nomination hearing, you stated, "I have represented President Trump for four years in numerous different cases and I currently represent him as a private attorney."
   a. Before or since the 2025 inauguration, has President Trump or any another official at the White House ever asked, suggested, or implied that you should open or undertake a review or an investigation of anyone?

RESPONSE: No.

b. Are you aware of any communications, before or since the inauguration, between the President or individuals at the White House and personnel at DOJ, including U.S. Attorneys' Offices, or the FBI asking, suggesting, or implying that DOJ or FBI should open or undertake a review or an investigation of anyone? If so, please explain in specific detail those communications.

RESPONSE: No.

c. Have you ever had any conversations or other communications with anyone at the White House or DOJ about personnel actions at DOJ that have already taken place or will take place?

RESPONSE: No.

d. Do you agree it would be improper for the President or the White House to direct, task, or otherwise provide input on whether the FBI or DOJ should initiate or

undertake a *review* of activities by current or former U.S. government officials or other private citizens?

Response: The President is bound by the terms of his oath, the Constitution, and applicable law.

e. Do you agree it would be improper for the President or the White House to direct, task, or otherwise provide input on whether the FBI or DOJ should initiate or undertake an *investigation* of current or former U.S. government officials or other private citizens?

RESPONSE: Please see my response to Question 7(d) above.

f. Do you agree it would be improper for the White House to direct, task, or otherwise provide input on whether the FBI or DOJ should pursue criminal charges against current or former U.S. government officials or other private citizens?

RESPONSE: Please see my response to Question 7(d) above.

g. Do you commit that any and all investigative decisions taken by DOJ and the FBI during your tenure as Assistant Attorney General for the Civil Rights Division, if confirmed, will be free from any political, partisan, financial, or personal motive, including the desires or direction of President Trump, the White House, or any associates of President Trump?

RESPONSE: The Department's investigative and prosecutorial decisions should be based on the facts, the applicable law and policies, the admissible evidence, and the Principles of Federal Prosecution (Justice Manual §9-27.000).

h. Would you resign as Deputy Attorney General if asked or directed by Attorney General Bondi, the President, or the White House to take any actions that are unlawful or unconstitutional?

RESPONSE: Please see my response to Question 4(aba) above.

Dear Honorable Charles Grassley
and Honorable Richard Durbin,

On behalf of the California Women's Leadership Association (CWLA), I am honored to extend our strong support for the nomination of Harmeet Dhillon as Assistant U.S. Attorney for the Civil Rights Division. Ms. Dhillon's distinguished legal career and unwavering commitment to defending constitutional freedoms make her exceptionally qualified for this role.

As a former CWLA Director (2008-2009), Ms. Dhillon has been a trailblazer in advocating for individual liberties, free speech, and civil rights. Through her leadership at the Dhillon Law Group and the Center for American Liberty, she has been at the forefront of ensuring that constitutional protections remain steadfast for all Americans. Her dedication to upholding the rule of law and advocating for fairness and justice exemplifies the qualities necessary to lead the Civil Rights Division with integrity and diligence.

CWLA is committed to supporting leaders who champion individual freedoms and legal excellence. Ms. Dhillon's extensive experience, principled leadership, and steadfast commitment to justice make her an outstanding choice for this position. We respectfully urge the Senate Judiciary Committee to confirm her nomination.

Sincerely,
Dr. Parmis Khatibi
President, California Women's Leadership Association (CWLA)
Cwla@cwla.us

MUSLIMS FOR TRUMP

Muslims for Trump & Arab Americans
February 25, 2025

The Honorable Chuck Grassley
Chair, Senate Judiciary Committee
135 Hart Senate Office Building
Washington, DC 20510

The Honorable Dick Durbin
Ranking Member, Senate Judiciary Committee
711 Hart Senate Office Building
Washington, DC 20510

Subject: Endorsement of Harmeet Dhillon for Assistant Attorney General for Civil Rights

Dear Chairman Grassley and Ranking Member Durbin,

On behalf of the Muslim and Arab American communities, we strongly urge you to support Harmeet Dhillon's nomination as Assistant Attorney General for Civil Rights at the Department of Justice. Her unwavering commitment to religious liberty and civil rights makes her the ideal candidate to lead the DOJ's Civil Rights Division.

Harmeet Dhillon's trailblazing record
• **Fearless Defender of Religious Liberty:** As the first attorney to challenge unconstitutional shutdowns of houses of worship during the COVID-19 pandemic, Ms. Dhillon restored the rights of Muslims, Christians, Sikhs, and others to worship freely.
• **Landmark Legal Victories:** Her leadership in cases such as *Gish v. Newsom*, *South Bay United Pentecostal Church v. Newsom*, and *Tandon v. Newsom* enabled Mosques, Temples, Churches, Synagogues, and Gurdwaras to reopen without undue interference.
• **Champion for Individual Rights:** From securing religious accommodations for public school employees in Maryland to defending religious minority musicians in North Carolina, her legal victories have safeguarded personal liberties.
• **Tireless Public Advocate:** Her efforts to reopen the Capitol Grounds for prayer and defend parental rights in education underscore her steadfast commitment to ensuring every American's voice is heard.

A unifying force for Muslim and Arab Americans
• **Empowering Our Communities:** Her resolute advocacy has strengthened our bonds and protected our cherished values.
• **Bridging Divides:** By challenging government overreach, she builds essential trust between marginalized communities and our nation's leadership.

Our nation needs a leader who embodies freedom, inclusivity, and accountability. Harmeet Dhillon's legal acumen, unwavering integrity, and proven record uniquely position her to restore trust in our justice system and lead the Civil Rights Division through these challenging times. We respectfully urge you to support her nomination without hesitation.

Sincerely,

Rabiul Chowdhury, Rola Makki, Masud Hossain, Faisal Dari, Oz Sultan, Dr. Matt Rostami
On behalf of the Muslim and Arab American Communities

February 25, 2025

The Honorable Charles Grassley
Chairman
Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Richard Durbin
Ranking Senator
Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Grassley and Ranking Senator Durbin:

As Attorneys General and the chief legal and law enforcement officers for our states, we strongly urge you to report promptly and favorably the nomination of Harmeet K. Dhillon to serve as Assistant Attorney General for Civil Rights at the U.S. Department of Justice.

Ms. Dhillon is perhaps best known as the founder of the Center for American Liberty, Republican National Committeewoman for California, distinguished media commentator, and managing partner of a highly respected civil rights litigation firm. What is just as important, though perhaps less well known, is that she served as volunteer director for the Support Network for Battered Women, as volunteer director for the California Women's Leadership Association, and as a pro bono attorney for women at their most vulnerable, fleeing domestic violence and human trafficking.

In fact, throughout her career, Ms. Dhillon has demonstrated a commitment to the highest standards of professionalism and the ethical practice of law. As a leading advocate for victims of domestic violence and sex trafficking and a champion for the dignity of women, children, and life itself, she has consistently shown a dedication to empowering women. Further, Ms. Dhillon has been a passionate and articulate voice for religious liberty and an equally eloquent and powerful voice defending opportunities, privacy, and safety for women.

We can think of few people better qualified and prepared to lead such an important part of the U.S. Department of Justice, as we are certain will be apparent at her hearing before your committee on February 26. We strongly encourage you to promptly and favorably report the nomination of Harmeet K. Dhillon to serve as Assistant Attorney General for Civil Rights at the U.S. Department of Justice to the Senate and we thank you for your consideration.

Sincerely,



Lynn Fitch
Attorney General
State of Mississippi



Liz Murrill
Attorney General
State of Louisiana



Brenna Bird
Attorney General
State of Iowa



Bridget Hill
Attorney General
State of Wyoming

cc: The Honorable Lindsey Graham
The Honorable John Cornyn
The Honorable Mike Lee
The Honorable Ted Cruz
The Honorable Josh Hawley
The Honorable Thom Tillis
The Honorable John Kennedy
The Honorable Marsha Blackburn
The Honorable Eric Schmitt
The Honorable Katie Britt
The Honorable Ashley Moody
The Honorable Sheldon Whitehouse
The Honorable Amy Klobuchar
The Honorable Chris Coons
The Honorable Richard Blumenthal
The Honorable Mazie Hirono
The Honorable Cory Booker
The Honorable Alex Padilla
The Honorable Peter Welch
The Honorable Adam Schiff

IndependentWomen®

Independent Women Supports the Confirmation of Harmeet Dhillon as Assistant Attorney General for Civil Rights

February 24, 2025

Dear Senators,

Independent Women, which advances policies that enhance opportunity and well-being, fully supports the confirmation of Harmeet Dhillon as Assistant Attorney General for Civil Rights. President Trump deserves the team he wants so that he can carry out the directive given to him by the American people.

There is no question that Ms. Dhillon is incredibly qualified to serve as Assistant Attorney General for Civil Rights.

As the founder of Dhillon Law Group, a firm that specializes in discrimination cases, Ms. Dhillon has consistently fought to defend those who have had their civil rights curtailed or denied. Ms. Dhillon has stood up for women's rights, opposing those attempting to erase the concept of sex and allow men to enter and dominate spaces and competitions that are meant for women.

Ms. Dhillon has opposed discriminatory DEI policies, which became widespread in the Biden administration. She has fought to defend free speech rights and curtail viewpoint discrimination and has championed the rights of parents to have access to critical information about their children. There is no question that Ms. Dhillon will work with Attorney General Bondi to make sure the U.S. Department of Justice turns away from its focus under the Biden administration of advancing a radical, discriminatory political agenda and instead is dedicated to enforcing the rule of law.

Independent Women is proud to support the nomination of such a qualified nominee to serve as Assistant Attorney General for Civil Rights. We urge senators to provide Ms. Dhillon with a fair and respectful hearing and to confirm her as Assistant Attorney General for Civil Rights.

Respectfully,

Heather R. Higgins
CEO
Independent Women's Voice

Carrie Lukas
Vice President
Independent Women's Voice

Tina Descovich
Moms for Liberty
981 E Eau Gallie Blvd
Melbourne, FL 32937

February 26, 2025

The Honorable Charles Grassley
Chairman, Committee on the Judiciary United States Senate

The Honorable Richard Durbin
Ranking Member, Committee on the Judiciary United States Senate

Dear Senators,

I am honored to express my support for Harmeet Dhillon's nomination as Assistant U.S. Attorney for the Civil Rights Division. I believe that Harmeet's appointment will be instrumental in ensuring that civil rights protections are upheld fairly and without political bias, safeguarding the liberties of all Americans by:

- Defending parents' rights to be actively involved in their children's education without government interference.
- Protecting free speech rights for students, teachers, and parents in educational settings.
- Ensuring that civil rights laws are applied equally, preventing ideological bias from infringing on parental authority.
- Upholding due process and equal protection for families facing discrimination or government overreach in education.

This endorsement reflects my unwavering commitment to advocating for parental rights, government transparency, and the constitutional freedoms that form the foundation of our nation.

Moms for Liberty is a grassroots organization dedicated to empowering parents to take an active role in their children's education and ensuring that government institutions operate with accountability and fairness. We believe that justice must be applied equally to all citizens, and that a strong, principled leader in the Civil Rights Division is critical to preserving the rule of law.

Harmeet Dhillon's record of legal excellence, fearless advocacy, and dedication to constitutional principles speaks for itself. Throughout her career, she has championed the rights of individuals against government overreach, defended free speech, and fought to uphold the fundamental liberties enshrined in our Constitution. Her willingness to take on powerful institutions in the pursuit of justice demonstrates her steadfast commitment to ensuring that civil rights laws are enforced fairly and without prejudice.

At a time when the civil rights landscape is increasingly shaped by ideological influences, we believe that Harmeet Dhillon will bring a balanced and principled approach to the role. Her leadership will help restore public trust in the Civil Rights Division and ensure that every American—regardless of background or political belief—receives equal protection under the law.

I urge you to support Harmeet Dhillon's nomination as Assistant U.S. Attorney for the Civil Rights Division.

Thank you for considering my endorsement. Please do not hesitate to reach out if you require further information.

Sincerely,

Tina Descovich
Co-founder and Executive Director
Moms for Liberty

REPUBLICAN NATIONAL LAWYERS ASSOCIATION

Lee Goodman
Chair

Michael Thielen
President and Executive Director

Patricia Paoletta
Co-Chair

Trevor Stanley
First Vice President

Kory Langhofer
Vice President, Election Education

John Fogarty
Vice President, Judicial Affairs

Linley Wilson
Vice President, Membership

David Bowsher
Vice President, Programming

Darby Thorne
Vice President, Washington D.C. Operations

Robert J. Horn
Founding Chair

P.O. Box 18965
Washington, D.C. 20036

Phone: (202) 802-0437
Fax: (202) 747-2873

www.RNLA.org

February 25, 2025

The Honorable Charles Grassley
Chairman
Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Richard Durbin
Ranking Member
Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, D.C. 20510

Re: Current and Former RNLA Leaders Support Confirmation of Harmeet K. Dhillon to be Assistant Attorney General for Civil Rights

Chairman Grassley and Ranking Member Durbin:

We are current and past Chairs, Co-Chairs, and Presidents of the Republican National Lawyers Association (RNLA). We write in support of Harmeet K. Dhillon, President Trump's nominee for Assistant Attorney General in charge of the Civil Rights Division at the U.S. Department of Justice.

Harmeet has been a stalwart attorney and colleague of ours for many years. We have witnessed first-hand that her leadership capabilities are above reproach and will serve the Department of Justice well. She is a lawyer's lawyer who understands the challenges the Department and Civil Rights Division face and will acquit herself admirably in service to the country.

She served on the RNLA's Board of Governors for nearly a decade and was chosen by the RNLA Board to serve as Vice President for Communications, Co-Chair, and Chair from 2017 to 2023. Throughout her service to the organization, she was a dedicated professional and chose to lead the RNLA from the front, setting a positive agenda and ensuring that the RNLA's members were educated on the most relevant issues of the day. Under her leadership, the RNLA grew and further progressed toward its unofficial goal of being the "bar association" and home for Republican lawyers. And she did all this in addition to running her own law firm, founding and guiding a civil liberties-protecting non-profit organization, frequently appearing in the media, and caring for family members with medical issues.

We have seen her dedicate substantial time and expertise to protecting civil rights and expect her to be just as zealous an advocate for civil rights as Assistant Attorney General as in her private practice. Harmeet's experience includes ensuring employers are held accountable for race, age, gender, and sexual orientation discrimination, protecting clients' First Amendment Rights, and supporting voting rights.

Harmeet has not shied away from protecting individuals' civil rights either when not popular to do so or when assuming reputational risks representing them. For example, during the height of the COVID-19 pandemic, Harmeet protected the rights of people to attend in-person religious gatherings, even though the general, public attitudes in California supported the lockdowns. After losses in the lower

courts, the Supreme Court delivered rulings vindicating her clients' religious liberty rights. She is fearless and tenacious in fighting for what is right.

In addition, Harmeet has dedicated herself, throughout her career, to leading other attorneys, helping them grow and achieve their full potential. We know that she will help the attorneys at the Civil Rights Division reach their full potential and accomplish the Division's critical work.

Harmeet's experience and dedication to protecting civil liberties makes her the perfect candidate to lead the Department of Justice's Civil Rights Division. Because we all have personally witnessed or experienced her leadership qualities and concern for her fellow Americans and their rights, she has our full endorsement and support.

Sincerely,

The Undersigned Current and Former Chairs, Co-Chairs, and Presidents of the Republican National Lawyers Association *

*All persons have signed in their personal, and not their official or professional, capacities.

Lee Goodman
RNLA Chair
Virginia

Michael B. Thielen
RNLA President
Virginia

Tricia Paoletta
RNLA Co-Chair
Washington, D.C.

Marc Ellinger
RNLA Chair (2024)
RNLA President (2023)
Missouri

Mark Braden
RNLA Co-Chair (2022-2023)
Washington, D.C.

David Bowsher
RNLA President (2021-2022)
Alabama

Larry Levy
RNLA Chair (2021)
RNLA President (2015-2016)
New York

Manuel Iglesias
RNLA Chair (2019-2020)
Florida

Joanne Young
RNLA Co-Chair (2018-2019)
Washington, D.C.

Elliot Berke
RNLA President (2017-2018)
Washington, D.C.

February 25, 2025

Kimberly Reed
RNLA Chair and
Co-Chair (2015-2017)
Washington, D.C.

Randy Evans
RNLA Chair (2013-2016)
Georgia

Heather Heidelbaugh
RNLA Co-Chair (2011-2014)
Pennsylvania

David Norcross
RNLA Chair (2009-2012)
Washington, D.C.

Cleta Mitchell
RNLA President (2011-2012)
RNLA Co-Chair (2009-2010)
Washington, D.C.

Chuck Bell
RNLA President (2009-2010)
California

Dick Wiley
RNLA Chair (2007-2008)
Washington, D.C.

J.C. Boggs
RNLA President (2007-2008)
Washington, D.C.

Harvey Tettlebaum
RNLA President (2005-2006)
Missouri

REPUBLICAN NATIONAL LAWYERS ASSOCIATION

Lee Goodman
Chair

Michael Thielen
President and Executive Director

Patricia Paoletta
Co-Chair

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First Vice President

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February 25, 2025

The Honorable Charles Grassley
Chairman
Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Richard Durbin
Ranking Member
Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, D.C. 20510

Re: Confirmation of Harmeet K. Dhillon to be Assistant Attorney General for Civil Rights

Chairman Grassley and Ranking Member Durbin:

As woman leaders and members of the Republican National Lawyers Association ("RNLA"), we strongly recommend that the Senate Judiciary Committee favorably report the nomination of Harmeet K. Dhillon to serve as Assistant Attorney General for Civil Rights at the U.S. Department of Justice.

We have been privileged to learn from and observe Harmeet's career of protecting civil rights and raising the bar for advocacy on behalf of underrepresented or unpopular groups. As a minority woman who has become a leader in her fields of civil rights law, First Amendment law, and election law, she has been an inspiration to a generation of young lawyers, particularly young women.

Throughout her career, Harmeet has championed the rights of women and worked both through the law and through her community to help ensure the flourishing of women. During law school, she was a domestic violence advocate and in private practice, she has provided pro bono legal services to victims of domestic violence and victims of sex trafficking. She has represented and championed those investigating the harm done to women and unborn children through abortion, those whose speech or religious activities have been suppressed by the government, women seeking not to compete against biological men in sports, and women who have been victimized by the left's radical gender ideology.

Harmeet served as a volunteer director for the Support Network for Battered Women and as a volunteer director of the California Women's Leadership Association. In addition to recognition and awards as a lawyer nationally, she has been recognized as a Woman Leader in Law by a California legal publication and Woman of the Year by the California Women's Leadership Association. She has also been a leader in the Republican Party both in California and nationally, inspiring women to be active participants in the party and encouraging them to make their voices heard on issues of importance.

Harmeet is a groundbreaking minority woman in the law, and she has demonstrated hard work, zealous advocacy, strategic thinking, and a deep concern for people who have been oppressed or treated unjustly, or whose rights have been suppressed. Her distinguished career is a result of these qualities and not because she is a woman or a minority who has been elevated beyond her abilities.

For these reasons and more, Harmeet K. Dhillon would be a skilled and well-qualified leader of the Civil Rights Division at the Justice Department who would lead the Division to fulfill its mission of "uphold[ing] the civil and constitutional rights of all Americans, particularly some of the most vulnerable members of our society," and "enforc[ing] federal statutes prohibiting discrimination on the basis of race, color, sex, disability, religion, familial status, military status and national origin." As woman lawyers, we recommend that the Committee vote to report favorably her nomination to the full Senate.

Sincerely,

The Undersigned Women Leaders and Members of the RNLA*

cc: The Honorable Lindsey Graham
The Honorable John Cornyn
The Honorable Mike Lee
The Honorable Ted Cruz
The Honorable Josh Hawley
The Honorable Thom Tillis
The Honorable John Kennedy
The Honorable Marsha Blackburn
The Honorable Eric Schmitt
The Honorable Katie Britt
The Honorable Ashley Moody
The Honorable Sheldon Whitehouse
The Honorable Amy Klobuchar
The Honorable Chris Coons
The Honorable Richard Blumenthal
The Honorable Mazie Hirono
The Honorable Cory Booker
The Honorable Alex Padilla
The Honorable Peter Welch
The Honorable Adam Schiff

*All persons have signed in their personal, and not their official or professional, capacities.

Patricia Paoletta
RNLA Co-Chair
Virginia

Lindsey Melody Specht
RNLA Secretary
Virginia

Jennifer Bukowsky
RNLA Board of Governors
Missouri

Brenda Hankins
RNLA Board of Governors &
Founder, RNLA Women's Network
Virginia

Joy Lee
RNLA Board of Governors
Virginia

Audrey Perry
RNLA Board of Governors &
Former RNLA Vice President for
Judicial Affairs
California

Joanne W. Young
RNLA Board of Governors &
Former RNLA Co-Chair
District of Columbia

Alexandra Bartlett
RNLA Indiana Chapter Chair
Indiana

Sara Frankenstein
RNLA South Dakota
Chapter Chair
South Dakota

Bilenda Harris-Ritter
RNLA Arkansas Chapter Chair
Arkansas

Brittany Walker Hausle
RNLA Nevada Chapter Chair &
Former RNLA Deputy Director
Nevada

Kisa Motiwala
RNLA Young Lawyers
Chapter Co-Chair
District of Columbia

Lane Ruhland
RNLA Wisconsin Chapter Chair
Wisconsin

Anna Dean
RNLA Political Director
Virginia

Elizabeth El-Rassy
RNLA Programming Director &
Associate Counsel
Virginia

Kimberly Reed
Former RNLA Chair
West Virginia

Cleta Mitchell
Former RNLA President
North Carolina

Alicemary Leach
Former RNLA First Vice Chair &
Former RNLA Vice President for
D.C. Operations
Virginia

Linda Knight
Former RNLA Vice President for
Judicial Affairs
Tennessee

Beverly Weiss Manne
Former RNLA Board of Governors &
Former RNLA Pittsburgh Chapter Chair
Pennsylvania

Christine Svenson
Former RNLA Vice President for
Finance
Illinois

Stephanie S. Bell
Former RNLA Missouri Chapter Chair
Missouri

Ashlee Titus
Former RNLA California Chapter Chair
California

Cameron P. Quinn
Former RNLA Virginia Chapter Chair
Virginia

Meghan Jones-Rolla
Former RNLA Pittsburgh Chapter Chair
Pennsylvania

Alyssa Specht Garcia
Former RNLA Political Director
Virginia

Ashley C. MacLeay
Former RNLA Deputy Director
Maryland

Christina Norton
Former RNLA Deputy Director
Virginia

Nicole Kelly
Former RNLA Nevada Director
District of Columbia

Suzanne Israel Tufts
Former RNLA Consultant
New York

The Honorable
Christy McCormick
California

The Honorable Amber Hulse
South Dakota

Jessica Furst Johnson
Virginia

Christine Fort
Arizona

Michelle Williams
Mississippi

Brittany E. Bennett
Georgia

Catherine M. Brown
New Jersey

Rhonda L. Daniels
Virginia

Diane Nash Dillon
Maryland

Lisa L. Dixon
Michigan

Samantha Dravis
Virginia

Debra Lamm
Montana

Charlene Foss
Illinois

Lauren L. Fuller
Florida

Michelle Ward Ghetti
Louisiana

Olivia Ingrassia
New York

Kathleen Johnson
Florida

Dana E. Leavitt
Virginia

Jennifer Little
Georgia

Katy McGinnis
Florida

Sarah Elizabeth Pritchard
Georgia

Stephanie Vadasz Randall
Missouri

Carolyn Tatum Roddy
Georgia

Brandis Zehr
Virginia

February 20, 2025

The Honorable Charles E. Grassley
Chairman, United States Senate
Committee on the Judiciary
135 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Richard J. Durbin
Ranking Member, United States Senate
Committee on the Judiciary
711 Hart Senate Office Building
Washington, DC 20510

Re: Confirmation of Harmeet Kaur Dhillon as Assistant Attorney General of the United States for Civil Rights

Dear Chairman Grassley and Ranking Member Durbin,

We, the signatories below, are Sikh American community leaders representing Gurdwaras (Sikh places of worship) and civil rights organizations across the United States writing to voice our strongest support for one among us, Harmeet Kaur Dhillon, to be Assistant Attorney General for Civil Rights.

Many Americans know Ms. Dhillon for her decades of work advocating for civil rights. Others know her as a political leader and media commentator.

Ms. Dhillon, active in religious freedom cases — including victories at the U.S. Supreme Court — is especially important as a leader of the Sikh American community. Since she graduated from law school, Harmeet has performed volunteer legal work for several Sikh community organizations, ranging from incorporation assistance to landmark civil rights litigation. Following the September 11, 2001 terrorist attacks on our nation, Harmeet worked for the safety of our community through legal advocacy as well as educational and public relations work to explain our faith to America at a time when Sikhs were being shot, harassed, threatened, fired, and otherwise singled out during a backlash against many Americans wrongly identified as terrorists. In line with her work to fight against

discrimination of Sikhs and other groups, Ms. Dhillon at that time served as a board member of the Northern California chapter of the American Civil Liberties Union, where she worked to protect Sikhs and others from the life-threatening backlash so many experienced in that perilous time in our nation's history.

In more recent years, as a pro bono religious freedom attorney, Ms. Dhillon won a settlement in the case of Trilochan Singh Oberoi, a Sikh applicant to be a California prison guard, who passed all pre-employment criteria, but who was denied the position because he refused to shave his beard because of tenets of Sikhism, even as the prison department allowed men exceptions from the no-beards rule as a medical accommodation. She pursued this challenging pro bono case for four years, after winning at the administrative level and then seeing the state Attorney General appeal that decision through the trial courts. Over the years, Harmeet's advocacy has led her to challenge many private employers as well, ranging from airlines to courier companies that discriminated against Sikhs on the basis of their religion. Most recently, in this past year, her firm's advocacy has resulted in multiple young Sikhs being able to serve as law enforcement officers in California.

Our community watches with respect for Ms. Dhillon's intellect and legal acumen, as she has supported fundamental freedoms guaranteed in the U.S. Constitution and challenged policies curtailing those freedoms. Senators, we know you are familiar with many of these cases, and as both Republicans and Democrats, we are pleased with her successes in working on cases and with teams across the political spectrum. Without regard to political orientation, in her three decades of legal work she has demonstrated an unwavering commitment to freedom of religion for all faiths in the U.S., and is expected to demonstrate that commitment if confirmed to the U.S. Department of Justice.

Ms. Dhillon understands politics as well. The Sikh American community is especially honored that both in 2016 and 2024, Ms. Dhillon represented our faith by offering Sikh prayers at Republican National Conventions. She has served as the Republican National Committeewoman from California, and in 2008, ran for the California Assembly as the first Sikh to run for state legislative office as a major party nominee. Cable news, podcast, and traditional media audiences know Ms. Dhillon as a regular and thoughtful commentator on various national issues.

Ms. Dhillon, born in Punjab, raised in rural North Carolina, and founding her national law practice in California, has a background similar to many in our community, but her outstanding ability matches her advocacy for the U.S. Constitution with her political but bipartisan approach, is unique.

For the reasons outlined above, we wholeheartedly support Ms. Dhillon's confirmation as Assistant Attorney General for Civil Rights, and we respectfully request your vote to refer her nomination to the full Senate for confirmation.

With gratitude for your consideration,

Sincerely,

Gurdev Singh,
Acting President
American Gurdwara Parbandhak Committee
for Gurdwaras across the United States

Pritpal Singh
Founder
American Sikh Caucus Committee

Devinder Kaur
Sikh Gurudwara of North Carolina
3214 E, Banner St, Durham, NC 27704

Arvind Singh
Darbar Sri Guru Granth Sahib Ji
48055 Michigan Avenue
Canton, MI 48188

Rana Singh
President
Gurdwara Shri Guru Hargobind Sahib Ji
1050 S Graham Rd, Greenwood, IN 46143

Rajbhinder Singh Badesha
Gurdwara Khalsa Darbar.
1240 Old York road. Burlington NJ 08016

Naunihal S Brar

Sikh Temple Riverside
7940 Mission Blvd, Riverside, CA. 92509

Randhir Singh Nijjar
Sacramento Sikh Society,
7676 Bradshaw Rd, Sacramento, CA 95829

Jaspreet Singh Atwal
Gurdwara Sahib Fremont
300 Gurdwara Road,
Fremont CA 94539

Balbir Singh Dhillon
Gurdwara Sahib Singh Sabha
362 S Milpitas Blvd, Milpitas, CA 95035

Kulwant Singh
Sikh Gurdwara Sahib San Francisco
2400 Rosewood Dr, San Bruno, CA 94066

Dalbir Singh Sandhar
Gurdwara Gur Nanak Parkash Fresno Inc
4250 E Lincoln Ave Fresno, CA 93722

Himmat Singh,
Coordinator
Sikh Coordination Committee East Coast

Manwinder Singh,
Advocacy Director
United Sikhs

Naindeep Singh
Director
Jakara Movement

Amanpreet Oberoi
President
Erie APAA Commission

Thomas Singh
Philadelphia Sikh Community

Inder Bain
Delaware County Sikh Community

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Aaron Francis Reitz

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

Assistant Attorney General for the Justice Department's Office of Legal Policy

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 Address:
167 Russell Senate Office Building
Washington, DC 20510

Residence:
Austin, Texas

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

May 22, 1987, New Haven, CT

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.

Institution	*Attendance*	*Degree Rec'd*	*Date Received*
Univ. of Texas School of Law Austin, TX	Aug. 2014–May 2017	JD	May 20, 2017
Texas A&M University College Station, TX	Aug. 2005–Aug. 2009	BS	Aug. 14, 2009
Blinn College Bryan, TX	May 2009–June 2009	n/a (college credit courses)	n/a
San Antonio College San Antonio, TX	Aug. 2004–June 2006	n/a (college credit courses)	n/a

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.

The following employment record excludes all military service, which spans periods of both active and reserve duty. For my record of military service, see Section 7 below. Further, all the employment listed below has been paid; I have not been employed on an unpaid basis since graduating college.

Employer	*Title*	*Address*	*Dates*
U.S. Senate	Chief of Staff to Sen. Ted Cruz	167 Russell Bldg. Washington, DC 20510	May 2023–present
Ted Cruz for Senate	Senior Advisor	4801 Woodway Dr. Floor 2 Houston, TX 77056	May 2023–present
Office of the Attorney General of Texas	Deputy Attorney General for Legal Strategy	300 W. 15th St. Austin, TX 78701	Oct. 2020–May 2023
Ken Paxton Campaign	Senior Advisor	P.O. Box 3467 McKinney, TX 75070	Oct. 2020–Mar. 2023
Jefferson Cano	Associate Attorney	112 E. Pecan St. Suite 1650 San Antonio, TX 78205	Aug. 2020–Sep. 2020
Cleveland Terrazas PLLC	Associate Attorney	4611 Bee Caves Rd. Austin, TX 78746	Dec. 2019–Aug. 2020
Cobb & Counsel	Associate Attorney	401 Congress Ave. Suite 1540 Austin, TX 78701	May 2019–Dec. 2019
HEB Grocery Store	Night Shift Grocery Stocker	5808 Burnet Rd. Austin, TX 78756	Nov. 2018–June 2019
Supreme Court of Texas	Law Clerk to Justice Jimmy Blacklock	201 W. 14th St. Austin, TX 78701	Jan. 2018–May 2019
Bracewell LLP	Associate Attorney; Summer Associate	711 Louisiana St. Suite 2300 Houston, TX 77002	Sep. 2017–Jan. 2018; July–Aug. 2016
Norton Rose Fulbright US LLP	Summer Associate	111 W. Houston St. Suite 1800 San Antonio, TX 78205	May–June 2016
Jones Day	Summer Associate	717 Texas St. Suite 3300 Houston, TX 77002	May–July 2015

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 registered for the Selective Service on June 2, 2005. My Selective Service Number is 87-0512928-9.

I am in the United States Marine Corps. My Department of Defense Identification Number is ******0297

Reverse chronology of service:

Dates	*Type of Service*	*Notes*
Nov. 2018–present	Selected Marine Corps Reserve	n/a
Mar. 2015–Nov. 2018	Individual Ready Reserve	n/a
Mar. 2014–Mar. 2015	Selected Marine Corps Reserve	n/a
Aug. 2009–Mar. 2014	Active Duty	Honorable Discharge

Reverse chronology of rank:

Dates	*Rank*
Sep. 2020–present	Major
Nov. 2013–Aug. 2020	Captain
Aug. 2011–Oct. 2013	First Lieutenant
Aug. 2009–Aug. 2011	Second Lieutenant

Reverse chronology of unit and billet assignments:

Dates	*Unit*	*Billet*	*Location*	*Component*
May 2024–present	1st Battalion, 23rd Marines	Excess[1]	Ellington Field, Houston, TX	Reserve
Oct. 2022–May 2024	Command & Staff College	Student	Naval Air Station Joint Reserve Base, Fort Worth, TX	Reserve
Dec. 2020–Oct. 2022	1st Battalion, 23rd Marines	Battalion Logistics Officer (S-4)	Ellington Field, Houston, TX	Reserve
Nov. 2018–Dec. 2020	Combat Logistics Battalion 453	Maintenance Detachment Officer-in-Charge	Dyess Air Force Base, Abilene, TX	Reserve

[1] I am currently in an "excess billet" with this unit, meaning I have completed Command & Staff College and am awaiting assignment to my next USMC Reserve Unit.

Mar. 2014–Mar. 2015	Combat Logistics Battalion 453	Maintenance Detachment Officer-in-Charge	Dyess Air Force Base, Abilene, TX	Reserve
June 2013–Jan. 2014	5th Marine Regiment	Regimental Motor Transport Officer	Camp Pendleton, CA	Active
Feb. 2011–June 2013[2]	2d Battalion, 4th Marines	Embedded Training Team Logistics Officer (S-4); Battalion Motor Transport Officer	Musa Qala, Helmand Provide, Afghanistan; Camp Pendleton, CA	Active
Oct. 2010–Feb. 2011	Logistics Officers Course	Student	Camp Johnson, NC	Active
Mar. 2010–Oct. 2010	The Basic School	Student	Quantico, VA	Active
Nov. 2009–Mar. 2010	Officer Selection Office	Officer Recruiter	Austin, TX	Active

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.

Military Awards Listed in Order of Precedence:

- Navy & Marine Corps Achievement Medals (two: Feb. 2012, Dec. 2023)
- Navy Meritorious Unit Commendation (Jan. 2023)
- Selected Marine Corps Reserve Medal (Nov. 2021)
- Afghanistan Campaign Medal (Oct. 2011)
- Sea Service Deployment Ribbon (Oct. 2011)
- NATO Medal-ISAF Afghanistan (Dec. 2011)
- Global War on Terrorism Service Medal (approx. Oct 2011)
- National Defense Service Medal (approx. Aug. 2009)
- Letters of Appreciation (two: Dec. 2009, Mar. 2014)
- Honor Graduate, Logistics Officer Course (Feb. 2011)

[2] My tenure with 2/4 included a deployment to the northern Helmand Province from Aug. 2011 through Feb. 2012.

Academic and Professional Honors:

- Texas A&M Assoc. of Former Students "12 Under 12 Young Alumnus" Award (Nov. 2021)
- Austin Way Magazine "The List" (Dec. 2016)
- Alliance Defending Freedom Gustavson Award (July 2016)
- Federalist Society James Madison Award for 2015–16 Student Chapter of Year (spring 2016)
- Hutcheson Moot Court Competition Quarterfinalist (spring 2015)
- *Texas Review of Law & Politics* Conservative Student of the Year (spring 2015)
- Texas A&M University: Liberal Arts Honors, University Honors, Magna Cum Laude, and Distinguished Naval Graduate (Aug. 2009)
- Texas A&M Corps of Cadets Castleberry Award (spring 2008)
- Texas A&M Assoc. of Former Students Buck Weirus Spirit Award (spring 2006)
- Texas A&M Corps of Cadets General O.R. Simpson Honor Society (2005–09)

Fellowships:

- Club for Growth Foundation Fellowship (2023)
- James Wilson Institute Fellowship (2018)
- Claremont Institute Marshall Fellowship (2018)
- Alliance Defending Freedom Blackstone Legal Fellowship (2015)
- Koch Summer Fellowship (2014)
- John Jay Institute Fellowship (2014)

Honorary Society Memberships:

- University of Texas Friar Society (inducted fall 2016)
- Phi Beta Kappa (elected July 2010)

Scholarships:

- University of Texas School of Law:
  - Several miscellaneous scholarships from the Law School, which, according to the Texas Law Financial Aid Office, total around $86,000.00
  - I was also a recipient of the post-9/11 G.I. Bill, which is not a scholarship, per se, but is an educational benefit.
- Texas A&M University:
  - Naval Reserve Officers Training Corps (NROTC)
  - According to Texas A&M's Assistant Vice President for Scholarships & Financial Aid, I received a number of unspecified university and Corps of Cadets scholarships through a sort of "clearinghouse" called Scholarship America.

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.

Federalist Society: member since Nov. 2014

10. Bar and Court Admissions:

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.

Admitted to the State Bar of Texas in Nov. 2017

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

U.S. Supreme Court, admitted Dec. 2020
U.S. Court of Appeals for the Fifth Circuit, admitted July 2021
U.S. District Court for the Northern District of Texas, admitted Apr. 2021
U.S. District Court for the Southern District of Texas, admitted Apr. 2021
U.S. District Court for the Eastern District of Texas; admitted Dec. 2020
U.S. District Court for the Western District of Texas; admitted May 2021

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.

Texas Public Policy Foundation Liberty Leadership Council; general member from 2017 through 2021, and Chairman of the Austin, TX chapter from Jan. 2019 through Oct. 2021

Saint Thomas More Society at Saint Mary Cathedral, Austin, TX; general member from approximately 2018 through 2023

Cub Scout Pack 25 at the Regents School of Austin; Pack Cubmaster during 2019–20 and 2020–21 school years

Texas A&M Association of Former Students; member in 2013 and 2021

Texas A&M Corps of Cadets Association; member in 2009, 2013, and 2023

b. Indicate whether any of these organizations listed in response to 1l (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.

The Cub Scouts and Corps of Cadets at various points in history have admitted only men or boys to their ranks. Neither institution observes that practice anymore, except for a few units within the Corps of Cadets. I have not taken any action to change these policies or practices one way or the other.

12. <u>Published Writings and Public Statements</u>:

Note: for all writings and statements warranting a separately-saved PDF version, I have created Google Drive and provided a link to the Committee.

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.

Ted Cruz, *Unwoke: How to Defeat Cultural Marxism in America* (2023) ("The following reviewed portions of the book and provided very helpful edits: Aaron Reitz…I appreciate their help, friendship, and insight." at p. 295); there is no electronic or PDF version of the book, so physical copies of the book can be provided upon request

Aaron Reitz, *From Soft Liberalism to Iron-Fisted Leftism in Today's U.S. Military*, NEWSWEEK (Mar. 19, 2021), https://www.newsweek.com/soft-liberalism-iron-fisted-leftism-todays-us-military-opinion-1576950

Aaron Reitz, *Texas Needs a Back the Blue Act, Not a George Floyd Act*, AUSTIN AMERICAN-STATESMAN (Sep. 4, 2020), https://www.statesman.com/story/opinion/columns/your-voice/2020/09/04/opinion-texas-needs-back-blue-act-not-george-floyd-act/42536343

Aaron Reitz, *Texas Should Throw Out Austin's Homelessness Rules*, AUSTIN BUS. J. (Aug. 20, 2020), https://www.bizjournals.com/austin/news/2020/08/20/viewpoint-austin-homelessness-rules-preemption.html

Aaron Reitz, *Take a Stand Against California Model for Texas Cities*, AUSTIN AMERICAN-STATESMAN (Nov. 12, 2019), https://www.statesman.com/story/opinion/columns/your-voice/2019/11/12/opinion-take-stand-against-california-model-for-texas-cities/2306643007

39 HARVARD J. OF L. & PUB. POL'Y, Issue No. 1 (2016)[3]; comprised of the following articles:

- https://journals.law.harvard.edu/jlpp/wp-content/uploads/sites/90/2010/01/39_1_Epstein_F.pdf
- https://journals.law.harvard.edu/jlpp/wp-content/uploads/sites/90/2010/01/39_1_Kelly_F.pdf
- https://journals.law.harvard.edu/jlpp/wp-content/uploads/sites/90/2010/01/39_1_Kregor_F-1.pdf
- https://journals.law.harvard.edu/jlpp/wp-content/uploads/sites/90/2010/01/39_1_McGinnis_F.pdf

[3] I served as an Executive Editor for this issue of the *Harvard Journal of Law & Public Policy*.

- https://journals.law.harvard.edu/jlpp/wp-content/uploads/sites/90/2010/01/39_1_Melamed_F.pdf
- https://journals.law.harvard.edu/jlpp/wp-content/uploads/sites/90/2010/01/39_1_Turner-Brim_F.pdf

21 TEX. REV. OF L. & POL., Issue No. 1 (2016)[4]; comprised of the following articles:
- https://www.trolp.org/blog/?category=Vol+21+No+1

21 TEX. REV. OF L. & POL., Issue No. 2 (2016–17); comprised of the following articles:
- https://www.trolp.org/blog/?category=Vol+21+No+2

21 TEX. REV. OF L. & POL., Issue No. 3 (2017); comprised of the following articles:
- https://www.trolp.org/blog/?category=Vol%2021%20No%203

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.

Testimony before the Texas Senate Committee on Border Security; Austin, TX; Mar. 23, 2023; https://senate.texas.gov/videoplayer.php?vid=18878&lang=en (testimony begins at approximately 30 seconds and ends at approximately 24 minutes)

Tex. Att'y Gen. Op. No. KP-0411 (whether a legislator or a member of the public may inspect or obtain copies of anonymous voted ballots)

Tex. Att'y Gen. Op. No. KP-0401 (whether certain medical procedures performed on children constitute child abuse)

Tex. Att'y Gen. Op. No. KP-0372 (authority of the Behavioral Health Executive Council to adopt a rule prohibiting certain discriminatory conduct by licensed social workers)

Tex. Att'y Gen. Op. No. KP-0431 (applicability of Texas's minimum wage laws to minor league baseball players when playing baseball for one of eight minor league teams in Texas)

[4] I served as Editor in Chief for Volume 21 of the *Texas Review of Law & Politics*, which was comprised of three issues.

Tex. Att'y Gen. Op. No. KP-0439 (constitutionality of legislation creating a Texas Education Savings Account program for Texas children)

Testimony before the Texas Senate Committee on State Affairs regarding the Second Amendment; Austin, TX; Feb. 26, 2020; https://fb.watch/xiOfNgQBLj/

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.

Speech; Bastrop County Conservatives on the state of Ted Cruz's re-election efforts; Bastrop, TX; Sep. 16, 2024; no recording, transcript, or notes available

Speech; Sun City Republican Party on the state of Ted Cruz's re-election efforts; Georgetown, TX; July 25, 2024; no recording, transcript, or notes available

Panel; Republican Attorneys General Association Retreat; The Greenbrier, WV; July 28, 2024; no recording, transcript, or notes available, but my remarks surveyed the instances in which the Biden Administration had violated traditional American principles of Law and Order

Panel; Republican Attorneys General Association Retreat; Houston, TX; Apr. 18, 2024; no recording, transcript, or notes available, but my remarks surveyed the instances in which the Biden Administration was harming the American energy sector

Speech; Susan B. Anthony Pro-Life America Texas Legislative Breakfast; Austin, TX; Feb. 7, 2023; no recording, transcript, or notes available, but I wrote this in a contemporaneous social media post: "Spoke at the SBA Pro-Life America Texas Legislative Breakfast this morning. Got to showcase all the heroic pro-life initiatives and litigation Texas Attorney General Ken Paxton has been leading for years—especially over the past two since Biden was inaugurated—and announce our latest Texas-versus-Biden lawsuit"; social media post here: https://www.facebook.com/share/1FT1rkAxip/?mibextid=wwXIfr

Speech; City of Lakeway Veterans Day Ceremony; Lakeway, TX; Nov. 11, 2022; transcript of speech available here: https://www.facebook.com/share/1FuCB9Yknt/?mibextid=wwXIfr

Panel: "The Systematic Dismantling of American Border Security"; America First Policy Institute; Washington, DC; May 19, 2022; https://www.youtube.com/watch?v=Vc2f_zpqvYo
Panel: "Biden's Border Crisis: Time for States to Step Up"; Texas Public Policy Foundation Policy Orientation; Austin, TX; Jan. 19, 2022; https://www.youtube.com/watch?v=Xzeqic8axYM

Panel: "Red America in Defiance"; American Moment Podcast: "Moment of Truth"; Nov. 22, 2021; https://youtu.be/PDIaTicWjUk?si=kJBYWoxSRcn_3cMA

Panel: "Immigration Federalism: What Can States Do to Secure Their Borders?"; Heritage Foundation; Washington, DC; Oct. 13, 2021; https://www.heritage.org/border-security/event/immigration-federalism-what-can-states-do-secure-their-borders

Panel: Costs of the Covid-19 Shutdown; Texas Public Policy Foundation; Austin, TX; Apr. 29, 2021; no recording, transcript, or notes available

Panel; Republican Attorneys General Association Retreat; Atlanta, GA; Apr. 19, 2021; no recording, transcript, or notes available, but my remarks surveyed the instances in which the Biden Administration had enabled an immigration and border-security crisis
Speech; Austin Young Republicans; Austin, TX; Mar. 4, 2021; no recording, transcript, or notes available, but according to a contemporaneous social media post I made at the time, I talked "about four big fights we at the Texas Attorney General's Office are in: the fight for election integrity, the fight against far-left urban government, the fight against Big Tech, [and] the fight against Joe Biden"; I am no longer able to find this post at the time of submitting the SJQ despite a diligent search

Speech; Texas Public Policy Foundation; Feb. 23, 2021; no recording, transcript, or notes available, but according to a contemporaneous social media post I made at the time, I talked "about this year's legislative session"; I am no longer able to find this post at the time of submitting the SJQ despite a diligent search

Remarks at Press Conference in Williamson County, TX regarding a homeless encampment; Feb. 10, 2021; https://www.facebook.com/reel/256067365899613

Speech; Young Conservatives of Texas regarding my race for State House; Austin, TX; Feb. 3, 2021; no recording, transcript, or notes available

Remarks at Press Conference in Austin, TX regarding Covid-19 shutdowns and restrictions; Dec. 31, 2020; https://www.facebook.com/share/r/1DRtTvXxRr/?mibextid=wwXIfr

Panel; North Shore Republicans Candidate Forum; Lago Vista, TX; Feb. 11, 2020; https://fb.watch/xiODUrInya/

Remarks; Direct to Video: "Why I'm a Texas Republican"; Feb. 6, 2020; https://fb.watch/xiODUrInya/

Speech; University of Texas Chapter of the Young Conservatives of Texas regarding my race for State House; Austin, TX; Jan. 29, 2020; no recording, transcript, or notes available
Panel; The Trailer Park Show; Austin, TX; Jan. 27, 2020; https://fb.watch/xiP5wdN7Ma/

Panel; Austin American-Statesman Endorsement Interview for Texas House District 47 Republicans; Jan. 14, 2020; https://www.youtube.com/watch?v=gjTmw7wdvhQ

Speech; Rally on the steps of State Capitol; Dec. 14, 2019; https://fb.watch/xiQn4gYPWC/

Speech; Lakeway Men's Breakfast Club regarding my race for State House; Lakeway, TX; Dec. 11, 2019; no recording, transcript, or notes available

Speech; Lake Travis Republican Club regarding my race for State House; Lakeway, TX; Nov. 19, 2019; no recording, transcript, or notes available

Panel; Steiner Ranch Conservatives regarding my race for State House; Austin, TX; Oct. 29, 2019; https://fb.watch/xiRpDopDre/
Speech; Travis County Republican Party regarding my race for State House; Austin, TX; Oct. 15, 2019; no recording, transcript, or notes available

Speech; Travis County Republican Party regarding my race for State House; Austin, TX; July 16, 2019; https://www.facebook.com/100001105926365/videos/2450374225009418/

Speech; Travis County Republican Party regarding my race for State House; Austin, TX; June 18, 2019; no recording, transcript, or notes available

Speech; Texas Boys State Annual Meeting; Austin, TX; June 12, 2019; no recording, transcript, or notes available, but I do have this summary from a contemporaneous Facebook post: "Texas Boys State (and later Texas Bluebonnet Girls State) was founded in 1935 to counter the swelling tide of socialism in America. Its mission was and still is to train our country's top student leaders in the privileges and responsibilities of citizenship in a constitutional republic. Over the course of nearly 85 years, Boys and Girls State have each become two of the most prestigious educational programs for rising high school seniors. I was honored to speak with these guys last night about how we too are facing another swelling tide of socialism in America today. Fighting against that trend is one of the many reasons why I'm running for state representative. After a few very encouraging hours with these young men, I'm confident that we have what it takes to succeed in this fight. But my most important piece of advice? Enjoy your hair while you have it, boys!"; I am no longer able to find this post at the time of submitting the SJQ despite a diligent search

Panel: How to Get a Judicial Clerkship; University of Texas School of Law; Austin, TX; Apr. 23, 2019; no recording, transcript, or notes available

Speech; Texas Public Policy Foundation; Austin, TX; Nov. 19, 2018; no recording, transcript, or notes available, but my contemporaneous social media post at the time says I talked about "why faith in the core conservative values of liberty, personal responsibility, and free markets is waning—especially among young people—and what we can do to restore it."; I am no longer able to find this post at the time of submitting the SJQ despite a diligent search

Speech; Federalist Society National Lawyers Convention: Alumni of the University of Texas School of Law Luncheon; approx. Nov. 2018; no recording, transcript, or notes available

Remarks; James Wilson Institute Promotional Video; produced approx. Aug. 2018; https://www.facebook.com/share/v/15ypNW9UKW/?mibextid=wwXIfr

Speech; *Texas Review of Law & Politics* 2017 Jurist of the Year Banquet; Austin, TX; approx. Apr. 2017; no recording, transcript, or notes available, but this was my farewell speech as outgoing Editor in Chief of the *Review*

Speech; *Texas Review of Law & Politics* 2016 Jurist of the Year Banquet; Austin, TX; approx. Apr. 2016; no recording, transcript, or notes available, but this was my welcome speech as the new Editor in Chief of the *Review*

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.

Quote provided; The Dallas Morning News, Whistleblower accused Ken Paxton aides of sexually harassing female employees; Aug. 22, 2023; "There have been zero complaints against me for anything even approximating 'sexual harassment' during my time at the Agency. No women left the executive team because of anything like that. Indeed, I hired, retained, and promoted many women to the executive team, and recommended the same throughout the Agency. Slandering someone like this is unconscionable."; note further that the Office of the Attorney General is quoted saying, "[h]aving conducted a diligent search for any complaints related to [the reporter's] question, the Office of the Attorney General has found no record of any such complaint against…Aaron Reitz," and the reporter concedes that "none" of the documents in the outlet's possession "mention[] alleged sexual harassment."; https://www.dallasnews.com/news/politics/2023/08/23/ken-paxton-whistleblower-accuses-webster-reitz-sexual-harassment

Quote provided; The Washington Post, The controversial article Matthew Kacsmaryk did not disclose to the Senate; Apr. 15, 2023; full quote subsequently spliced in article: "TROLP received a draft of 'The Jurisprudence of the Body' from the First Liberty Institute, where now-Judge Kacsmaryk was our chief point of contact during much of the editing and cite-checking process. Kacsmaryk was the placeholder until final authors were named by First Liberty. Because of their work on the article, Mr. Butterfield and Ms. Taub rightfully received credit as authors."; https://www.washingtonpost.com/politics/2023/04/15/matthew-kacsmaryk-law-review

Interview; America First with Dr. Sebastian Gorka (Newsmax); Apr. 25, 2021; I am unable to find any recording of this interview, but according to a contemporaneous social media post I made at the time, the interview was "to discuss the disappointing and dangerous hard-left turn of our military's top brass."; I am no longer able to find this post at the time of submitting the SJQ despite a diligent search

Interview; America First with Dr. Sebastian Gorka (Rumble); approx. Apr. 20, 2021; https://rumble.com/vfttg1-americas-woke-military.-aaron-reitz-with-sebastian-gorka-on-america-first.html?fbclid=IwY2xjawH_vO9leHRuA2FlbQIxMAABHU5l5sWiMouBg9iGW5ZpeAiBcq3fz93opIFmAO_zVgkeK5wVF4LMyzOamg_aem_Dy1n2TO2ViqiZ1PtopRNKQ

Interview; Tucker Carlson Tonight (Fox News); Mar. 26, 2021; https://www.foxnews.com/politics/marine-corps-reservist-warns-biden-woke-pentagon

Interview; Come & Talk It Show with Michael Cargill; Jan. 19, 2020; https://fb.watch/xiPk4735qZ/

Interview; Texas Young Republicans' Big Texas Podcast; Jan. 14, 2020; https://youtu.be/e8iFFihMd9U?si=UdjI7vs1sjC6T-i6

Interview; Honest Austin: "Texas House Candidate for Western Travis Says He'll Rein in Local Governments"; approx. Nov. 25, 2019; no transcript or copy of the original article is available, as the outlet appears to have gone under, but I made the following contemporaneous social media post at the time: "We spoke about a wide range of issues like my background, reasons for running, why my opponent Democrat Vikki Goodwin is so out of step with HD-47, and my thoughts on a few hot topics in Texas. The bottom line for me is this: 'What primary [and general] voters want is a legislator who is committed…to providing a meaningful state check and balance to what is reasonably perceived as out-of-control, unaccountable [big-city] government.' Banning SF-style homeless ordinances statewide, closing loopholes in our anti-sanctuary city laws, strengthening the ban on taxpayer-aided abortions, requiring third-party independent audits of city funds, making local government more transparent, preempting local mandatory paid sick leave, ending tax-payer funded lobbying, and erecting a strong school-choice program that allows parents dissatisfied with their kids' education to move elsewhere easily and affordably. That's what I want to see happen in the 2021 session, and you can count on me to capably lead the way on all these fronts!"; I am no longer able to find this post at the time of submitting the SJQ despite a diligent search

Interview; Stew and The Nunn Show; Oct. 24, 2019; https://fb.watch/xiRGUJpYrP/

Interview; Raging Elephants Radio with Doc Greene; approx. June 24, 2019; no transcript or recording appears available, as the show seems to have been taken down, but I offered the following summary on my campaign Facebook page: "Check out the first hour of this radio show in which I discuss my pro-tax-cut, pro-2nd Amendment, pro-life, pro-border-security, pro-voting-integrity conservative Republican agenda. I tell you what I think about this past legislative session and what I hope we'll accomplish in 2021. And—yep, we went there—whether Muslims can be good, loyal Americans. (Spoiler! Yes, they can.)"; I am no longer able to find this post at the time of submitting the SJQ despite a diligent search

Interview; The Texan Podcast; June 3, 2019; https://thetexan.news/podcast/video-aaron-reitz-candidate-for-hd-47-on-the-texan-s-podcast/article_55b24dc9-307a-5204-9d02-b81c64aa6b5a.html

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

None

13. Public Office, Political Activities, and Affiliations:

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

From October 2020 through May 2023, I served as a political appointee under Texas Attorney General Ken Paxton. I first served briefly as the Special Counsel to the First Assistant, and then for the rest of my tenure as Deputy Attorney General for Legal Strategy. I have one unsuccessful candidacy for elected public office: From around May 2019 to March 2020, I ran for the Texas House of Representatives, House District 47. I lost in March 2020 in the Republican primary.

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

For about a year after I lost the above-mentioned race for State House, I served as a neighborhood precinct chair for the Travis County Republican Party.

I have also served as a Senior Advisor on two statewide political campaigns in Texas: Ken Paxton in the 2022 reelection cycle for Texas Attorney General and Ted Cruz in the 2024 reelection cycle for U.S. Senator. In the former, I was Senior Advisor from October 2020 through March 2022. In the latter, I began my role as Senior Advisor in May 2023 and continue to serve in this capacity to the present day. My primary responsibilities in each role include advising the candidate, general consultants, campaign staff, and political communications teams on issues, strategies, and tactics to maximize electoral success.

14. Legal Career:

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 clerked for Justice Jimmy Blacklock, Supreme Court of Texas, from January 2018 to May 2019.

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.

Employer	*Title*	*Address*	*Dates*
Bracewell LLP	Associate Attorney	711 Louisiana St. Suite 2300 Houston, TX 77002	Sep. 2017–Jan. 2018
Supreme Court of Texas	Law Clerk to Justice Jimmy Blacklock	201 W. 14th St. Austin, TX 78701	Jan. 2018–May 2019
Cobb & Counsel	Associate Attorney	401 Congress Ave. Suite 1540 Austin, TX 78701	May 2019–Dec. 2019
Cleveland Terrazas PLLC	Associate Attorney	4611 Bee Caves Rd. Austin, TX 78746	Dec. 2019–Aug. 2020
Jefferson Cano	Associate Attorney	112 E. Pecan St. Suite 1650 San Antonio, TX 78205	Aug. 2020–Sep. 2020
Office of the Attorney General of Texas	Deputy Attorney General for Legal Strategy	300 W. 15th St. Austin, TX 78701	Oct. 2020–May 2023
U.S. Senate	Chief of Staff to Sen. Ted Cruz	167 Russell Bldg. Washington, DC 20510	May 2023–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.

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

I have not held any judicial office.

b. Describe:

i. the general character of your law practice and indicate by date when its character has changed over the years, and
ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

I began my legal career in corporate law in 2017 drafting and reviewing contracts, researching and writing on regulatory compliance, and conducting due diligence. In 2018, I transitioned to a clerkship on the Texas Supreme Court as (now-Chief) Justice Jimmy Blacklock's inaugural law clerk. I spent a term and a half with him before launching my race for State House in the spring of 2019 and joining a small litigation firm. I spent the next year and a half in general commercial litigation serving general business clients: conducting legal research, drafting pleadings and motions, preparing depositions, managing discovery, and conducting document review.

In late 2020, I had the opportunity to join the Texas Attorney General's Office, where I—to quote from my outgoing press release—served as "offensive coordinator" and "led some of the Agency's most consequential lawsuits and legal initiatives, including those related to securing our border, protecting energy and agriculture jobs, ensuring reliable and transparent elections, holding Big Tech and woke corporations accountable, stopping Covid-19 regulatory abuse, curtailing the Department of Justice's illegal overreach, and defending religious liberty and gun rights." Link to Press Release here: https://www.texasattorneygeneral.gov/news/releases/deputy-legal-strategy-aaron-reitz-departs-attorney-generals-office-serve-us-senators-chief-staff

Most recently, beginning in the spring of 2023 as Senator Cruz's Chief of Staff, I oftentimes serve in a general counsel role alongside our Chief Counsel: I research legal matters as they arise and provide counsel to the Senator and staff.

About 70% of my nearly eight years practicing law has been in litigation and appeals. About 20% has been in a general counsel-type role. And about 10% has been in corporate law. Nearly all of this occurred within the context of civil and administrative proceedings; very little of it was in criminal proceedings, except to the extent my work overlapped with the Criminal Divisions at the Texas Attorney General's Office.

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: 70%
   2. state courts of record: 25%
   3. other courts: 0%
   4. administrative agencies: 5%

ii. Indicate the percentage of your practice in:
   1. civil proceedings: 95%
   2. criminal proceedings: 5%

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 appeared in court occasionally. As a junior attorney, I prepared my law partners for court but did not often appear myself. Then, at the Texas Attorney General's Office, I was an executive manager over litigation teams, and so rarely appeared myself.

The heart of my experience as a litigator was during my nearly three years at the Texas Attorney General's Office. During that time, I initiated, directed, supervised, and managed our Agency's most politically sensitive litigation efforts, so my name appeared on virtually all motions and pleadings I was involved in, even if only tangentially.

Most of my practice was a civil motions practice, from which appeals often followed. As a result, none of my cases were before juries, and could rarely be considered "trials."

1. What percentage of these trials were:
    a. Jury: 0%
    b. Non-jury: 100%

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

I was admitted to practice before the U.S. Supreme Court in December of 2020.

Note: PDFs of each of the following filings are available in the Google Drive link I provided to the Committee.

Reply in Support of Motion for Preliminary Injunction and Temporary Restraining Order or, Alternatively, for Stay and Administrative Stay, *Texas v. Pennsylvania*, No. 22O155, 2020 WL 7321939 (U.S. Dec. 11, 2020), *denied*, 141 S. Ct. 1230 (2020)

Motion to Enlarge Word-Count Limit and Reply in Support of Motion for Leave to File Bill of Complaint, *Texas v. Pennsylvania*, No. 22O155, 2020 WL 7321938 (U.S. Dec. 11, 2020), *denied*, 141 S. Ct. 1230 (2020)

Application for a Stay Pending Certiorari, *Arizona v. Mayorkas*, No. 22A544, 2022 WL 17834185 (U.S. Dec. 19, 2022), *cert. granted*, 143 S. Ct. 478 (2022)

State's Reply in Support of Their Application for a Stay Pending Certiorari, *Arizona v. Mayorkas*, No. 22A544, 2022 WL 17881618 (U.S. Dec. 21, 2022), *cert. granted*, 143 S. Ct. 478 (2022)

Brief for Petitioners, *Arizona v. Mayorkas*, No. 22-592, 2023 WL 363968 (U.S. Jan. 18, 2023), *cert. granted*, 143 S. Ct. 478 (2022)

Reply Brief for Petitioners, *Arizona v. Mayorkas*, No. 22-592, 2023 WL 2189063 (U.S. Feb. 17, 2023), *cert. granted*, 143 S. Ct. 478 (2022)

State Applicants' Reply in Support of Emergency Application for an Administrative Stay and Stay of Administrative Action, and Alternative Petition for Writ of Certiorari Before Judgment, *Nat'l Fed'n of Indep. Bus. v. Occupational Safety & Health Admin.*, Nos. 21A244, 21A247, 2022 WL 2288314 (U.S. Jan. 3, 2022), *cert. granted*, *Nat'l Fed'n of Indep. Bus. v. Dep't of Lab., Occupational Safety & Health Admin.*, 595 U.S. 109 (2022)

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) *Case Name*: *Texas v. United States*
Citation: 6:21-cv-3 (S.D. Tex., Victoria Div., Judge Drew Tipton)
Representation and involvement: I represented the State of Texas
Summary of case and procedural history: On January 20, 2021, DHS published a 100-day pause of all removals of aliens. Texas filed suit challenging the action as unlawful and sought a TRO, which was granted on January 26, 2021. A preliminary injunction was issued on February 23, 2021.
Final disposition of the case: Challenged agency action expired on its own terms and parties stipulated to dismissal.
Month and year the case began: January 2021
Month and year the case was brought to final resolution: May 2021
Co-Counsel on the Case: Patrick K. Sweeten, Todd Lawrence Disher, William Thomas Thompson, Ryan Daniel Walters (Each of these attorneys was or is currently with the Office of the Attorney General of Texas. The best single point of contact for all of them is Ryan Walters, head of the Special Litigation Division, at ryan.walters@oag.texas.gov, 512-463-2100, 300 W. 15th Street, Austin, TX 78701)

(2) *Case Name*: *Texas and Louisiana v. United States*
Citation: 6:21-cv-16 (S.D. Tex., Victoria Div., Judge Drew Tipton); Nos. 21-40618 & 22-40367 (Fifth Circuit); No. 22-58 (U.S. Supreme Court)
Representation and involvement: I represented the State of Texas

Summary of case and procedural history: On January 20, 2021, DHS published priorities for arrest and detention of criminal aliens. On April 4, 2021, Texas and Louisiana filed suit challenging the priorities as unlawful; on April 27, 2021, the States filed a motion for a preliminary injunction. On August 19, 2021, the court granted a preliminary injunction. DHS appealed to the U.S. Court of Appeals for the Fifth Circuit and sought a stay of the preliminary injunction, which was granted on September 15, 2021. The stay was vacated by the en banc Fifth Circuit on November 30, 2021. DHS issued new enforcement priorities on September 30, 2021, and the States amended their complaint and filed a new motion for preliminary injunction. The court consolidated the motion with a bench trial, which was held on February 23 and 24, 2022. On June 10, 2022, the district court ruled in favor of the States and vacated the updated enforcement priorities. DHS appealed and sought a stay from the Fifth Circuit, which that court denied on July 6, 2022. The Supreme Court granted certiorari on July 28, 2022.
Final disposition of the case: On June 23, 2023, the Supreme Court reversed, finding the States lacked Article III standing to challenge the enforcement priorities.
Month and year the case began: April 2021
Month and year the case was brought to final resolution: August 2023
Co-Counsel on the Case: Patrick K. Sweeten, William Thomas Thompson, Ryan Daniel Walters, Eric Alan Hudson, Leif A. Olson, Judd E. Stone II, Lanora Christine Pettit, Eric Alan Hudson, Ryan Daniel Walters, Kathryn Cherry, Benjamin D. Wilson (Each of these attorneys was or is currently with the Office of the Attorney General of Texas. The best single point of contact for all of them is Ryan Walters, head of the Special Litigation Division, at ryan.walters@oag.texas.gov, 512-463-2100, 300 W. 15th Street, Austin, TX 78701); for co-plaintiff Louisiana: Elizabeth Baker Murrill, Joseph Scott St. John, Benjamin Wallace (constituentservices@ag.louisiana.gov, 225-326-6079, 1885 North Third Street, Baton Rouge, LA 70802)

(3) *Case Name*: *Texas v. Yellen*
Citation: 2:21-cv-79 (N.D. Tex., Amarillo Div., Judge Matthew J. Kacsmaryk
Representation and involvement: I represented the State of Texas
Summary of case and procedural history: On May 3, 2021, Texas, Louisiana, and Mississippi challenged a provision of the American Rescue Plan Act that precluded States from cutting taxes. On April 8, 2022, the district court granted the States' motion for summary judgment and enjoined enforcement of the statutory provision. On June 25, 2024, the Fifth Circuit affirmed the judgment. Defendants sought no further review in any court.
Final disposition of the case: On June 25, 2024, the Fifth Circuit affirmed; on August 19, 2024, the mandate was issued to the district court.
Month and year the case began: May 2021
Month and year the case was brought to final resolution: August 2024
Co-Counsel on the Case: Judd E. Stone II, Ryan Daniel Walters, Lanora Pettit (Each of these attorneys was or is currently with the Office of the Attorney General of Texas. The best single point of contact for all of them is Ryan Walters, head of the Special Litigation Division, at ryan.walters@oag.texas.gov, 512-463-2100, 300 W. 15th Street, Austin, TX 78701); for co-plaintiff Louisiana: Elizabeth Baker Murrill (constituentservices@ag.louisiana.gov, 225-326-6079, 1885 North Third Street, Baton Rouge, LA 70802); for co-plaintiff Mississippi: Michael Patrick Clendenen, Justin Lee Matheny (601-359-3680, P.O. Box 220, Jackson, MS 39205)

(4) *Case Name*: *Texas v. EEOC*
Citation: 2:21-cv-194 (N.D. Tex., Amarillo Div., Judge Matthew J. Kacsmaryk)
Representation and involvement: I represented the State of Texas
Summary of case and procedural history: Texas challenged a guidance document issued by EEOC that purported to require employers to allow bathroom, dress code, and pronoun usage by employees based on gender identity rather than biological sex. In its amended complaint, Texas added a challenge to an HHS guidance document that purported to forbid Texas from applying its child-abuse laws to hormonal and surgical mutilation of children. On October 1, 2022, the district court granted in part Texas's motion for summary judgment and vacated both guidance documents.
Final disposition of the case: The challenged guidance documents were vacated. Defendants did not appeal.
Month and year the case began: September 2021
Month and year the case was brought to final resolution: October 2022
Co-Counsel on the Case: Ryan Daniel Walters, William Thomas Thompson, Amy S. Hilton, Ethan Quinn Szumanski, Leif A. Olson (Each of these attorneys was or is currently with the Office of the Attorney General of Texas. The best single point of contact for all of them is Ryan Walters, head of the Special Litigation Division, at ryan.walters@oag.texas.gov, 512-463-2100, 300 W. 15th Street, Austin, TX 78701)

(5) *Case Name*: *Abbott v. Biden*
Citation: 6:22-cv-3 (E.D. Tex., Tyler Div., Judge J. Campbell Barker); No. 22-40399 (5th Circuit)
Representation and involvement: I represented the State of Texas and Governor Abbott
Summary of case and procedural history: Texas challenged the federal COVID-19 vaccine mandate's application to Texas National Guard. On June 24, 2022, the district court denied Texas's motion for preliminary injunction. Texas appealed, and on June 12, 2023, the Fifth Circuit reversed the denial of preliminary injunction and remanded to the trial court for further proceedings.
Final disposition of the case: On January 3, 2024, the district court issued an order adopting a joint stipulation of dismissal due to the federal government's rescission of the vaccine mandate.
Month and year the case began: January 2022
Month and year the case was brought to final resolution: January 2024
Co-Counsel on the Case: Amy Snow Hilton, Leif A. Olson, Christopher D. Hilton, Lanora Christine Pettit, Ryan Baasch, Christopher D. Hilton, Leif A. Olson (Each of these attorneys was or is currently with the Office of the Attorney General of Texas. The best single point of contact for all of them is Ryan Walters, head of the Special Litigation Division, at ryan.walters@oag.texas.gov, 512-463-2100, 300 W. 15th Street, Austin, TX 78701)
(6) *Case Name*: *Texas and Missouri v. Biden*
Citation: 2:21-cv-67 (N.D. Tex., Amarillo Div., Judge Matthew J. Kacsmaryk); Nos. 21-10806 & 23-10143 (5th Circuit); No. 21-954 (U.S. Supreme Court)
Representation and involvement: I represented the State of Texas
Summary of case and procedural history: Texas and Missouri challenged the termination of the Remain-in-Mexico program (Migrant Protection Protocols, or MPP). On July 22, 2021, the district court held a bench trial. On August 13, 2021, the court ruled in favor of the States and vacated the termination of MPP and permanently enjoined DHS to implement MPP until it had

sufficient capacity to detain all aliens subject to mandatory detention. DHS appealed and sought a stay. The Fifth Circuit denied a stay. It later affirmed the trial court's ruling. The Supreme Court granted certiorari and reversed, remanding to the trial court to determine whether a later attempt to terminate MPP was arbitrary and capricious. On December 15, 2022, the trial court stayed the later attempt to terminate MPP on the grounds that it was arbitrary and capricious. DHS appealed to the Fifth Circuit, but the court dismissed the appeal with the mandate returning to the trial court on July 17, 2023. The parties filed cross-motions for summary judgment, with briefing complete on October 6, 2023.
Final disposition of the case: ongoing
Month and year the case began: April 2021
Month and year the case was brought to final resolution: Ongoing
Co-Counsel on the Case: for Texas: Patrick K. Sweeten, William Thomas Thompson, Ryan Daniel Walters (Each of these attorneys was or is currently with the Office of the Attorney General of Texas. The best single point of contact for all of them is Ryan Walters, head of the Special Litigation Division, at ryan.walters@oag.texas.gov, 512-463-2100, 300 W. 15th Street, Austin, TX 78701); for co-plaintiff Missouri: D. John Sauer, Jesus A. Osete, Michael E. Talent, Joshua M. Divine (573-751-3321, 207 W. High St., P.O. Box 899, Jefferson City, MO 65102)

(7) *Case Name*: *Missouri and Texas v. Biden*
Citation: Nos. 6:21-cv-52 and 7:21-cv-272 (consolidated) (S.D. Tex. McAllen Div., Judges Michaela Alvarez and Drew Tipton); Nos. 22-40110, 24-40526, 24-40447 (5th Circuit)
Representation and involvement: I represented the State of Texas
Summary of case and procedural history: Texas and Missouri challenged DHS's refusal to use appropriated funds for border-wall construction as mandated by Congress. DHS filed a motion to dismiss, and the States filed a motion for preliminary injunction. On February 22, 2022, the district court stayed proceedings in the case, and the States appealed that action as a constructive denial of their preliminary injunction motion. On July 29, 2022, the Fifth Circuit dismissed that appeal as moot. On August 3, 2022, the district court granted DHS's motion to dismiss all of the States' claims and the States appealed. On June 16, 2023, the Fifth Circuit reversed the dismissal of the States' claims and remanded to the trial court to rule on the States' pending motion for preliminary injunction.
Final disposition of the case: On March 8, 2024, the district court granted the States' motion for preliminary injunction, and on May 29, 2024 the court converted that into a final judgment and permanent injunction. DHS did not appeal.
Month and year the case began: November 2021
Month and year the case was brought to final resolution: May 2024
Co-Counsel on the Case: Ryan Daniel Walters, Munera Al-Fuhaid, Judd E. Stone II, Ryan Baasch (Each of these attorneys was or is currently with the Office of the Attorney General of Texas. The best single point of contact for all of them is Ryan Walters, head of the Special Litigation Division, at ryan.walters@oag.texas.gov, 512-463-2100, 300 W. 15th Street, Austin, TX 78701); for co-plaintiff Missouri: D. John Sauer, Maddie McMillian Green, Jeff Philip Johnson, Jesus A. Osete, Joshua M. Divine, Michael E. Talent, Samuel C. Freedlund, Jeff Philip Johnson (573-751-3321, 207 W. High St., P.O. Box 899, Jefferson City, MO 65102)

(8) *Case Name*: *United States v. Texas*
Citation: 3:21-cv-00173 (W.D. Tex., El Paso Div., Judge Kathleen Cardone) (lead case); 3:21-cv-178 (W.D. Tex., El Paso Div. Judge Kathleen Cardone) (non-lead consolidated case); 22-50212 (5th Cir.)
Representation and involvement: I represented the State of Texas and Governor Abbott, in his official capacity.
Summary of case and procedural history: Texas is defending GA-37, an emergency order Gov. Abbott issued in 2021. The district court consolidated two cases that challenge the constitutionality of GA-37, one brought by the United States and the other by a consortium of immigrant advocacy groups. The federal suit is the lead case. The Court denied Texas's motions to dismiss, and limited appeal was taken to the Fifth Circuit on the question whether the Governor was immune to private plaintiffs' suit. The Fifth Circuit reversed on that question, leading the Court to dismiss private plaintiffs' claims against Gov. Abbott. Currently, private plaintiffs' claims are only live against the State, while the United States has live claims against both Gov. Abbott and the State. The parties have filed cross motions for summary judgment.
Final disposition of the case: The district court has not entered final judgment. The parties' cross motions for summary judgment were fully briefed as of December 23, 2024 and are pending.
Month and year the case began: The United States filed on July 30, 2021, and private plaintiffs filed August 4, 2021. The case was consolidated on August 26, 2021.
Month and year the case was brought to final resolution: Ongoing
Co-Counsel on the Case: Zachary L. Rhines, Kyle S. Tebo, Munera Al-Fuhaid, Jacob Przada, Amy Snow Hilton, Patrick Sweeten, Johnathan Stone, Judd E. Stone II, Amy Pletscher, Daniel L. Abrahamson, Susanna Dokupil, William Thompson, William Wassdorf, Evan Scott Greene (Each of these attorneys was or is currently with the Office of the Attorney General of Texas. The best single point of contact for all of them is Ryan Walters, head of the Special Litigation Division, at ryan.walters@oag.texas.gov, 512-463-2100, 300 W. 15th Street, Austin, TX 78701)

(9) *Case Name*: *Texas v. EPA*
Citation: 3:23-cv-17 (S.D. Tex., Galveston Div., Judge Jeff Brown); 23-40306 (5th Cir.)
Representation and involvement: I represented the State of Texas
Summary of case and procedural history: On January 18, 2023, EPA published the WOTUS Rule which purported to extended EPA jurisdiction over waters that the Supreme Court had previously determined were not waters of the United States. Texas and some Texas agencies filed suit that same day, arguing that the Rule was unconstitutional and lacked statutory authority, that it was arbitrary and capricious, that the EPA's claimed power to define its own jurisdiction violated the Major Questions Doctrine, that it violated Texas's sovereignty, and that it violated due process by establishing criminal penalties without adequate notice of what behavior was criminalized.
Final disposition of the case: The district court granted a preliminary injunction against the Rule in March 2023. EPA then amended the Rule, and Texas's challenge against it continues.
Month and year the case began: January 2023.
Month and year the case was brought to final resolution: In July 2023, the court granted EPA's motion to stay pending the new rule. The case has continued against the new rule. However, the challenge to the original rule was arguably brought to final resolution in July 2023.
Co-Counsel on the Case: Jessica Amber Ahmed, Katie Hobson, Carl Myers, Shelby Elisabeth Thompson, Mark Andrew Steinbach, Logan Harrell, Phillip Ledbetter, Zachary Logan Harrell

(Each of these attorneys was or is currently with the Office of the Attorney General of Texas. The best single point of contact for all of them is Ryan Walters, head of the Special Litigation Division, at ryan.walters@oag.texas.gov, 512-463-2100, 300 W. 15th Street, Austin, TX 78701); for co-plaintiff Idaho, added to case in February 2023: David Dewhirst, Joshua N. Turner, Lincoln Davis Wilson, Brent R. King, Michael Allen Short, Scott L. Campbell (AGLabrador@ag.idaho.gov, 208-334-2400, 700 W. Jefferson Street, Suite 210, P.O. Box 83720, Boise, Idaho 83720); for private co-plaintiffs consolidated with Texas's case in February 2023: Brett E. Legner, James Brian Danford Jr., Kevin Scott Ranlett, Timothy S. Bishop (blegner@mayerbrown.com, 312-701-8090, 71 South Wacker Drive, Chicago, IL 60606)

(10) *Case Name*: *Texas v. Nuclear Regulatory Commission*
Citation: 21-60743 (5th Cir.), 23-1300 (SCOTUS)
Representation and involvement: I represented the State of Texas
Summary of case and procedural history: On September 13, 2021, NRC issued a license for storage of spent nuclear fuel in the Permian Basin. Texas filed a petition for review of NRC's action two days later, arguing that NRC lacked statutory authority to issue the license or, in the alternative, that NRC lacked authority to issue a license for permanent storage. We also argued that granting the license was arbitrary and capricious and violated the National Environmental Policy Act.
Final disposition of the case: Not yet final. The Fifth Circuit granted our petition for review in August 2023, and denied en banc rehearing 7-9 in March 2024. NRC appealed and the case will be argued at SCOTUS on March 5, 2025 by Texas Solicitor General Aaron Nielson.
Month and year the case began: September 2021
Month and year the case was brought to final resolution: Ongoing.
Co-Counsel on the Case: Aaron Nielson (SCOTUS), Ryan Baasch, Lanora Pettit, Michael Abrams, Ryan Walters (Each of these attorneys was or is currently with the Office of the Attorney General of Texas. The best single point of contact for all of them is Ryan Walters, head of the Special Litigation Division, at ryan.walters@oag.texas.gov, 512-463-2100, 300 W. 15th Street, Austin, TX 78701)

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

I have not acted as a lobbyist or engaged in lobbying activities on behalf of clients

My most significant legal activities during my tenure as Senator Cruz's Chief of Staff is in a sort of general counsel role alongside our Chief Counsel. I regularly advise on legal matters that arise with respect to legislation, Senate Ethics and Rules Committee issues, and duties inherent in the Senator's role as member of the Senate Judiciary Committee.

Prior to this post, my most significant legal activities are enumerated in my Texas Attorney General's Office resignation letter. It is linked here[5], but I lay it out in full for ease of access and because it provides a thematic summary of the issues I worked on between 2020 and 2023:

> April 26, 2023
>
> Dear Attorney General Paxton,
>
> With gratitude toward you and your leadership, pride for what we've accomplished, and some sadness in the knowledge that our chapter has come to a close, I hereby submit my resignation as Deputy Attorney General for Legal Strategy effective May 12, 2023.
>
> Serving under you and alongside some of the best people I know for over two and a half years has been an honor and adventure. We've done great, patriotic work together, and I'm thankful to you for letting me provide a helping hand.
>
> Together we've sued the Biden Administration nearly 50 times since January 2021 and secured an 80% win rate fighting the nation's most consequential legal battles. We've reinvigorated federalism. And we've held the line against the lawless federal government's worst excesses.
>
> Together we've done our part to secure the Texas-Mexico border, successfully curbing Biden's efforts to halt deportations, dissolve the Remain-in-Mexico program, end border wall construction, abuse parole and asylum law, and flood the nation with illegal aliens.
>
> Together we've defended against the menace of Big Tech through history's largest antitrust and consumer protection lawsuits. We've investigated entities that push harmful content on our nation's youth and demanded answers from those who erode the First Amendment by canceling conservative voices.
>
> Together we've pushed back against woke corporations by thwarting their Environmental, Social, and Governance agenda, and we've held accountable Wall Street and Silicon Valley interests that want to destroy the Second Amendment and Texas's oil and gas industry.
>
> Together we've protected precious unborn children by defending Texas's pro-life laws and blocking the Biden Administration's attempts to undermine the U.S. Supreme Court's historic Dobbs decision.
>
> Together we've safeguarded the integrity of the ballot box by remaining ever vigilant against the left's attempts to corrupt Texas elections in 2020 and 2022, as well as

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[5] https://www.texasattorneygeneral.gov/sites/default/files/images/press/Aaron%20Reitz's%20Departure%20Letter.pdf

by giving the public more power to hold crooked elections administrators accountable through increased transparency.

Together we've resisted radical LGBTQ activists' attempts to push their sexual agenda on kids, declaring with legal and moral clarity that all efforts to "trans" Texas youth are, in fact, child abuse under state law.

Together we've shown the whole country that you are the most effective Attorney General in America, and that you're a man—a good and decent man—who will always stand by Law and Order, the Constitution, and Truth.

We'll keep fighting this war together. But now it's my time to fight it on a different front.

Thank you for the opportunity you've given me. Thank you for your friendship and mentorship too. God bless you, my colleagues on the executive team, and all the wonderful men and women who serve you and Texas in the Office of the Attorney General.

Very respectfully,
Aaron Reitz

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.

None.

18. Deferred Income and 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

I intend to continue my service in the U.S. Marine Corps Reserve.

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 forthcoming OGE financial disclosure report.

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

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.

None.

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

If I am confirmed, any potential conflict 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. 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

My legal career for the past five years has been devoted to public service. What's more, as a federal employee, I am not able to engage in the outside practice of law—even if it's pro bono. Nevertheless, the heart of my career is public service: in Texas, in Washington, and with the Marine Corps Reserve, in which I stand ready to defend our nation against its enemies.

***

Statement of Net Worth

ASSETS		LIABILITIES	
Cash on hand in banks		Notes payable to banks (Secured)	$0
USAA Checking	$16,616.81	Notes payable to banks (Unsecured)	$0
Wells Fargo Checking	$18,977.95	Notes payable to relatives	$0
U.S Gov't Securities	$0	Notes payable to others	$0
Listed Securities	$0	Unpaid income tax	$0
Unlisted Securities	$0	Other unpaid income and interest	$0
Accounts and Notes Receivable	$0	Real estate mort. pybl. (principal balance)	$430,095.57
Real Estate Owned (personal home purch. price)	$462,000.00	Chattell mortgages, liens payable	$0
Real Estate Mortgages Receiveable	$0	Other debts	
Autos and Other Personal Property		Dep't of Ed Student Loan	$46,553.18
2017 Honda Pilot, KBB estimate	$17,000.00		
2020 Ford F-150, KBB estimate	$30,000.00		
Cash-Value Life Insurance	$0		
Other Assets			
E'ee Retirement System of TX	$53,113.55		
Fed. E'ee Retirement Sys.-FRAE	$16,029.15	*TOTAL LIABILITIES*	$476,648.75
TOTAL ASSETS	$613,737.46	***NET WORTH***	$137,088.71
CONTINGENT LIABILITIES		**GENERAL INFORMATION**	
As endorser, co-maker, or gaurantor	$0	Are any assets pledged?	No
On leases or contracts	$0	Are you a D in any suits/legal actions	No
Legal claims	$0	Have you ever taken bankruptcy?	No
Provision for federal income tax	$0		
Other special debt	$0		

AFFIDAVIT

I, Aaron F. Reitz, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

January 28, 2025
(DATE)

(NAME)

Helen A. Fesseha
(NOTARY)
Notary Public Washington DC.

Senator Grassley, Chairman
Questions for the Record
Mr. Aaron Reitz
Nominee to be the Assistant Attorney General for the Office of Legal Policy of the DOJ
February 26, 2025

At your hearing, Senator Hirono mentioned an allegation from a terminated male employee at the Office of the Attorney General of Texas (OAG) that "there were many complaints of sexual harassment by female employees about Mr. Reitz." This suggestion stands in stark contrast with a letter the Committee received from more than 80 of your former colleagues at OAG (40% of whom were women) strongly supporting your nomination. In their letter, your former colleagues wrote: "we know that he's trustworthy, honest, faithful, dependable, humble, and upright. He's a consummate professional. And he's a fundamentally good and decent man who treats everyone fairly and with dignity."

Please answer the follow questions:

1. Is there any truth to the allegations mentioned by Senator Hirono?

   RESPONSE: No.

2. Were the allegations Senator Hirono referenced made by former employee David Maxwell at OAG?

   RESPONSE: Yes.

3. Did Mr. Maxwell make these allegations under oath?

   RESPONSE: No. Mr. Maxwell made these defamatory statements to the Texas House's General Investigating Committee, which received unsworn testimony from approximately 15 witnesses, including Mr. Maxwell. *See* H.R. Comm. on Gen. Investigating, Hearing at 14-15 (May 24, 2023); *see also* 88th Leg., R.S., Journal of the Texas House at 5920 (statement of Rep. Murr: "No witnesses were placed under oath."). This is contrary to state law requiring legislative committees to require witnesses to provide testimony under oath. Tex. Gov't Code § 301.022(a); § 301.022(b) (specifically prohibiting the General Investigating Committee from waiving the requirement).

4. Were you directly involved in the termination of Mr. Maxwell at OAG?

   RESPONSE: Yes.

5. Was Mr. Maxwell terminated for cause?

RESPONSE: Yes, as his employment record at OAG reflects.

6. Have you ever sexually harassed any employee at OAG?

RESPONSE: No.

7. Are you aware of any complaints of sexual harassment against you?

RESPONSE: No. There were zero complaints against me for anything even approximating "sexual harassment" during my time at the Agency.

8. Did Mr. Maxwell state that "you can't find the complaints" when he made this allegation?

RESPONSE: That is my understanding of what Mr. Maxwell said.

9. When the *Dallas Morning News* reported on this allegation, did they find any complaints involving allegations of sexual harassment against you?

RESPONSE: No, the Dallas Morning News found no allegations against me because none exist.

10. When asked, did OAG identify any complaints of sexual harassment against you?

RESPONSE: No. When asked to look into the Agency's records, it found no allegations against me because none exist.

11. Did more than 80 former colleagues at OAG sign a letter in support of your nomination noting that you're "trustworthy, honest, faithful, dependable, humble and upright"?

RESPONSE: Yes. I am grateful for the support of my former colleagues.

12. Did more than 30 women sign that letter?

RESPONSE: Yes. Over 40% of the signatories on the letter are women.

Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for Aaron Francis Reitz
Nominee to be Assistant Attorney General for the Office of Legal Policy
February 27, 2025

1. In 2018, Congress overwhelmingly passed the First Step Act, which brought much-needed reform to our federal criminal justice system. Fewer than ten percent of First Step Act beneficiaries have been rearrested or returned to custody. This is significantly smaller than the Bureau of Prisons' overall recidivism rate of about 45 percent.

   a. **Have you ever opposed the First Step Act or called for repealing any of its provisions?**

      RESPONSE: Yes, I have personally voiced opinions regarding the First Step Act. If confirmed, my role as a member of the Executive Branch will be to enforce existing federal law as appropriate and in accordance with the relevant facts and law, regardless of my personal views on any particular piece of legislation.

   b. **Are there any aspects of the criminal justice system (e.g. sentencing disparities, high incarceration rates, or police practices) that you believe need reform?**

      RESPONSE: Please see my response to Question 1(a).

   c. **Have you ever criticized elected officials for supporting criminal justice reform? If so, why?**

      RESPONSE: Not that I recall or that I am aware.

2. On the second anniversary of George Floyd's murder, President Biden signed an executive order limiting the use of chokeholds, no-knock warrants, and military equipment transfers to police departments. It also directed federal law enforcement to adopt body camera polices and implement revised use-of-force standards that encourage de-escalation. President Trump rescinded that order on his first day in office.

   a. **What role, if any, do you believe the federal government should play in trying to limit the types of police practices that led to the death of George Floyd?**

RESPONSE: I believe that local governments should determine appropriate police practice so long as those practices do not violate the Constitution or federal law.

a. Have you ever expressed doubt as to whether Derek Chauvin killed George Floyd or whether his death was a homicide?

RESPONSE: I am sure that I have.

b. Are you aware of any plans by the Trump Administration to build on the efforts of his June 16, 2020, police reform executive order issued after the murder of George Floyd?

RESPONSE: No.

a. Do you believe that Derek Chauvin was wrongly convicted of murdering George Floyd or that Chauvin was unfairly targeted by Minnesota prosecutors?

RESPONSE: I am aware of ongoing federal litigation with the case, so it would be inappropriate for me to comment at this time.

3. In 2022, Congress enacted the Respect for Marriage Act, which requires all states and territories to recognize the validity of same-sex marriages from other states. The law empowers the Attorney General to bring a civil action against anyone who violates that guarantee.

a. As a policy matter, do you support the Respect for Marriage Act's protections for same-sex couples? Please explain why or why not.

RESPONSE: If confirmed, I will faithfully enforce and uphold the laws of the United States regardless of what personal views I may have on a specific statute.

b. As a policy matter, do you support the Respect for Marriage Act's protections for interracial couples? Please explain why or why not.

RESPONSE: If confirmed, I will faithfully enforce and uphold the laws of the United States regardless of what personal views I may have on a specific statute.

c. Do you believe that the Respect for Marriage Act sufficiently protects religious liberty?

RESPONSE: I am not sure what this question is attempting to ask. Therefore, I cannot answer it as presented.

d. Have you ever argued that same-sex marriages have less moral worth than heterosexual marriages?

RESPONSE: As a practicing Catholic, I believe that marriage is between one man and one woman, but that all people are created in the image of God and thus due the full dignity that accompanies that.

a. Have you ever argued that interracial marriages have less moral worth than non-interracial marriages?

RESPONSE: No.

As Senator Padilla pointed out during his questioning, in 2021, you labeled *Obergefell v. Hodges* one of the "worst" Supreme Court decisions of the last few years.

e. Do you still oppose the extension of marriage rights to same-sex couples, including the Supreme Court's decision in *Obergefell v. Hodges*?

RESPONSE: *Obergefell v. Hodges* is binding precedent of the Supreme Court and due respect as such.

4. In 2020, the Supreme Court ruled in *Bostock v. Clayton County* that lesbian, gay, bisexual, and transgender employees were protected by Title VII of the Civil Rights Act.

a. **Do you believe that *Bostock* was correctly decided?**

RESPONSE: *Bostock v. Clayton County* is binding precedent of the Supreme Couty of the United States and I respect it as such.

b. **Do you believe that LGBTQ+ people should be protected from discrimination in employment, housing, and public accommodations in the same way that racial and religious minorities are?**

RESPONSE: If confirmed, I will faithfully enforce and uphold the laws of the United States. This includes the laws that protect all persons from any form discrimination.

c. **Have you ever expressed opposition to non-discrimination laws granting protections on the basis of sexual orientation and/or gender identity?**

RESPONSE: I have expressed concern that some so-called non-discrimination laws of this nature are often written and applied in overly broad ways, such that they become oppressive to and discriminatory against those who do not adhere to certain so-called sexual orientation/gender identity (SOGI) preferences.

d. **Have you ever argued that non-discrimination laws that protect LGBT people are unworkable?**

RESPONSE: I have expressed concern that some non-discrimination laws of this nature are often written and applied in overly broad ways, such that they become oppressive to and discriminatory against those who do not adhere to certain so-called sexual orientation/gender identity (SOGI) preferences.

e. **Have you ever expressed the view that schools should not hire otherwise qualified LGBTQ+ teachers?**

RESPONSE: Not that I am aware or can recall.

f. **Have you ever expressed the view that LGBTQ+ people recruit or indoctrinate children to try and change their sexuality or gender identity?**

RESPONSE: Not that I am aware or can recall.

g. Have you ever argued that LGBTQ+ people are inherently more immoral than heterosexual or cisgender people?

RESPONSE: I am not sure what is meant by "inherently more immoral," but I personally subscribe to Christian—and in particular, Catholic—sexual ethics.

h. **Have you ever expressed support for laws that prohibit same-sex couples from adopting children?**

RESPONSE: Not that I am aware or can recall.

5. The Comstock Act is a current provision of federal law (18 U.S.C. § 1461) that criminalizes the conveying of certain material via mail, including "[e]very article or thing designed, adapted, or intended for producing abortion, or for any indecent or immoral use[.]"

   a. **Have you discussed invoking the Comstock Act with any Trump Administration officials?**

      RESPONSE: No.

   b. **Are you aware of any plans or proposals from the Trump Administration to invoke the Comstock Act?**

      RESPONSE: President Trump has said that he will not use the Comstock Act to criminalize the mailing of commonly used abortion-related materials.

   c. **As a policy matter, do you believe that those who mail abortifacients or birth control via the U.S. Postal Service, such as doctors, should be prosecuted?**

      RESPONSE: If this question comes up, I am committed to carefully reviewing these issues in consultation with other Department attorneys and government agencies. Absent an official administration policy position, and given the pending litigation on this topic, I am not going to comment further.

   d. **Have you ever expressed the view that abortion providers are morally corrupt?**

      RESPONSE: I am sure that I have.

   e. **Have you ever expressed or endorsed the belief that the Due Process Clause of the 14th Amendment to the Constitution endows fertilized eggs, embryos, and fetuses with full legal rights and protections? If so, do you still believe this?**

      RESPONSE: Not that I am aware or can recall.

f. **Are you aware of any plans or proposals from the Trump Administration to interpret the Due Process Clause of the 14th Amendment to endow fertilized eggs, embryos, and fetuses with full legal rights and protections?**

RESPONSE: No.

g. **Have you ever questioned the religious faith of any public officials who support abortion rights?**

RESPONSE: I am sure that I have.

h. **Have you ever questioned the religious faith of any public officials who support the death penalty?**

RESPONSE: Not that I am aware or can recall.

i. **Have you ever questioned the religious faith of any public officials who support limiting the number of refugees that the United States admits?**

RESPONSE: Not that I am aware or can recall.

j. **Have you ever condemned or criticized a particular community (e.g. racial, religious, ethnic) for supporting the Democratic Party or a Democratic candidate for office?**

RESPONSE: I am sure that I have expressed general concern over any group or any individual supporting the Democratic party or candidates.

k. **Have you ever argued in favor of legally codifying fetal personhood?**

RESPONSE: Not that I am aware or can recall.

l. **Have you ever called for an outright federal ban on pornography?**

RESPONSE: Not that I am aware or can recall.

6. The First Amendment's guarantees of free speech, freedom of association, and separation of church and state are cornerstones of our democratic system. With respect to free speech, the Supreme Court has outlined several categories of speech that are exempt from First Amendment protection, such as incitement, defamation, fighting words, and obscenity.

    a. **Do you believe the definition of obscenity outlined in *Miller v. California* is too narrow? If so, why?**

    RESPONSE: *Miller v. California* is binding precedent of the Supreme Court of the United States and I respect it as such.

    b. **Have you ever expressed support for a return to stricter laws regulating obscenity?**

    RESPONSE: I am sure that I have.

    c. **Have you ever expressed support for legislation outlawing a political party?**

    RESPONSE: No.

    a. **Have you ever called for the deployment of the U.S. military to quell peaceful protests?**

    RESPONSE: No, never with respect to peaceful protests.

    a. **Do you believe that the First Amendment establishes the principle of separation between church and state? Please explain why or why not.**

    RESPONSE: The Supreme Court has explained in *Kennedy v. Bremerton School District*, 597 U.S. 507 (2022), that the First Amendment's Establishment Clause and Free Exercise Clause "have complementary purposes, not warring ones." Likewise, the Court has provided guidance that an "interest in separating church and state 'more fiercely' than the Federal Constitution" is not a compelling governmental interest "in the face of the infringement of free exercise." *Espinoza v. Montana Department of Revenue*, 591 U.S. 464, 484-85 (2020). These opinions are binding precedent of the Supreme Court and are entitled to respect as such.

7. During the last election, President Trump expressed support for legalizing the recreational use of marijuana in Florida.

a. **Do you believe marijuana should be legalized at the national level?**

RESPONSE: If confirmed, I will give the matter careful consideration after conferring with all relevant stakeholders, including DEA personnel. I am committed to faithfully and energetically pursuing President Trump's and Attorney General Bondi's agenda.

b. **Do you believe marijuana should be reclassified under Controlled Substances Act?**

RESPONSE: Please see my response above.

c. **Are you aware of any discussions, proposals, or plans from the Trump Administration to reclassify marijuana?**

RESPONSE: I am only aware of what has been publicly reported, including statements made by President Trump on the campaign trail regarding individual use of marijuana.

d. **Have you ever expressed opposition to legalizing marijuana?**

RESPONSE: I am sure that I have. But regardless of my own personal views, I am committed to faithfully and energetically pursuing President Trump's and Attorney General Bondi's agenda.

8. At a January 6, 2021, rally, President Trump told a crowd of supporters, "if you don't fight like hell, you're not going to have a country anymore." A violent mob then attacked the U.S. Capitol. Prior to that, President Trump had repeatedly cast doubt on the validity of millions of legal votes.

a. **Did Joe Biden receive more legal votes than Donald Trump in the 2020 presidential election in Pennsylvania?**

RESPONSE: Joe Biden was certified as the winner of Pennsylvania in 2020.

b. **Did Joe Biden receive more legal votes than Donald Trump in the 2020 presidential election in Wisconsin?**

RESPONSE: Joe Biden was certified as the winner of Wisconsin in 2020.

c. **Did Joe Biden receive more legal votes than Donald Trump in the 2020 presidential election in Michigan?**

RESPONSE: Joe Biden was certified as the winner of Michigan in 2020.

d. **Did Joe Biden receive more legal votes than Donald Trump in the 2020 presidential election in Arizona?**

RESPONSE: Joe Biden was certified as the winner of Arizona in 2020.

e. **Did Joe Biden receive more legal votes than Donald Trump in the 2020 presidential election in Georgia?**

RESPONSE: Joe Biden was certified as the winner of Georgia in 2020.

f. **Did the state legislatures of Pennsylvania, Wisconsin, Michigan, Arizona, and Georgia err in certifying Joe Biden as the winner of those states' electoral votes in 2020?**

RESPONSE: As the Committee is aware, I worked on the December 2020 lawsuit by the State of Texas against Pennsylvania, Georgia, Michigan, and Wisconsin for those states violating the Constitution's Electors Clause by illegally changing the rules of appointing presidential electors. The case was rejected by the Supreme Court on standing grounds, and these states as well as others went on to certify their elections. Joe Biden was later sworn in as our 46th President.

g. **Did Joe Biden win the national popular vote by a bigger percentage point margin in 2020 than Donald Trump did in 2024?**

RESPONSE: I am not an expert on the methodologies used in different states to qualify electors, conduct the polling, and count votes, but I am aware that there are variations among the states that makes this question difficult to answer. It is also irrelevant because the American Presidency is determined by the winner of the Electoral College.

h. **Have you ever argued that Republican members of Congress who voted to certify the 2020 presidential election results should face primary challenges from candidates who would not have voted to certify the election?**

RESPONSE: I am sure that I have.

i. **Have you ever questioned the patriotism of Republican members of Congress who voted to certify the 2020 election?**

RESPONSE: Not that I am aware or can recall.

j. **Have you ever questioned the mental fortitude of conservatives who acknowledged Joe Biden's victory in the 2020 election?**

RESPONSE: Yes, in one social media post made more than four years ago, I expressed concern over some Republicans going along with the media's premature announcement that Joe Biden had won when there was still ongoing litigation and other outstanding issues.

a. In the weeks following the January 6 attack on the U.S. Capitol, did you ever take to social media to discuss the attack?

RESPONSE: Not that I am aware or can recall.

k. **In the weeks following the January 6 attack on the U.S. Capitol, did you ever take to social media to publicly condemn the violence against police officers and the destruction of federal property? If so, please provide evidence of these comments.**

RESPONSE: Not that I am aware or can recall.

l. Have you ever denigrated the service of any Capitol police officer who was assaulted on January 6?

RESPONSE: Not that I am aware or can recall.

m. Have you ever questioned whether the National Guardsmen who defended the capitol after January 6 were loyal to the Constitution?

RESPONSE: Not that I am aware or can recall.

n. Is denigrating the service of a Capitol police officer who was assaulted on January 6 a disqualifying statement for a nominee before the Senate Judiciary Committee?

RESPONSE: This hypothetical is too vague to answer with precision. One would have to look at the specific facts and circumstances of the statement to draw such a conclusion.

o. Is questioning National Guardsmen's fidelity to the Constitution a disqualifying statement for a nominee before the Senate Judiciary Committee?

RESPONSE: This hypothetical is too vague to answer with precision. One would have to look at the specific facts and circumstances of the statement to draw such a conclusion

9. While you were serving as Deputy Assistant Attorney General for Legal Strategy in the Texas Attorney General's Office, Texas filed a lawsuit against Pennsylvania and other battleground states to challenge the legitimacy of the 2020 election results. The Supreme Court dismissed the case after determining that Texas did not have standing.

   On the day that news networks called the race for President Biden, you tweeted that the election was, "obviously fraudulent."

   a. Do you still believe the 2020 election was "obviously fraudulent?"

   RESPONSE: Joe Biden was certified as the President of the United States after a flawed election.

   b. Can you, unlike other Trump nominees, admit that President Trump lost the 2020 election?

   RESPONSE: Please see my response above.

10. If confirmed, you will be working with members of the Senate on judicial nominations.

a. **Do you believe it is important that the Trump Administration engage in good-faith, bipartisan discussions with respect to selecting qualified judicial nominees?**

RESPONSE: If confirmed, I would look forward to carefully reviewing all judicial nominees appointed by President Trump.

b. **Do you believe that the Trump Administration should be transparent with home-state Senators about who the President plans to select or is considering selecting for judicial vacancies?**

RESPONSE: As I stated at the hearing, I am committed to working collaboratively with the Senate Judiciary Committee and individual home state Senators regarding judicial vacancies. I am not yet familiar with the specific procedures that the White House follows for identifying candidates or the variety of state-based procedures to assist in identifying qualified candidates. I look forward to working with members of this Committee to provide as much transparency and collaboration as possible.

c. **Do you believe that the advice and consent role of the Senate is an important part of the Constitution's system of checks and balances?**

RESPONSE: Yes. As I said during my confirmation hearing opening statement, "Thank you, Chairman Grassley and Ranking Member Durbin for convening this hearing, and for providing my fellow nominees and me the opportunity to participate in *the Senate's essential and time-honored advice-and-consent role under the Constitution*." (emphasis added).

d. **Do you believe that President Trump respects the structure and provisions of the Constitution? Have you ever said otherwise?**

RESPONSE: Yes.

e. **Do you believe that Democrats respect the structure and provisions of the Constitution? Have you ever said otherwise?**

RESPONSE: Yes. I am not aware of statements otherwise regarding the advice and consent role of the Senate.

11. On October 12, 2019, you posted a video on Facebook in which you said, quote, "I believe that human life starts at conception. No exceptions."

a. Do you believe that abortion access should be available to victims of rape and incest?

RESPONSE: President Trump has publicly stated his support for exceptions on those bases.

b. Do you believe a child who becomes pregnant as a result of rape or incest should be forced to give birth?

RESPONSE: Please see my response above.

12. At the time of your nomination, your X account—which was created in 2014—only had 80 published posts. But around 4,000 of your deleted tweets are still accessible.

a. **When did you delete these posts?**

RESPONSE: I have oftentimes observed a practice of regularly deleting old tweets. I recall, though am not certain, clearing out my X account shortly before joining the Senate as a Chief of Staff in 2023, since most of my social media activity was related to my prior service in Texas and not related to my role as a Senate staffer.

b. **Why did you delete thousands of your own social media posts?**

RESPONSE: See above response.

13. Texas Attorney General (AG) Ken Paxton faced impeachment proceedings after several whistleblowers—all of which are staunch Republicans and/or Paxton political appointees—reported to federal law enforcement their belief that AG Paxton had improperly used his office to benefit his friend and political donor, Nate Paul. In exchange for getting involved in legal disputes to benefit Paul and his businesses, AG Paxton allegedly received home renovations and assistance with facilitating an extramarital affair. After coming forward with their allegations, the whistleblowers were fired.

a. Are you aware that 18 USC § 1513(e) makes it a federal felony to retaliate against a federal whistleblower?

RESPONSE: Yes.

a. **Were you aware of this law when you joined the Office of the Attorney General (OAG) in October 2020?**

RESPONSE: Yes.

a. **Did you recommend the firing of any of the whistleblowers who reported AG Paxton to law enforcement?**

RESPONSE: After carefully assessing the facts, circumstances, and law, and conferring with the Agency's executive leadership staff, the Human Resources Division, General Counsel, and legal ethics counsel, I recommended that AG Paxton fire these employees for cause.

a. **Were you involved in any way with the decision to terminate the whistleblowers? If so, what was the extent of your involvement?**

RESPONSE: See above response.

14. According to your testimony in an OAG's internal report, the whistleblowers were fired for, "holding the agency hostage" with poor work habits, not because of the allegations they made against the Attorney General. Notably, your employment at the OAG began in October 2020, shortly after the whistleblowers reported Paxton to the FBI on September 30, 2020, and mere weeks before they were fired.

   a. **Were you a direct supervisor for any of the whistleblowers? If so, which whistleblowers did you supervise and for how long did you supervise them?**

   RESPONSE: No.

   b. **What was your level of familiarity with the quality of their work?**

   RESPONSE: High degree of familiarity.

   c. **How many days or weeks of work with the whistleblowers informed your testimony regarding the conduct that you cited as justification for their termination?**

RESPONSE: Starting on my first day on the job—October 1, 2020—through the date of each individual's termination date. These days and weeks also included a deep look-back period in which I assessed their prior work performance and work product.

d. Was it just a coincidence that the whistleblowers were fired after they reported AG Paxton's misconduct to the FBI?

RESPONSE: The employees' termination has nothing to do with their reporting AG Paxton to the FBI.

e. Were you involved in drafting, editing, or otherwise developing the OAG's internal report regarding the termination of the whistleblowers? If so, please describe the extent of your participation.

RESPONSE: Yes. I spent many hours reviewing documents, cite-checking, fact-checking, drafting summaries, cross-checking references, and editing the report.

15. On September 17, 2024, Bloomberg Law reported that you appeared before the grand jury investigating AG Paxton in August 2024.

a. Are you under court order not to disclose your testimony, or under any court order related to the case against AG Paxton?

RESPONSE: Not that I am aware at this time.

b. Did you receive immunity in exchange for your testimony?

RESPONSE: No.

c. Do you believe or have any knowledge that Attorney General Paxton committed any crimes?

RESPONSE: I believe that Attorney General Paxton is innocent and has committed no crimes.

d. If confirmed, will you refrain from attempting to influence any investigation or prosecution into AG Paxton, your former boss, that may be ongoing at the Department of Justice?

RESPONSE: In the event of any potential conflict of interest, I will consult with the appropriate Department of Justice ethics officials and act consistent with governing regulations.

e. If confirmed, can whistleblowers that may come forward within the Office of Legal Policy trust you not to retaliate against them?

RESPONSE: If confirmed, I will work with the proper offices at the Department to ensure that whistleblowers are protected in accordance with the law.

16. ProPublica and The Texas Tribune recently identified more than a dozen instances in which your former employer, Attorney General Ken Paxton, misused Texas consumer protection laws to investigate organizations whose work conflicts in some way with his political views or the views of his party. For example, Paxton's lawyers argued to a state judge that an El Paso-based religious organization, the Annunciation House, should be closed. They accused—without evidence—the 46-year-old nonprofit of violating laws prohibiting human smuggling and operating a stash house.

Under President Trump, the Department of Justice has been weaponized against state and local authorities and non-profits, such as those in my home state, that are engaged in activities that are lawful but that he does not support politically.

As the primary policy advisor to the Attorney General and the Deputy Attorney General, how will you ensure that Department resources are utilized in a manner consistent with the law—focusing on individuals and programs actually engaging in dangerous criminal activity or violent crime—rather than as a political weapon against those with whom the President disagrees or dislikes?

RESPONSE: I will work to make sure that the Department pursues its mission, and I will always uphold my oath to support and defend the Constitution and federal law.

17. You represented the state of Texas in a lawsuit challenging a Biden Administration policy that directed U.S. Immigration and Customs Enforcement (ICE) agents to prioritize for enforcement individuals who present a threat to public safety, national

security, or border security. The U.S. Supreme Court ultimately ruled against the State of Texas and in favor of prosecutorial discretion in that litigation.

Recent data published by the Cato Institute shows that rescinding these priorities resulted in the detention of asylum seekers and the release of nearly 58,184 noncitizens with criminal records, including 8,620 violent criminals and 306 murderers. It also shows that with enforcement priorities in place under the Biden Administration, fewer violent criminals were released. We have seen the Trump Administration rescind the Biden memo on enforcement prioritizes.

Will you urge the Department of Homeland Security to ensure that national security and public safety threats are prioritized for immigration enforcement, rather than falling back on the disastrous policies that have led to arrests of vulnerable families and asylum seekers with no criminal histories?

RESPONSE: It would be inappropriate for me to make a commitment to "urge" the Department of Homeland Security on specific interagency policies without having been briefed or consulted on the specific issues.

18. Your former employer, Attorney General Ken Paxton, filed a lawsuit challenging the Deferred Action for Childhood Arrivals program that attempts to deprive hundreds of thousands of immigrants who were brought to the United States as children of their ability to live and work in the United States. President Trump has said he hopes to protect these deserving immigrants.

Consistent with the President's statements, do you support the Department of Homeland Security regulation entitled, "Deferred Action for Childhood Arrivals?"

RESPONSE: I am committed to faithfully and energetically pursuing the President's and the Attorney General's agenda.

Senate Judiciary Committee Hearing
"Nominations"
Questions for the Record for Aaron Reitz

QUESTION FROM SENATOR BLACKBURN

1. **It is the role of the Department of Justice's Office of Legal Policy to implement the policy initiatives of the Department. Attorney General Bondi has already made clear that she will prioritize fighting violent crime and making our communities safer and, if confirmed to this position, you will play an essential role in these efforts. One of the Department's most successful initiatives during President Trump's first term was Operation Legend, which surged federal law enforcement resources into ten of America's most violent cities to help local police get violent offenders off our streets. This policy resulted in a swath of federal arrests and charges, including 815 firearms offenses and 566 drug-related crimes. This policy also contributed to the 17% reduction in violent crime during President Trump's first term. However, this reduction was quickly offset by President Biden's soft-on-crime policies, which allowed violent crime to increase by 43% under his watch.**

   a. **If confirmed, will you commit to working with Attorney General Bondi to examine and potentially implement a policy similar to Operation Legend for many of our nation's largest cities that are still dealing with violent crime surges?**

   RESPONSE: Making our communities safer is one of the highest priorities for this Administration and for Attorney General Bondi. If confirmed, I will commit to working with Attorney General Bondi to examine various policies similar to Operation Legend designed to make our communities safer.

Senator Eric Schmitt
Senate Judiciary Committee
Written Questions for Aaron Reitz
Hearing on "The Nomination of Aaron Reitz to be an Assistant Attorney General of the United States"
Wednesday, February 12, 2025

Are you aware of the case *Arbutus Biopharma Corporation et al v. Moderna, Inc.*, in which the Biden Administration's Department of Justice filed a Statement of Interest asserting that the U.S. government is responsible for intellectual property costs under Section 1498 of the Patent Act regarding the use of Arbutus's lipid nanoparticle (LNP) technology in Moderna's COVID-19 vaccine? If not, will you please take the time to review the Statement of Interest submitted by the Biden Administration's DOJ and consider the potential financial burden this may impose on U.S. taxpayers?

RESPONSE: I am not familiar with *Arbutus Biopharma Corporation et al v. Moderna, Inc.*, but I commit to familiarizing myself with it.

Nomination of Aaron Reitz
To be Assistant Attorney General for the Office of Legal Policy
United States Department of Justice
Questions for the Record
Submitted February 27, 2025

QUESTIONS FROM SENATOR WHITEHOUSE

Please answer each question individually and as specifically as possible.

1. During your hearing, you stated, "there is no hard and fast rule about whether in every instance a public official is bound by a court decision. There are some instances in which he or she may lawfully be bound and other instances in which he or she may not lawfully be bound."

    a. Under what circumstances would it be lawful for the executive branch to disregard a court order?

    RESPONSE: This hypothetical question presents insufficient information for me to answer with precision.

2. During your hearing, you stated, "there are reasonable debates to be had about the meaning and application and scope of what is commonly called birthright citizenship in the 14th amendment."

    a. What do you believe the meaning, application, and scope of birthright citizenship to be?

    RESPONSE: As I indicated at my hearing, I think that there are reasonable debates to be had about the meaning, application, and scope of so-called birthright citizenship. Beyond that, because of the likelihood of my involvement in related litigation or legal matters concerning so-called birthright citizenship, it would be inappropriate for me to comment further.

    b. At least four district court judges have granted nationwide preliminary injunctions in challenges to President Trump's Executive Order, "Protecting the Meaning and Value of American Citizenship." Do you believe that the federal government is bound by these preliminary injunctions?

    RESPONSE: As I stated in my hearing, parties to litigation are bound by the lawful holdings of their respective court in most circumstances. When there is genuine jurisprudential disagreement about the scope of certain holdings, it fair for attorneys in good faith to discuss the scope of a holding of a case. Given that I will likely be part of the litigation you are referring to, it would be

inappropriate for me to opine on what I believe about this particular cases or procedural postures.

3. On March 19, 2021, you wrote, "January 6 provided the pretext that the government, media and Democratic Party needed to drum up paranoia about white-nationalist domestic terrorism."

    a. Do you believe white nationalist domestic terrorism poses a threat today?

    RESPONSE: Racist ideologies are wrong and acts of racially or ethnically motivated violence should be appropriately investigated and prosecuted.

4. Was the U.S. Capitol attacked by a violent mob on January 6, 2021?

    RESPONSE: I do not believe it is appropriate to describe what happened on January 6, 2021 in the way this question is framed.

5. Do you believe that Donald Trump can lawfully serve a third term as president?

    RESPONSE: Not without a constitutional amendment permitting more than two terms.

6. Did Joe Biden win the 2020 presidential election?

    RESPONSE: Joe Biden was certified as the President of the United States after a flawed election.

7. In 2019 at the Texas Gala for Life, you stated, "I will always oppose any legislation that doesn't recognize the newly conceived child as fully human deserving of all of the legal protections that you and I enjoy."

    a. Do you oppose laws that allow for abortions to save the life of the mother?

    RESPONSE: If I am confirmed, I will follow the Constitution and laws of the United States of America.

8. Justice Kavanaugh's concurrence in *Dobbs v. Jackson Women's Health Organization* stated that "the constitutional right to interstate travel" would prohibit a state from barring "a resident of that State from traveling to another State to obtain an abortion."

    a. Do you agree with these statements from Justice Kavanaugh's concurrence?

    RESPONSE: I have not had the occasion to review any opinion on this subject. If I am confirmed, decisions with respect to the applicability of any federal law will be made only after careful consideration of the relevant facts and law.

9. On May 30, 2020, you tweeted, "Bring the troops home. Then deploy them at home."

    a. Under what circumstances, if any, is it lawful to deploy the military "at home"?

    RESPONSE: All military officers swear an oath to "support and defend the Constitution of the United States against all enemies, foreign and domestic." If I am confirmed, I will follow the Constitution and laws of the United States of America.

10. On February 23, 2023, Texas Ranger David Maxwell said the following about you and Brent Webster to investigators in the impeachment proceedings against Texas Attorney General Ken Paxton: "those two individuals, there have been many complaints of sexual harassment by the female employees up on the eighth floor. Most all of them have left. And their complaints were varied. You know, they're so misogynistic it's incredible how blatant they are about it and how openly sexual they are in talking around their female employees. And I know this because I have people that worked on the floor who were telling me what was going on, but you can't find the complaints."

    a. Yes or no: Did you sexually harass any employees of the Texas Attorney General's Office?

    RESPONSE: No.

    b. Yes or no: Did you make any comments of a sexual nature in front of any employees of the Texas Attorney General's Office?

    RESPONSE: No.

    c. To the best of your knowledge, to what was David Maxwell referring?

    RESPONSE: I don't know.

11. Did you personally remove or direct someone to remove Judge Kacsmaryk's name from a draft of the law review article, "The Jurisprudence of the Body"?

    RESPONSE: I stand by my April 2023 statement that I initially provided to the Washington Post when they cited an anonymous source claiming I had done this: "The Texas Review of Law & Politics received a draft of [the article] from the First Liberty Institute, where now Judge-Kacsmaryk was our chief point of contact during much of the editing and cite-checking process. [Mr.] Kacsmaryk was the placeholder until final authors were named by First Liberty. Because of their work on the article, Mr. Butterfield and Ms. Taub rightfully received credit as authors." At no point did I or the dozens of other editors on the Review engage in the conduct describe by the anonymous source. Had engaging in unethical conduct or practices contrary to best academic standards even been suggested, I would have shut it down. I am proud that members of my editorial board submitted a letter of support to this Committee saying: "As Editor in Chief, Aaron

led a team of 60 student editors to select, edit, cite-check, refine, publish, and distribute nearly 20 scholarly articles across three issues of the *Review*. He did so with an unimpeachable adherence to academic and legal ethics and best practices."

12. In 2018, you stated in a promotional video for the James Wilson Institute on Natural Rights and the American Founding, "just because a legislature passes a law according to the proper procedures…that doesn't necessarily make it legal. What makes a law legal is its alignment with the natural law."

    a. What is "natural law"?

       RESPONSE: What I mean here is consistent with what Martin Luther King, Jr. described in his 1963 Letter from a Birmingham Jail, which reads, in short, "There are two types of laws: just and unjust. I would be the first to advocate obeying just laws. One has not only a legal but a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws. I would agree with St. Augustine that 'an unjust law is no law at all.'"

    b. Do you believe that laws properly passed by the legislature have the force of law regardless of whether they accord with "natural law"?

       RESPONSE: The facts and circumstances are too numerous and variable for me to answer this question with any specificity.

    c. Will you act in accordance with and enforce laws that you might believe conflict with "natural law"?

       RESPONSE: I am committed to following the Constitution and all federal and applicable state laws.

13. You participated in the John Jay Institute's fellowship.

    a. The John Jay Institute website lists among its principles, "Notions of human autonomy…are antithetical to the common good and to the American founders' vision of a virtuous republic." Yes or no: do you agree with this statement?

       RESPONSE: A thorough exposition of the context in which this statement is made is necessary for me to answer with precision. Since no context is provided, I am unable to answer the question.

    b. The institute also lists as a principle, "The state is…limited by the existence of the social institutions of family, church, and society, which have their own delineated spheres of authority and independent jurisdictions." Yes or no: do you agree with this statement?

RESPONSE: A thorough exposition of the context in which this statement is made is necessary for me to answer with precision. Since no context is provided, I am unable to answer the question.

Senate Judiciary Committee
Hearing on the Nomination of Aaron Reitz
to be Assistant Attorney General for the Office of Legal Policy
February 26, 2025
Questions for the Record
Senator Amy Klobuchar

In a tweet on March 30, 2020, you publicly called for defiance of a court order in response to a 2020 court decision that blocked Texas from closing abortion clinics, tweeting "Looking for some Andrew Jackson-level leadership on this one. 'Judge Yeakel has made his decision. Now let him enforce it.'"

When asked about the tweet during your hearing you would not affirm a basic principle of our system of checks and balances; that the executive branch is bound to follow judicial orders.

Chief Justice John Roberts wrote in his most recent end-of-year report that disregarding federal court rulings is "dangerous" and "must be soundly rejected."

- How do you reconcile your views that government officials could refuse to comply with a court order with the Chief Justice's warning?

  RESPONSE: As I stated in my hearing, parties to litigation are bound by the lawful holdings of their respective court in most circumstances. Generally speaking, if there is a court order that directly binds an official who is a party to the case and subject to the court's jurisdiction, the official should follow it. When there is genuine jurisprudential disagreement about the scope of certain holdings, it fair for attorneys in good faith to discuss the scope of a holding of a case.

Nomination of Aaron Reitz to be Assistant Attorney General for the Office of Legal Policy
Questions for the Record
Submitted February 27, 2025

QUESTIONS FROM SENATOR COONS

1. Who does the Department of Justice's Office of Legal Policy work for?

   RESPONSE: The Office of Legal Policy is a component of the Department of Justice and is accountable to the Attorney General and Deputy Attorney General.

2. In a memo issued to Department of Justice personnel on her first day in office, Attorney General Bondi referred to the Department's attorneys as the President's lawyers.

   a. Do you agree with that characterization of Department of Justice attorneys?

      RESPONSE: The Attorney General's memo explained that the job of Department attorneys is to defend the interest of the United States. "Those interests, and the overall policy of the United States, are set by the Nation's Chief Executive, who is vested by the Constitution with all '[E]xecutive Power.'" I agree with this description of the responsibilities of Department attorneys.

   b. If confirmed, would you consider yourself President Trump's lawyer?

      RESPONSE: Please see my response above to Question 2(a).

3. As a Justice Department lawyer, when is it appropriate to refuse to follow a directive of the President?

   RESPONSE: President Trump will not issue a directive that is unlawful.

4. How would you respond if your role at the Department of Justice required you to follow a policy directive that was unconstitutional?

   RESPONSE: I reject that premise. If confirmed, I will always uphold my oath to support and defend the Constitution and I would follow the law.

5. When is it appropriate for the Department of Justice to decide not to defend a federal law?

   RESPONSE: The Department has discretion under such circumstances consistent with the priorities of the duly elected President of the United States and the Attorney General.

6. What is the remedy if the President violates his constitutional duty to faithfully execute the laws?

RESPONSE: Regularly scheduled presidential elections.

7. Dozens of President Trump's executive actions have been blocked by federal courts in the past few weeks.

    a. To your knowledge, has the administration complied with those court orders?

    RESPONSE: I have not followed the procedural progress of these cases.

    b. Do you think the administration is required to comply with court orders?

    RESPONSE: As I stated in my hearing, parties to litigation are bound by the lawful holdings of their respective court in most circumstances. Generally speaking, if there is a court order that directly binds an official who is a party to the case and subject to the court's jurisdiction, the official should follow it. When there is genuine jurisprudential disagreement about the scope of certain holdings, it fair for attorneys in good faith to discuss the scope of a holding of a case.

8. On March 30, 2020, in response to a decision by a federal district court judge that you disagreed with, you tweeted: **"Looking for some Andrew Jackson-level leadership on this one. 'Judge Yeakel has made his decision. Now let him enforce it.'"**

    a. What did you mean by that statement?

    RESPONSE: As I explained during my confirmation hearing, this statement reflects a mainstream jurisprudential view reflecting a more limited, cabined view of federal courts' reach.

9. During your confirmation hearing, you said: "There is no hard and fast rule about whether in every instance a public official is bound by a court decision." You went on to say: "There are some instances in which he or she may lawfully be bound and other instances in which he or she may not lawfully be bound."

    a. What are the "instances" in which a federal litigant "may not lawfully be bound" by an order from a federal court?

    RESPONSE: As I stated in my hearing, parties to litigation are bound by the lawful holdings of their respective court in most circumstances. Generally speaking, if there is a court order that directly binds an official who is a party to the case and subject to the court's jurisdiction, the official should follow it. When there is genuine jurisprudential disagreement about the scope of certain holdings, it fair for attorneys in good faith to discuss the scope of a holding of a case.

    b. If you were representing a client in federal court, in what "instances" would you advise them not to adhere to an order from a federal judge?

RESPONSE: As I stated in my hearing, parties to litigation are bound by the lawful holdings of their respective court in most circumstances. Generally speaking, if there is a court order that directly binds an official who is a party to the case and subject to the court's jurisdiction, the official should follow it. When there is genuine jurisprudential disagreement about the scope of certain holdings, it fair for attorneys in good faith to discuss the scope of a holding of a case.

10. In May 2020, you posted to Twitter that your "idea for a Second Step Act" was to "repeal most of the First Step Act." The *First Step Act*, signed by President Trump, passed the Senate by an overwhelmingly bipartisan 87-12 vote.

    a. Do you think the *First Step Act* should be repealed? Why?

    RESPONSE: If confirmed, my role as a member of the Executive Branch will be to enforce existing federal law as appropriate and in accordance with the relevant facts and law, regardless of my personal views on any particular piece of legislation.

    b. If Attorney General Bondi's view on criminal justice reform and your view on criminal justice reform conflict, whose vision carries the day?

    RESPONSE: If confirmed, I would work to faithfully and energetically execute on the agenda of President Trump and Attorney General Bondi.

    c. If President Trump's view on criminal justice reform and your view on criminal justice reform conflict, whose vision carries the day?

    RESPONSE: Please see my response above.

11. In August 2020 and January 2021, you posted on Twitter that you support banning TikTok in the United States. Congress agreed with you—we passed a law by large bipartisan majorities that forces the sale of TikTok. The Supreme Court upheld the law in a 9-0 decision. Nevertheless, the Trump administration has refused to comply with the law; President Trump has paused enforcement without making any of the findings required by statute.

    a. Does Donald Trump have the constitutional authority to choose which of Congress's laws he complies with and which he does not?

    RESPONSE: The President has unique constitutional responsibility for the national security of the United States, the conduct of foreign policy, and other vital executive functions. He also has the authority, vested in him by the Constitution and the laws of the United States of America, to issue an Executive Order in which case he did here.

c. Do you still think TikTok should be banned in the United States?

RESPONSE: As this is the subject of ongoing litigation, it would be inappropriate for me to comment on whether TikTok should be banned in the United States. I am committed to faithfully and energetically execute on the agenda of President Trump and Attorney General Bondi

d. Do you think any other social media platforms should be banned in the United States?

RESPONSE: I have no opinion on this matter at this time.

12. During your nomination hearing, I was heartened that you said, with respect to judicial confirmations, your role "necessarily means working collaboratively with the Judiciary Committee as well as individual home-state senators."

a. What kind of collaboration with home-state senators will you pursue with respect to federal circuit judges?

RESPONSE: I understand that this process has several components. Generally, the administration and home-state senators will discuss potential nominees. For those nominees, the administration and home-state senators may review materials, including briefing, law review articles, and other available work product. The process can also include interviews of candidates. It can also involve discussing the potential nominee with colleagues and opposing counsel.

b. Do you support maintaining the blue slip tradition for federal district court judges?

RESPONSE: I understand the value of the blue slip process in helping to ensure that the equities of home state Senators are given due deference in the President's selection of nominees. Although there have been some differences in the blue slip tradition over the years, it's a chairman's prerogative to decide how the process applies. Senate Judiciary Committee Chairman of both parties have consistently respected the blue slip process, and I have no reason to believe this administration would argue for change in this important tradition.

c. Do you support maintaining the blue slip tradition for United States Attorneys?

RESPONSE: See my answer above.

d. Do you support maintaining the blue slip tradition for United States Marshals?

RESPONSE: See my answer above.

e. Would you oppose efforts by the Senate to advance nominees for federal district court judgeships, U.S. Attorneys, and U.S. Marshals if those nominees do not receive affirmative blue slips from both home-state senators?

RESPONSE See my answer above.

13. Bloomberg Law reported on September 17, 2024, that, on August 6, 2024, you appeared before a federal grand jury investigating Texas Attorney General Ken Paxton.

a. Did you appear before a federal grand jury on August 6, 2024?

RESPONSE: Yes.

b. Did you testify pursuant to a subpoena?

RESPONSE: Yes.

c. Did you receive any criminal immunity in exchange for testifying before the grand jury?

RESPONSE: No.

d. Please describe the information you provided to the grand jury.

RESPONSE: The federal investigation and litigation related to both federal and state matters involving Attorney General Paxton remain ongoing. As such, I believe it would be inappropriate for me to share underlying testimony.

Senator Mazie K. Hirono
Senate Judiciary Committee

Nominations Hearing | February 26, 2025
Questions for the Record for Aaron Reitz

Did Donald Trump lose the 2020 presidential election?

RESPONSE: Joe Biden was certified as the President of the United States after a flawed election.

If you ever face a conflict between your duties to the Constitution and a request from the President, how will you resolve that conflict?

RESPONSE: In every case when determining whether the Department of Justice would defend the constitutionality of a federal law or challenge the constitutionality of a state law, I would consult with appropriate officials within the Department including the Solicitor General, evaluate the text of the law at issue, and consider the relevant precedents of the Supreme Court. As I stated at my hearing, I will pursue the President's and the Attorney General's agenda with energy, impartiality, independent thinking, and faithfulness to the Constitution and all federal laws.

If President Trump every directs, asks, or implies that you should take an action that is unconstitutional, would you do it?

RESPONSE: I would not have accepted the nomination to serve as Assistant Attorney General if I believed President Trump would ask me to do this.

If a President takes executive action, and a court later rules that action is unconstitutional, is it ever permissible for a President to disregard the court's order? If your answer is yes, please explain in what circumstances you believe the President is permitted to take an action despite the court having ruled that action unconstitutional.

RESPONSE: If, in this hypothetical, the matter has been appealed to the Supreme Court, I would regard its decisions as legitimate and the law of the land. As the highest court under the Constitution, the Supreme Court plays a critical role in our Nation's system of government. As I stated in my hearing, parties to litigation are bound by the lawful holdings of their respective court in most circumstances. When there is genuine jurisprudential disagreement about the scope of certain holdings, it fair for attorneys in good faith to discuss the scope of a holding of a case.

During the 2023 impeachment proceedings against Texas Attorney General Ken Paxton, a Texas Ranger testified about your employment and behavior while working for the Texas Attorney General's office. He stated, "there have been many complaints of sexual

harassment by the female employees up on the eighth floor. Most all of them have left. And their complaints were varied." The following questions refer to your time working with or advising Attorney General Paxton:

a. **Did you, at any point, work on the eighth floor of the Price Daniel Sr. State Office Building (hereafter, "the eighth floor")? If so, during what dates?**

RESPONSE: Yes, I worked on the eighth floor during the entirety of my time at the Office of the Attorney General of Texas (OAG), which began in October 2020 and ended in May 2023.

b. **If your office was never located on the eighth floor, did you ever visit the eighth floor to talk to any superiors, coworkers, or employees under your supervision?**

RESPONSE: My office was located on the eighth floor.

c. **Approximately how many female employees worked for you on the eighth floor in November 2020?**

RESPONSE: The eighth floor is usually comprised of around 20 employees. It is a mix of OAG's most senior staff, including the Attorney General himself, and their executive assistants. In November 2020, 10 of the 20 (50%) members on the eighth floor were female. Only one female on the eighth floor reported to me at this time.

d. **Approximately how many female employees worked for you on the eighth floor in April 2023?**

RESPONSE: In April 2023, 11 of the 21 (52%) members of the eighth floor were female. Two female employees on the eighth floor reported to me at this time.

a. **Approximately how many female employees worked with you on the eighth floor in November 2020?**

RESPONSE: The eighth floor is usually comprised of around 20 employees. It is a mix of OAG's most senior staff, including the Attorney General himself, and their executive assistants. In November 2020, 10 of the 20 (50%) members on the eighth floor were female. I worked for many hours a week with all of them. And I'm proud that many joined my letter of support to the Committee affirming that I am "trustworthy, honest, faithful, dependable, humble, and upright…a consummate professional…a fundamentally good and decent man who treats everyone fairly and with dignity."

e. **Approximately many female employees worked with you on the eighth floor in April 2023?**

RESPONSE: In April 2023, 11 of the 21 (52%) members of the eighth floor were female. Two female employees reported to me at this time. I worked for many hours a week with them. And I'm proud that they joined my letter of support to the Committee affirming that I am "trustworthy, honest, faithful, dependable, humble, and upright…a consummate professional…a fundamentally good and decent man who treats everyone fairly and with dignity."

f. **At any point, did any individual ask you to stop engaging in sexual harassment in the workplace?** If so, describe the circumstances in detail and how the complaint was addressed. Do not include the name of any specific female employee to preserve their privacy.

RESPONSE: No.

a. **At any point, were you made aware of any complaint against you for sexual harassment of any kind?** If so, describe the circumstances in detail and how the complaint was addressed. Do not include the name of any specific female employee to preserve their privacy.

RESPONSE: No.

a. **At any point, did you discuss sexual harassment allegedly committed by you with any person?** If so, describe the circumstances and substance of the conversation.

RESPONSE: In August 2023, when the Dallas Morning News reprinted Mr. Maxwell's unsworn, disproven references to complaints about me, I conferred with an attorney and the OAG's Human Resources Division in preparing a statement, which the Dallas Morning News included in its article.

g. **Have you ever received any training on sexual harassment? If so, please describe when and in what context(s) you received such training.**

RESPONSE: I have received sexual harassment training on a nearly annual basis since I was 18 years old. First, as required training in Texas A&M's Corps of Cadets. Then as an annual training requirement for the U.S. Marine Corps, for which I've served on both active and reserve duty for nearly 15 years. I also underwent extensive training as both an employee of OAG and the U.S. Senate.

2. The same Texas Ranger referenced in question 1 testified that you and another employee were "so misogynistic it's incredible how blatant [you] are about it and how openly sexual [you] are in talking around [your] female employees." The following questions refer to any time since you became a legal adult:

1. **Have you ever discussed subjects of a sexual nature in the presence of female employees or coworkers?**

   RESPONSE: As an attorney, I have sometimes discussed matters related to abortion, LGBTQIA+ matters, and the like with other professionals in a professional manner and in a professional environment insofar as they concern ongoing litigation or investigations. But I have never discussed prurient or salacious matters in the presence of female employees or coworkers.

2. **At any point, have you become aware that you have made any individual female employee that you have worked with uncomfortable because of your sexual behavior or conversation?** If so, describe the circumstances. Do not include the name of any specific female employee to preserve their privacy.

   RESPONSE: No.

3. **To your knowledge, have you ever been the subject of a harassment complaint?** If so, describe the circumstances. Do not include the name of any specific female employee to preserve their privacy.

   RESPONSE: No.

Do you agree that America is a country built by immigrants?

RESPONSE: America is a country built by settlers and frontiersmen, and later supplemented by immigrants. America is entitled to—and indeed must—rigorously enforce our immigration laws, including those precluding unlawful entry.

The birthright citizenship clause of the Fourteenth Amendment reads, "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States." The phrase "subject to the jurisdiction thereof" undoubtably limited the applicability of birthright citizenship in the case of, for example, children of foreign diplomats, as those diplomats enjoy diplomatic immunity.

What is your understanding of the meaning of the word "jurisdiction" in the aforementioned clause?

RESPONSE: If confirmed, I will consider this question as necessary and appropriate and in consultation with officials within the Department of Justice.

What factors does a court consider when determining if it has jurisdiction over a person?

RESPONSE: If confirmed, I will this consider this question as necessary and appropriate and in consultation with officials within the Department of

Justice. As I indicated at my hearing, I think that there are reasonable debates to be had about the meaning, application, and scope of so-called birthright citizenship.

You tweeted on April 28, 2021, "Friendly reminder that 'birthright citizenship' is not a thing." **What did you mean by this statement?**

RESPONSE: As I indicated at my hearing, I think that there are reasonable debates to be had about the meaning, application, and scope of so-called birthright citizenship. Beyond that, because of the likelihood of my involvement in related litigation or legal matters concerning so-called birthright citizenship, it would be inappropriate for me to comment further.

Does your statement apply to children born to U.S. citizens? If not, why not?

RESPONSE: Please see response above.

Does your statement apply to children born to legal permanent residents? If not, why not?

RESPONSE: Please see response above.

Does your statement apply to children born to those on temporary visas? If not, why not?

RESPONSE: Please see response above.

Does your statement apply to children born to undocumented immigrants? If not, why not?

RESPONSE: Please see response above.

In *United States v. Wong Kim Ark*, 169 U.S. 649 (1898), the Supreme Court ruled that a child born to Chinese immigrants, who were ineligible to naturalize at the time, was still entitled to birthright citizenship.

Do you accept the Supreme Court's reasoning in that case that it is "impossible to construe the words 'subject to the jurisdiction thereof' in the opening sentence [of the 14th Amendment] as less comprehensive than the words 'within its jurisdiction?'" Is this reasoning still good law? If not, why not and what case do you believe has overturned or abrogated it?

RESPONSE: Consistent with the past practice of nominees to serve as Assistant Attorney General, I believe it would be inappropriate for me to comment on ongoing litigation.

Do you accept the Supreme Court's reasoning in that case that "[e]very citizen or subject of another country, while domiciled here, is within the allegiance and the protection, and consequently subject to the jurisdiction, of the United States?" Is this reasoning still good law? If not, why not and what case do you believe has overturned or abrogated it?

RESPONSE: Please see response above.

In *Plyler v. Doe*, 457 U.S. 202 (1982), the Supreme Court favorably cited to *Wong Kim Ark* and emphasized that the "protection of the Fourteenth Amendment extends to anyone, citizen or stranger, who is subject to the laws of a State, and reaches into every corner of a State's territory." This reasoning expressly includes those whose "initial entry into a State, or into the United States, was unlawful."

Do you agree with the Supreme Court's reasoning in *Plyler*? If not, why not?

RESPONSE: As the highest court under the Constitution, the Supreme Court plays a critical role in our Nation's system of government. I regard its decisions as legitimate and the law of the land.

Does *any* president ever have the authority to issue an executive order taking an action directly contrary to binding Supreme Court precedent?

RESPONSE: This is a hypothetical that, without more specificity, I cannot answer with precision. As I said during my confirmation hearing, whether or not a public official must comply with a Supreme Court decision depends on particular facts and circumstances.

Does *any* president ever have the authority to unilaterally remove any part of the Constitution?

RESPONSE: No. Article V of the U.S. Constitution lays out the process of proposing and ratifying an amendment.

What is your view of the "Me Too" movement?

RESPONSE: I believe it raised awareness of an important issue.

Is there a constitutional right to interstate travel?

RESPONSE: In *Saenz v. Roe*, 526 U.S. 489 (1999), the Supreme Court held that "the right to go from one place to another, including the right to cross state borders while en route . . . was vindicated in *Edwards v. California*, 314 U.S. 160 (1941) . . . [and] reaffirmed . . . in *United States v. Guest*, 383 U.S. 745 (1966)."

Is the right to contraception protected by the Constitution?

RESPONSE: *Griswold v. Connecticut* and *Eisenstadt v. Baird* are precedent of the Supreme Court and are due respect as such.

Is the Comstock Act still good law?

RESPONSE: I have not had occasion to study the Comstock Act or related case law. If I am confirmed, decisions with respect to the applicability of federal law will be made only after careful consideration of the relevant facts and law.

If so, which portion(s) of the Act remain in effect?

RESPONSE: Please see my response above.

Please explain the legal basis for your answer(s) to part a of this question.

RESPONSE: Please see my response above.

Please explain the effect, if any, of the Supreme Court's decisions in *Roth v. United States*, 354 U.S. 476 (1957), and *Griswold v. Connecticut*, 381 U.S. 479 (1965), on the continuing validity of the Comstock Act.

RESPONSE: Please see my response above.

Are there *any* limits to Presidential power?

RESPONSE: The President is bound by the terms of his oath, the Constitution, and applicable law.

If yes, what are the limits? Please explain the legal basis for your answer.

RESPONSE: See above.

Do you endorse the legal concept of fetal personhood?

RESPONSE: Given the likelihood of "fetal personhood" becoming the subject of litigation or legal disputes over which I may be involved, it would be inappropriate for me to lay out my particular views at this time. If presented with the question, I will follow the Constitution and all applicable laws.

Do you believe that embryos in a petri dish created through the process of in vitro fertilization (IVF) should have the same rights as children?

RESPONSE: Given the likelihood of "fetal personhood" becoming the subject of litigation or legal disputes over which I may be involved, it would be inappropriate for me to lay out my particular views at this time. If presented with the question, I will follow the Constitution and all applicable laws.

Do you believe that any employee in a fertility clinic should be subject to criminal charges, including murder charges, for discarding an embryo created through IVF?

RESPONSE: Given the likelihood of "fetal personhood" becoming the subject of litigation or legal disputes over which I may be involved, it would be inappropriate for me to lay out my particular views at this time. If presented with the question, I will follow the Constitution and all applicable laws.

Do you support the right of a person to access IVF and other fertility treatments free from government interference?

On June 2, 2020, you tweeted, "All politics is subservient to religion, even if unwittingly." **Do you support the concept of separation between church and state? If your answer is anything other than "yes", please explain your answer.**

RESPONSE: The Supreme Court has explained in *Kennedy v. Bremerton School District*, 597 U.S. 507 (2022), that the First Amendment's Establishment Clause and Free Exercise Clause "have complementary purposes, not warring ones." Likewise, the Court has provided guidance that an "interest in separating church and state 'more fiercely' than the Federal Constitution" is not a compelling governmental interest "in the face of the infringement of free exercise." *Espinoza v. Montana Department of Revenue*, 591 U.S. 464, 484-85 (2020). These opinions are binding precedent of the Supreme Court and are entitled to respect as such.

Nomination of Aaron Francis Reitz to be the Assistant Attorney General for the Office of Legal Policy (OLP) of the U.S. Department of Justice
Questions for the Record
Submitted February 27, 2025

QUESTIONS FROM SENATOR CORY A. BOOKER

1. In your opinion, is involvement in the federal criminal investigations and prosecutions of President Trump alone, without other evidence of wrongdoing, misconduct, or unsatisfactory job performance, grounds for the demotion, reassignment, or termination of Department of Justice (DOJ) personnel?

RESPONSE: Any disciplinary actions towards Department personnel should be undertaken based on the facts of each situation in a manner consistent with Department policies, applicable law, and the Constitution.

2. In your opinion, is involvement in investigations or prosecutions of individuals related to the January 6 Capitol riot alone, without other evidence of wrongdoing, misconduct, or unsatisfactory job performance, grounds for the demotion, reassignment, or termination of DOJ personnel?

RESPONSE: Please see answer to the previous question.

3. In your opinion, is political affiliation alone, without other evidence of wrongdoing, misconduct, or unsatisfactory job performance, grounds for the demotion, reassignment, or termination of DOJ personnel?

RESPONSE: Please see answer to the previous question.

4. On January 21, 2025, Acting Deputy Attorney General Bove sent a memo to all DOJ employees indicating that DOJ would prosecute state and local actors who "do not comply with the Executive Branch's immigration enforcement initiatives."[1] The memo also announced the creation of the so-called "Sanctuary Cities Working Group," tasked with identifying "state and local laws, policies, and activities that are inconsistent with Executive Branch immigration initiatives and, where appropriate, to take legal action to challenge such laws."[2]

   a. Did you participate in the drafting of this memo? If yes, please describe your involvement in its drafting and the dates of your involvement. Please provide the names of the other individuals who participated in its drafting.

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[1] Mem. from Acting Dep. Att'y Gen. Emil Bove to all Dep't of Justice Employees, *Interim Policy Changes Regarding Charging, Sentencing, and Immigration Enforcement* (Jan. 21, 2015), https://www.documentcloud.org/documents/25501154-doj-all-staff-memo-jan-21/.
[2] *Id.*

RESPONSE: No.

b. Did you have any knowledge that DOJ was drafting this memo before it was sent to DOJ employees on January 21, 2025? If yes, please describe what you knew about the memo and how you learned of it. Please include the names of any individuals from whom you learned this information.

RESPONSE: No.

5. On January 31, 2025, dozens of career DOJ employees who worked on criminal cases stemming from the January 6 Capitol riot were fired.[3]

a. Who was involved in the decision to remove these officials? Please provide the names of the individuals involved.

RESPONSE: I do not know. It would be inappropriate for me to speculate further.

b. Has anyone within DOJ ever spoken to you about, or mentioned, these terminations, forced resignations, or other adverse personnel changes? If yes, please provide the names of the individuals involved, the content of those discussions, and the dates those discussions occurred.

RESPONSE: No.

c. Has anyone on the presidential transition team ever spoken to you about, or mentioned, these terminations, forced resignations, or other adverse personnel changes? If yes, please provide the names of the individuals involved, the content of those discussions, and the dates those discussions occurred.

RESPONSE: No.

d. Has anyone in the White House ever spoken to you about, or mentioned, these terminations, forced resignations, or other adverse personnel changes? If yes, please provide the names of the individuals involved, the content of those discussions, and the dates those discussions occurred.

RESPONSE: No.

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[3] Kyle Cheney & Josh Gerstein, *DOJ Fires Dozens of Prosecutors who Handled Jan. 6 Cases*, POLITICO (Jan. 31, 2025), https://www.politico.com/news/2025/01/31/doj-purges-prosecutors-january-6-cases-00201904.

e. Has Kash Patel ever spoken to you about, or mentioned, these terminations, forced resignations, or other adverse personnel changes? If yes, please provide the content of those discussions, and the dates those discussions occurred.

RESPONSE: No.

6. On February 5, 2025, Acting Deputy Attorney General Emil Bove reportedly sent an email to FBI workforce accusing FBI leadership of "insubordination," and indicating that FBI leadership's refusal to submit a list of FBI agents involved in the January 6 Capitol riot investigations caused him to expand his demand for a list of all FBI employees involved in any January 6 riot-related matter.[4]

   a. Since President Trump announced he planned to nominate you to be Assistant Attorney General of OLP in December 2024, have you communicated in any way with Emil Bove? If yes, please describe the mode, content, and dates of the communications.

RESPONSE: Yes, I have spoken with Acting Deputy Attorney General Bove on a few occasions about the staffing needs of the Office of Legal Policy, as well as the amenities available at the Justice Department gym.

   b. Since President Trump announced he planned to nominate you to be Assistant Attorney General of OLP in December 2024, have you communicated in any way with Chad Mizelle? If yes, please describe the mode, content, and dates of the communications.

RESPONSE: Yes, I have spoken with Chad Mizelle on a few occasions about the staffing needs of the Office of Legal Policy

   c. Have you ever discussed with Emil Bove, Chad Mizelle, or anyone else, FBI personnel involved in investigations related to the January 6 Capitol riot? If yes, please describe the mode, content, and dates of the communications.

RESPONSE: No.

7. Since President Trump announced he planned to nominate you to be Assistant Attorney General of OLP in December 2024, have you communicated in any way with Acting U.S. Attorney for the District of Columbia Edward R. Martin, Jr.? If yes, please describe the mode, content, and dates of the communications.

RESPONSE: No.

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[4] Josh Gerstein, *Justice Department Official Defends Demand for FBI Agent Names, Cites 'Insubordination'*, POLITICO (Feb. 5, 2025), https://www.politico.com/news/2025/02/05/justice-department-memo-fbi-insubordination-00202655.

8. Since President Trump announced he planned to nominate you to be Assistant Attorney General of OLP in December 2024, have you communicated in any way with Kash Patel? If yes, please describe the mode, content, and dates of the communications.

RESPONSE: I attended Kash Patel's swearing-in ceremony at the Eisenhower Executive Office Building but did not speak with him about anything of substance. I may have exchanged pleasantries and congratulations for his confirmation.

9. Since President Trump announced he planned to nominate you to be Assistant Attorney General of OLP in December 2024, have you communicated in any way with any person associated with DOGE? If yes, please provide the names of those involved and describe the mode, content, and dates of the communications.

RESPONSE: On February 27, 2025, DOGE representatives came and spoke to a gathering of Senate Chiefs of Staff and Staff Directors during our weekly lunch. I cannot remember the names of the representatives. They provided a brief overview of recent DOGE activities. I did not engage with any of them directly.

10. If President Trump directs you to take an illegal action, how would you respond?

RESPONSE: I have no reason to believe that such a situation would occur. I will always uphold my oath to defend the Constitution.

11. Do you believe President Trump has the authority to direct executive branch officials or employees to take an illegal action?

RESPONSE: I have no reason to believe that such a situation would occur. I will always uphold my oath to defend the Constitution.

12. If any official in the Department of Justice directs you to take an illegal action, how would you respond?

RESPONSE: I have no reason to believe that such a situation would occur. I will always uphold my oath to defend the Constitution.

13. If any member of the Administration directs you to take an illegal action, how would you respond?

RESPONSE: I have no reason to believe that such a situation would occur. I will always uphold my oath to defend the Constitution.

14. President Trump has said, "I have absolute right to do what I want to do with the Justice Department."[5] Do you agree? If not absolute, how much power do you believe the President has over the Department? If yes, please explain your legal reasoning.

RESPONSE: All federal officials are bound by the Constitution and applicable laws.

15. Do you believe that there was any basis for the Department of Justice's investigations and prosecutions of President Trump?

RESPONSE: I have no reason to believe that President Trump has violated any of the laws that were the subjects of Special Counsel Jack Smith's investigations.

16. Since President Trump announced he planned to nominate you to be Assistant Attorney General of OLP in December 2024, have you had access to, or reviewed, DOJ investigation materials, information, or other potential evidence about specific individuals or investigations? Have you had access to or reviewed any confidential government materials, information, or other potential evidence about specific individuals or investigations?

RESPONSE: No.

1. If yes, please provide the date on which you accessed or reviewed those items and describe what you accessed or reviewed.

RESPONSE: Please see my response to Question 16.

2. If yes, have you discussed any of this information with current or former DOJ personnel, or anyone not associated with DOJ?

RESPONSE: Please see my response to Question 16.

17. Have you spoken or corresponded with Elon Musk since President Trump announced he planned to nominate you to be Assistant Attorney General of OLP in December 2024?

RESPONSE: No.

a. If yes, provide the mode and content of all discussions and correspondences and the dates those discussions and correspondences occurred.

RESPONSE: Please see my response to Question 17.

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[5] Michael S. Schmidt & Michael D. Shear, *Trump Says Russia Inquiry Makes U.S. 'Look Very Bad,'* N.Y. TIMES (Dec. 28, 2017), https://www.nytimes.com/2017/12/28/us/politics/trump-interview-mueller-russia-china-north-korea.html.

b. If yes, at any point, did you discuss with Mr. Musk DOJ or matters related to DOJ, including personnel matters?
    i. Did you ever discuss demotions, reassignments, or terminations of personnel, whether specific individuals or generally?
    ii. Did you ever discuss potential personnel to be hired or appointed in any capacity at the DOJ?
    iii. If yes to any of these questions, provide the content of those discussions and the dates those discussions occurred.

RESPONSE: Please see my response to Question 17.

c. If yes, at any point, did you discuss with Mr. Musk federal judicial vacancies? If yes, please provide the content of those discussions and the dates those discussions occurred.

RESPONSE: Please see my response to Question 17.

18. Did you ever speak with President Trump or anyone associated with him or his presidential campaign about judicial vacancies during President Trump's presidential campaign? Please provide the content of those discussions and the dates those discussions occurred.

RESPONSE: No.

19. Attorney General Bondi has instructed the Civil Rights Division to investigate, eliminate, and penalize "illegal DEI and DEIA preferences" in the private sector and in educational institutions that receive federal funds.[6] Attorney General Bondi ordered the Civil Rights Division and Office of Legal Policy to submit a report that, among other things, lays out "proposals for criminal investigations and for up to nine potential civil compliance investigations of entities" engaged in illegal DEI and DEIA.

a. Please provide your understanding of what "DEI" and "DEIA" mean.

RESPONSE: These acronyms are generally understood to refer to "Diversity, Equity, and Inclusion," and "Diversity, Equity, Inclusion, and Accessibility." I have not spoken with current employees of the Department regarding this report or what working definition they may be applying. As I understand the terms, DEI/DEIA generally refer to racial or ethnic preferences in admissions, hiring, or other employment-related decisions, including the use of race-based quotas.

b. In your opinion, what differentiates legal DEI and DEIA from illegal DEI and DEIA?

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[6] *Supra* n.9.

RESPONSE: Discrimination on the basis of race is illegal and morally wrong, regardless of the race of the victim.

c. Pursuant to what statutory authority could the DOJ conduct criminal investigations or prosecutions of entities that meet the criteria outlined in this memo or Executive Order 14173?

RESPONSE: I have not had the occasion to review the specific laws on this subject. If I am confirmed, decisions with respect to the statutory authority of investigations and the applicability of any federal law will be made only after careful consideration of the relevant facts and law.

d. Do you believe that DEI initiatives to widen the pool of applicants for any private sector or public sector employment are legal? Please explain, in detail, why or why not.

RESPONSE: Please see my response to Question 19(c).

e. Do you believe that DEI initiatives to widen the pool of applicants for military service are legal? Please explain, in detail, why or why not.

RESPONSE: Please see my response to Question 19(c).

f. In your opinion, have you ever been denied or granted a professional opportunity because of DEI? If yes, please describe the circumstances of this incident.

RESPONSE: I do not know.

g. Are you involved in or are you aware of any discussions or plans to pursue any specific private sector entities for investigation or prosecution under this memo or Executive Order 14173? If yes, provide the names of the individuals involved in those discussions, the mode and content of those discussions, and the dates those discussions occurred.

RESPONSE: No.

h. Are you involved in or are you aware of any discussions or plans to pursue any specific educational institutions that receive federal funds for investigation or prosecution under this memo or Executive Order 14173? If yes, provide the names of the individuals involved in those discussions, the mode and content of those discussions, and the dates those discussions occurred.

RESPONSE: No.

20. Please provide your understanding of the Hatch Act. Do you believe that asking DOJ personnel their views about investigations or prosecutions to assess their political leaning would be a violation of the Hatch Act?

RESPONSE: In general, I understand that the Hatch Act prohibits government employees from engaging in certain types of political activities. In my career as a state official, attorney in private practice, and staff member in the Senate, I have not had occasion to consider the specific scenario you have raised. If confirmed, I would consult with relevant Department personnel and ensure the Department is complying with applicable legal obligations, including the Hatch Act.

21. During your confirmation hearing, you refused to answer whether or under what circumstances it would be justified for an elected official, such as President Trump, to defy a federal court order.

    a. Under what circumstances would it be acceptable for an elected official to defy a federal court order?

RESPONSE: As I stated in my hearing, parties to litigation are bound by the lawful holdings of their respective court in most circumstances. Generally speaking, if there is a court order that directly binds an official who is a party to the case and subject to the court's jurisdiction, the official should follow it. When there is genuine jurisprudential disagreement about the scope of certain holdings, it fair for attorneys in good faith to discuss the scope of a holding of a case.

    b. How can an elected official who defies a federal court order be held in contempt?

RESPONSE: Congress has given courts the authority to exercise their discretion to hold in contempt, by fine or imprisonment, certain conduct transgressing their lawful authority or orders. 18 U.S.C. 401(c).

    c. Can you unequivocally state that elected officials must comply with federal court orders?

RESPONSE: Please see my response to Question 21(a).

22. During your confirmation hearing, I asked you whether you understood that Congress members would not feel confident knowing that you believe there are circumstances when an elected official may defy a court order. You answered that you understood that there would be some members of the Judiciary Committee who would have that perspective.

    a. Please explain, in your view, why some members would be troubled by your opinion that an elected official may defy a court order.

RESPONSE: Please see my response to Question 21(a).

b. Are there members in particular who you were referring to? If yes, who?

RESPONSE: None in particular.

c. Who are the members that you implied share your view that an elected official may defy a court order?

RESPONSE: None in particular.

23. Please respond to the following questions in as much detail as possible.

a. What is your opinion of abortion? Are there any circumstances in which you believe a woman may have an abortion?
    i. How do you define bodily autonomy?

RESPONSE: The majority opinion in *Dobbs v. Jackson Women's Health Organization* is Supreme Court precedent and due respect as such. If I am confirmed, I will follow the Constitution and laws of the United States.

b. Do you believe that there are circumstances pursuant to which women, including minors, must share information about their menstrual cycle with government officials or law enforcement officials?
    i. Under what circumstances is it appropriate for the government to compel women, including minors, to share information about their menstrual cycle?

RESPONSE: It is hard to envision this hypothetical ever coming to fruition. The majority opinion in *Dobbs v. Jackson Women's Health Organization* is Supreme Court precedent and due respect as such. If I am confirmed, I will follow the Constitution and laws of the United States

c. What is your opinion of contraceptives and birth control? Are there any circumstances in which you believe a woman may use contraceptives and birth control?

RESPONSE: *Griswold v. Connecticut* and the majority opinion in *Dobbs v. Jackson Women's Health Organization* is Supreme Court precedent and due respect as such. If I am confirmed, I will follow the Constitution and laws of the United States.

d. What is your opinion of gender-affirming care? If you oppose gender-affirming care, please explain why.

RESPONSE: Litigation regarding "gender-affirming" care is currently pending before the Supreme Court and involves the Department of Justice. As such, it would be inappropriate for me to comment on the specific issues involved in those cases outside the context of the ongoing

litigation. As a general matter, and as I have discussed at length in my prior professional work, I agree with President Trump's current policy against maiming and sterilizing children through irreversible medical interventions.

e. Is it appropriate for school officials or sports coaches to verify the sex and gender of minor students? If yes, please describe how school officials or sports coaches would verify the sex and gender of minor students and how they could conduct such verifications in a manner that does not invite sexual abuse or traumatize young people.

RESPONSE: Litigation involving the participation of boys and men in women's sports is ongoing and involves the Department of Justice. As such, it would be inappropriate for me to comment on the specific issues involved in those cases outside the context of the ongoing litigation. As a general matter, and as I have discussed in other contexts, I agree with President Trump's current policy of protecting girls' and women's sports.

f. What is your opinion of same-sex marriage?

RESPONSE: *Obergefell v. Hodges* is binding precedent of the Supreme Court and due respect as such.

g. What is your opinion of miscegenation?

RESPONSE: *Loving v. Virginia* is binding precedent of the Supreme Court and due respect as such.

h. What is your opinion of racial discrimination?

RESPONSE: Racial discrimination is illegal and wrong, regardless of the race or ethnicity of the victim.

i. Do you believe that there is racial discrimination in the private sector?

RESPONSE: Yes, unfortunately racial discrimination occurs in the private sector.

ii. Do you believe that there is racial discrimination in the public sector?

RESPONSE: Yes, unfortunately racial discrimination occurs in the public sector.

iii. Do you believe that there is racial discrimination in education?

RESPONSE: Yes, unfortunately racial discrimination occurs in education.

i. What is your opinion of President Trump's January 27, 2025 Executive Order directing the Department of Defense to exclude transgender people from military service?[7]

RESPONSE: Litigation involving the participation of transgender individuals in the U.S. military is ongoing and involves the Department of Justice. As such, it would be inappropriate for me to comment on the specific issues involved in those cases outside the context of the ongoing litigation. As a general matter, and as a current servicemember myself, I agree with President Trump's current policy of promoting military readiness and focus on the mission.

j. Do you agree with Secretary of Defense Hegseth that women should not serve in combat roles?

RESPONSE: If confirmed, I am committed to supporting the President's and Secretary of Defense's official positions on this matter.

24. Acting U.S. Attorney Ed Martin posted from the official X account of the United States Attorney's Office for the District of Columbia: "As President Trumps' lawyers, we are proud to fight to protect his leadership as our President and we are vigilant in standing against entities like the AP that refuse to put America first."[8]

    a. Do you agree with Acting U.S. Attorney Ed Martin's statement? Please explain why or why not.

RESPONSE: I am unfamiliar with Mr. Martin's statements and have no basis to comment on them.

25. In 2015, you were a fellow in the Alliance Defending Freedom's (ADF) Blackstone Legal Fellowship program. ADF has been designated a hate group by the Southern Poverty Law Center and has taken many anti-LGBTQ+ positions, including supporting the criminalization of same-sex consensual sexual acts,[9] supporting the sterilization of transgender people,[10] and opposing same-sex marriage and civil unions.[11]

    a. Please describe the nature of the Blackstone Legal Fellowship Program. What activities did you perform as a Blackstone Legal Fellow?

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[7] Exec. Order No. 14183, 90 Fed. Reg. 8757 (Feb. 3, 2025).

[8] U.S. Attorney DC (@USAO_DC), X (Feb. 24, 2025, 3:18PM), https://x.com/USAO_DC/status/1894119675786621225.

[9] Brief in Support of Respondent on Behalf of Amici Curiae Texas Physicians Resource Council et. al., *Lawrence v. Texas*, 123 S.Ct. 2472 (2003) https://media.glaad.org/wp-content/uploads/2022/07/25195019/adf_-amicusbrief_lawrence_v_texas-62d.pdf.

[10] Alex Amend, Anti-LGBT Hate Group Alliance Defending Freedom Defended State-Enforced Sterilization for Transgender Europeans, SPLC (Jul. 27, 2017) https://www.splcenter.org/resources/hate-watch/anti-lgbt-hate-group-alliance-defending-freedom-defended-state-enforced-sterilization/.

[11] Adam Gabbatt, Well-Funded Christian Group Behind US Effort to Roll Back LGBTQ+ Rights, THE GUARDIAN (Jun. 19, 2023) https://www.theguardian.com/world/2023/jun/19/alliance-defending-freedom-lgbtq-rights-america.

RESPONSE: The Blackstone Legal Fellowship is a program during a law school summer during which ADF invites many guest speakers to talk to current law students of faith about legal theory and practice, professional skills, and service to God. It gathers some of the best and brightest law students from across the country and provides an opportunity to learn from leading legal scholars and practitioners. My experience was only positive, and nothing in my experience uncovered discrimination.

b. Do you believe that same-sex consensual sexual acts should be criminalized?

RESPONSE: *Lawrence v. Texas* is binding precedent of the Supreme Court and due respect as such.

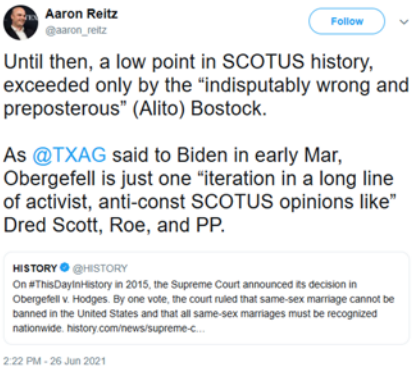
c. Do you believe that transgender people should be sterilized?

RESPONSE: No. I agree with President Trump's current policy against maiming and sterilizing children through irreversible medical interventions.

d. Do you believe that same-sex marriage should be illegal?

RESPONSE: *Obergefell v. Hodges* is binding precedent of the Supreme Court and due respect as such.

26. On June 26, 2021, you compared the Supreme Court's decision in *Obergefell v. Hodges*, 576 U.S. 644 (2015), to the Supreme Court's ruling in *Dred Scott v. Sanford* and called the Court's ruling in *Obergefell* a "low point in SCOTUS history."



a. Is *Obergefell v. Hodges* binding precedent? If no, why?

RESPONSE: *Obergefell v. Hodges* is binding precedent of the Supreme Court and entitled to respect as such.

b. Do you believe that *Obergefell* was wrongly decided? If yes, why?

RESPONSE: *Obergefell v. Hodges* is binding precedent of the Supreme Court and entitled to respect as such.

c. Supreme Court Justice Antonin Scalia wrote a dissenting opinion in *Obergefell v. Hodges*. Do you agree with the reasoning in Justice Scalia's dissenting opinion?

RESPONSE: The majority opinion in *Obergefell v. Hodges* is binding precedent of the Supreme Court and entitled to respect as such.

27. Is *Griswold v. Connecticut*, 381 U.S. 479 (1965), binding precedent? If no, why?

a. Do you agree with the Supreme Court's legal reasoning and conclusion in this case? If no, why?

RESPONSE: *Griswold v. Connecticut* is binding precedent of the Supreme Court and entitled to respect as such.

28. Is *Lawrence v. Texas*, 539 U.S. 558 (2003), binding precedent? If no, why?

RESPONSE: *Lawrence v. Texas* is binding precedent of the Supreme Court and entitled to respect as such.

a. Do you agree with the Supreme Court's legal reasoning and conclusion in this case? If no, why?

RESPONSE: *Lawrence v. Texas* is binding precedent of the Supreme Court and entitled to respect as such.

29. Have you ever been demoted, terminated, or experienced any other adverse employment action?

RESPONSE: No.

a. If yes, please describe the events that led to the adverse employment action.

b. If no, please affirm that you have left each place of employment voluntarily and not subject to the request or suggestion of any employer.

RESPONSE: I affirm that the above statement is true.

30. For each legal position below, please provide the reason for your departure.

Employer	*Title*	*Dates of Employment*	*Reason for Departure*
Jones Day	Summer Associate	May–July 2015	End of summer job; return for school semester.
Bracewell LLP	Summer Associate	July–Aug. 2016	End of summer job; return for school semester.
Norton Rose Fulbright US LLP	Summer Associate	May–June 2016	End of summer associate job; beginning of a second summer job.
Bracewell LLP	Associate Attorney	Sep. 2017–Jan. 2018	Started position as a law clerk to Justice Jimmy Blalock on the Texas Supreme Court
Cobb & Counsel	Associate Attorney	May 2019–Dec. 2019	Moved to a firm with a different set of practice areas while running for State Representative.

Cleveland Terrazas PLLC	Associate Attorney	Dec. 2019–Aug. 2020	After losing my race for State Representative, my family and I began plans to move back to my and my wife's hometown of San Antonio.
Jefferson Cano	Associate Attorney	Aug. 2020–Sep. 2020	Offered a position on the executive team at the Texas Attorney General's Office.

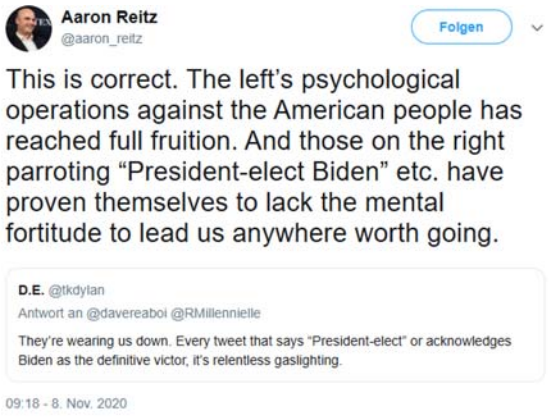
31. Have you ever been accused of sexual assault or harassment? If yes, please describe the nature of these allegations.

RESPONSE: No.

32. Have you ever been disciplined for sexual assault or harassment? If yes, please describe the nature of the discipline.

RESPONSE: No.

33. In November 2020, you tweeted:



a. To whom were you referring when you referenced "those on the right" who "lack[ed] the mental fortitude: for leadership?

RESPONSE: I do not recall.

b. Please describe what you meant by "the left's psychological operations against the American people" and provide examples.

RESPONSE: I do not recall.

34. While in law school, you worked as a Koch Summer Fellow with the Texas Public Policy Foundation's Center for Tenth Amendment Action.

a. Please describe the work you performed as a Summer Fellow.

RESPONSE: As a Summer Fellow, I worked with the Texas Public Policy Foundation's litigation center to assist with litigation matters in collaboration with their attorneys.

b. How did the views of staff at the Center for Tenth Amendment Action compare to your own views of the Tenth Amendment?

RESPONSE: I am not aware of the views of all the staff members at the Foundation or the Center for Tenth Amendment Action. As a general matter, I agree with what I understand to be the Foundation's overarching view: fidelity to the U.S. Constitution.

35. In March 2020, you called for disobeying a federal court order after a U.S. District Court Judge temporarily blocked Texas from closing abortion clinics as a response to the state's COVID-19 outbreak.

9.



During your confirmation hearing, you refused to answer whether or under what circumstances it would be justified for an elected official, such as President Trump, to defy a federal court order.

a. Under what circumstances would it be acceptable for an elected official to defy a federal court order? Please provide specific examples.

RESPONSE: As I stated in my hearing, parties to litigation are bound by the lawful holdings of their respective court in most circumstances. Generally speaking, if there is a court order that directly binds an official who is a party to the case and subject to the court's jurisdiction, the official should follow it. When there is genuine jurisprudential disagreement about the scope of certain holdings, it fair for attorneys in good faith to discuss the scope of a holding of a case.

b. Can you unequivocally state that elected officials must comply with federal court orders?

RESPONSE: As I stated in my hearing, parties to litigation are bound by the lawful holdings of their respective court in most circumstances. When there is genuine jurisprudential disagreement about the scope of certain holdings, it fair for attorneys in good faith to discuss the scope of a holding of a case.

c. Can you unequivocally state that elected officials must be held in contempt for defying federal court orders?

RESPONSE: As I stated in my hearing, parties to litigation are bound by the lawful holdings of their respective court in most circumstances. When there is genuine jurisprudential disagreement about the scope of certain holdings, it fair for attorneys in good faith to discuss the scope of a holding of a case.

36. Do you aspire to serve as an Article III judge?

RESPONSE: It would be an honor to be considered for such a post, but my aspiration right now is to serve faithfully as the Assistant Attorney General over the Justice Department's Office of Legal Policy.

a. Have you ever spoken to anyone about becoming an Article III judge?

RESPONSE: I am sure that the topic has arisen in casual conversation, but beyond that, no.

37. If you are confirmed to be the Assistant Attorney General of OLP, you will oversee the vetting of nominees for the federal judiciary and executive branch appointees.

a. Will you require a FBI background investigation for each nominee?

RESPONSE: If confirmed, I will consult with colleagues and educate myself on the best traditions of the Department when it comes to vetting of potential
Judicial nominees.

b. Do you believe that it is relevant whether a judicial nominee owns a firearm?

RESPONSE: I do not believe in litmus tests for potential judicial nominees.

c. Do you believe that it is relevant whether a judicial nominee has ever lived abroad?

RESPONSE: I do not believe in litmus tests for potential judicial nominees.

d. Do you believe that credible allegations of sexual harassment or sexual assault are disqualifying for a nominee?

RESPONSE: Allegations of sexual harassment, assault, or other misconduct are appropriate subject for vetting. Ultimately determinations of credibility are up the President and the Senate as part of the judicial confirmation process.

e. What would you do to receive information alleging that a nominee had committed sexual harassment or sexual assault?

RESPONSE: Allegations of sexual harassment, assault, or other misconduct are appropriate subject for vetting. Ultimately determinations of credibility are up the President and the Senate as part of the judicial confirmation process.

f. Would it be disqualifying for a nominee to have an alcohol or substance abuse problem?

RESPONSE: I do not believe in litmus tests for potential judicial nominees, but substance abuse disorder could be indicative of a lack of fitness to serve.

g. Do you believe that judges at any level may accept gifts of significant value? What if the gifts are from a person or entity with business before that court? Is there any scenario under which it would be inappropriate for a judge to accept a gift?

RESPONSE: Rules concerning gifts for the federal judiciary are set by statute and, in the case of the Supreme Court, by the Justices of the Supreme Court.

h. During your tenure as a staff member for a Senator on the U.S. Senate Judiciary Committee, did you ever encounter a nominee accused of sexual harassment or sexual assault and what did you do?

RESPONSE: No.

38. You have called for the repeal of most of the First Step Act, landmark bipartisan legislation passed by a Republican-controlled Senate and signed into law by President Trump in 2018.



a. Do you believe that law, or portions of it, should be repealed? If yes, which parts of the law would you repeal? Please explain your reasoning.

RESPONSE: If confirmed, my role as a member of the Executive Branch will be to enforce existing federal law as appropriate and in accordance with the relevant facts and law, regardless of my personal views on any particular piece of legislation.

b. If confirmed, would you undermine Attorney General Bondi's promise to "fix the Bureau of Prisons and follow through on the promise of the First Step Act"?

RESPONSE: If confirmed, I would work to faithfully and energetically execute on the agenda of President Trump and Attorney General Bondi.

c. If confirmed, which steps would you take to undermine the First Step Act?

RESPONSE: Please see the above answer.

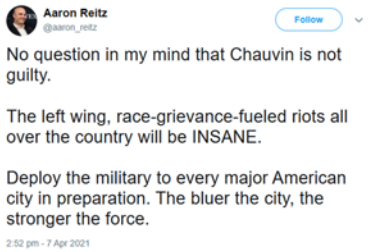
d. Do you believe that society is better off by incarcerating people who have used drugs or illicit substances?

RESPONSE: Fentanyl and other narcotics have devastated families and communities all across our country. If confirmed, I would work with colleagues in the Department to ensure the most effective criminal enforcement response to address that devastation.

e. Do you believe that criminal laws that do not reduce crime or improve public safety, but instead impose long sentences that do not rehabilitate those sentenced under the laws may be reviewed and amended by Congress when appropriate?

RESPONSE: It is the prerogative of Congress to authorize minimum and maximum penalties for criminal violations.

39. In April 2021, you wrote that "there is no question in my mind that [Derek] Chauvin is not guilty" for the murder of George Floyd.



a. Did you watch the video of George Floyd's murder?

RESPONSE: Yes.

b. Please describe in detail the events depicted in the video.

RESPONSE: It has been several years since I've seen the video and therefore cannot describe it in detail.

c. In your opinion, did police officers involved in George Floyd's murder do anything wrong?

RESPONSE: A jury found Officer Chauvin guilty. It is my understanding that matters from this case are the subject of ongoing litigation, so it would be inappropriate for me to opine further at this time.

d. In your opinion, was Derek Chauvin's conduct when he kneeled on George Floyd's neck for 9 minutes and 29 seconds an appropriate use of force? If yes, please explain why.

RESPONSE: It is my understanding that matters from this case are the subject of ongoing litigation, so it would be inappropriate for me to opine further at this time.

i. Do you believe this was an appropriate use of force when considering Mr. Floyd said he was unable to breathe 27 times during that period of time?

RESPONSE: It is my understanding that matters from this case are the subject of ongoing litigation, so it would be inappropriate for me to opine further at this time.

ii. Do you believe this was an appropriate use of force when considering bystanders were warning Chauvin that Mr. Floyd couldn't breathe?

RESPONSE: It is my understanding that matters from this case are the subject of ongoing litigation, so it would be inappropriate for me to opine further at this time

e. Are chokeholds a deadly use of force?

RESPONSE: No.

f. Should the use of a chokehold be limited to incidents where the person posed a danger to law enforcement officers or others? If no, why?

RESPONSE: Police officers should be empowered to act consistent with their training and experience in the pursuit of their lawful duties to protect the public and enforce the law.

g. Should law enforcement officers be allowed to use a chokehold against a person who poses no danger to the officer or others?

RESPONSE: Police officers should be empowered to act consistent with their training and experience in the pursuit of their lawful duties to protect the public and enforce the law.

h. Should officers be allowed to use a chokehold against a person suspected of a petty offense who poses no danger to the officer or others?

RESPONSE: Police officers should be empowered to act consistent with their training and experience in the pursuit of their lawful duties to protect the public and enforce the law.

i. Should police officers be able to use retaliatory force? If yes, under what circumstances? Please provide examples.

RESPONSE: Police officers should be empowered to act consistent with their training and experience in the pursuit of their lawful duties to protect the public and enforce the law.

40. Following Attorney General Ken Paxton's impeachment and subsequent acquittal in the Texas Senate, several whistleblowers were fired. These whistleblowers argued their terminations were retaliation for reporting Paxton to law enforcement.[12]

a. Please describe your role in investigating the whistleblowers' allegations.

RESPONSE: The timing in this question is incorrect. No one was terminated after any stages of Attorney General Paxton's impeachment proceedings in 2023. Rather, after several so-called whistleblowers accused Attorney General Paxton of various crimes in September/October 2020, some resigned on their own accord and others were lawfully terminated for cause. The decisions to terminate some of these individuals for cause was made in close collaboration between the Agency's executive leadership staff, the Human Resources Division, General Counsel, and legal ethics counsel. As for my role in investigating the so-called whistleblowers allegations, I assisted in reviewing available documents, providing legal recommendations, and drafting an internal report about what happened.

b. Why, in your opinion, were the whistleblowers fired from the Texas Attorney General's office?

RESPONSE: The former employees were lawfully fired for cause, which is reflected in both publicly available litigation documents related to the former employees' whistleblower litigation, as well as their employment files at the Office of the Attorney General of Texas.

41. In January 2025, DOJ's Office of Legal Policy published a comprehensive review of the federal execution protocol addendum. It concluded that there remains significant uncertainty about whether pentobarbital, which is currently the only drug approved for federal executions, can be used in a single-drug execution protocol without causing unnecessary pain and suffering.[13]

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[12] Carla Astudillo and Chris Essig, *Ken Paxton was impeached by the Texas House. See how each representative voted*, TEXAS TRIBUNE (May 27, 2023), https://www.texastribune.org/2023/05/27/ken-paxton-texas-house-impeachment-vote/; Carla Astudillo, *Ken Paxton was acquitted. See how each Senator voted*, TEXAS TRIBUNE (Sept. 16, 2023), https://www.texastribune.org/2023/09/16/ken-paxton-impeachment-vote/.

[13] U.S. Dep't. of Just., Off. Of Legal Policy, Review of the Federal Execution Protocol Addendum and Manner of Execution Regulations (Jan. 2025) https://www.justice.gov/archives/ag/media/1384566/dl.

a. What are your views on the federal death penalty?

RESPONSE: I am committed to following all applicable laws regarding the death penalty.

b. If confirmed, would you rescind OLP's comprehensive review of the federal execution protocol?

RESPONSE: On February 5, 2025, Attorney General Bondi issued a memo entitled "Reviving the Federal Death Penalty," which calls on OLP to examine this and other issues, which I decline to pre-judge here.

c. Do you believe that the federal government should use execution methods that cause unnecessary pain and suffering? If yes, please provide the rationale.

RESPONSE: On February 5, 2025, Attorney General Bondi issued a memo entitled "Reviving the Federal Death Penalty," which calls on OLP to examine this and other issues, which I decline to pre-judge here.

d. Do you believe that the Eighth Amendment, which protects against cruel and unusual punishment, applies to the federal death penalty? If no, why?

RESPONSE: On February 5, 2025, Attorney General Bondi issued a memo entitled "Reviving the Federal Death Penalty," which calls on OLP to examine this and other issues, which I decline to pre-judge here.

42. The First Amendment's Establishment Clause prevents the federal government from establishing a national religion.

a. Do you believe the Establishment Clause of the First Amendment applies to individual states?

RESPONSE: *Everson v. Board of Education*, 330 U.S. 1 (1947) is binding Supreme Court precedent and entitled to respect as such.

b. Should states be able to establish their own official religions?

RESPONSE: Under federal law, states may not establish their own official religions.

c. Should all faiths and religions should be treated equally and enjoy the same protections?

RESPONSE: Yes.

d. Have you ever suggested to anyone that states should be able to establish their own religions?

RESPONSE: Not that I am aware.

e. Do you believe attendance at church should be mandatory?

RESPONSE: Whether church attendance should be mandatory is properly the province of each religion.

f. Have you ever suggested to anyone that attendance at church should be mandatory?

RESPONSE: I have suggested to my own family that church attendance is mandatory for us.

43. Do you believe women should be able to acquire birth control or contraception without their spouse's consent? If no, please provide your reasoning.

RESPONSE: I believe that, under the law, women may acquire such medication.

a. Have you ever suggested to anyone that women should not be able to acquire birth control or contraception without their partner's consent?

RESPONSE: Not that I recall.

44. Do you think women should be able to be partners at law firms? If no, please provide your reasoning.

RESPONSE: Absolutely, yes. I have hired, retained, and promoted many women to senior positions and will continue to do so.

a. Have you ever suggested to anyone that women should not be able to be partners at law firms?

RESPONSE: Please see my response above.

45. Since President Trump announced his intention to nominate you in November 2024, have you had communications with anyone at DOJ about investigations involving President Trump? If yes, please provide the names of the individuals involved and the content of those discussions. Please also provide the date and mode of the communication.

RESPONSE: No.

46. Since President Trump announced his intention to nominate you in November 2024, have you had communications with anyone at DOJ or the administration, including the transition team, about the Jack Smith investigations? Had you had communications prior to your

nomination? If yes, please provide the names of the individuals involved and the content of those discussions. Please also provide the mode and date of the communication.

RESPONSE: No.

47. Have you been involved in any way in the decision not to make public Volume 2 of Jack Smith's report? Please provide the nature of your involvement.

RESPONSE: No.

48. Have you ever communicated with Kash Patel about Volume 2 of Jack Smith's report? Please describe the content of those discussions. Please also provide the mode and date of the communication.

RESPONSE: No.

49. Have you ever communicated with Kash Patel about his grand jury testimony in the prosecution against President Trump for the handling of classified documents? Please describe the content of those discussions. Please also provide the mode and date of the communication.

RESPONSE: No.

50. Have you ever had communications with Kash Patel related to his grand jury testimony in the prosecution against President Trump for the handling of classified documents or Volume 2 of Jack Smith's report? Have you ever advised him about matters? If yes to either question, please provide the date and content of those communications.

RESPONSE: No.

51. Do you believe that President Trump won the 2020 election?

RESPONSE: Joe Biden was certified as the President of the United States after a deeply flawed election.

a. Do you believe that President Biden won more votes in the 2020 election?

RESPONSE: Please see my response above.

b. Do you believe that the results of the election were accurate?

RESPONSE: Please see my response above.

c. Do you believe that ballots were hidden or destroyed by anyone?

RESPONSE: Please see my response above.

52. The 22nd Amendment says that "no person shall be elected to the office of the President more than twice."[14]

    a. Do you agree that President Trump was elected to the office of the President in the 2016 election?

RESPONSE: Yes.

    b. Do you agree that President Trump was elected to the office of the President in the 2024 election?

RESPONSE: Yes.

    c. Do you agree that the 22nd Amendment, absent a constitutional amendment, prevents Trump from running for a third presidential term?

RESPONSE: That is correct.

    d. Would you like President Trump to run for a third presidential term?

RESPONSE: Absent a constitutional amendment, he may not run for a third term.

    e. Would you ever advance a legal argument that President Trump may run for a third presidential term?

RESPONSE: Not that I recall.

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[14] U.S. CONST. amend. XXII.

Questions for the Record from Senator Alex Padilla
Senate Judiciary Committee
"Nominations Hearing: Harmeet Dhillon, Aaron Reitz, and John Sauer"
Thursday, February 26, 2025

Questions for Mr. Reitz

1. At your hearing, you stated that there is "no hard and fast rule" that litigants must follow court orders. You apparently believe that this applies to the President of the United States and members of his Administration.
    a. In what instance would President Trump or members of his Administration be permitted to violate a court order? Please cite to the appropriate authority for your assertion.

       RESPONSE: As I stated in my hearing, parties to litigation are bound by the lawful holdings of their respective court in most circumstances. Generally speaking, if there is a court order that directly binds an official who is a party to the case and subject to the court's jurisdiction, the official should follow it. When there is genuine jurisprudential disagreement about the scope of certain holdings, it fair for attorneys in good faith to discuss the scope of a holding of a case.

    b. Do you believe that the Executive Branch or the Judicial Branch has the responsibility and authority to interpret federal laws and the Constitution? If their interpretations differ, whose wins out?

       RESPONSE: See my response above.

    c. What role does the Legislative Branch play in checking the powers of the Executive Branch?
       RESPONSE: See my response above.

    d. What role does the Judicial Branch play in checking the power of the Executive and Legislative Branches?

       RESPONSE: See my response above.

    e. If confirmed, would you support efforts to overturn long-standing Supreme Court precedents, such as those protecting voting rights, abortion rights, or protections against discrimination?

       RESPONSE: I believe it would be inappropriate to commit at this time to a position on a potential future legal argument. If I am confirmed and called upon to provide my position, I will do so only after careful consideration and consultation with appropriate officials within the Department of Justice.

    f. If asked to advance an argument before the Supreme Court that goes against the Constitution or binding Supreme Court precedent, what will you do?

RESPONSE: See my response to question 1a above.

g. Will you commit to applying the same legal principles to cases involving political allies of the President as you do to cases involving his political adversaries?

RESPONSE: Yes.

h. Do you believe there are any legal limits on a President's ability to use the military or law enforcement against political opponents?

RESPONSE: I agree with the statement made by the Attorney General in her hearing: that nobody will be prosecuted because of their political beliefs, which includes political opponents of the President as it does to his supporters.

2. You have made several statements on your twitter account outlining concerning political views. Greater clarity is needed concerning your decision to make these statements. Please elaborate on your decision to post the following tweets, whether you agree with them today, and if so, why.
   a. Why did you Tweet that the *Bostock* ruling, which prohibited employment discrimination based on sexual orientation and gender identity, was "the worst SCOTUS decision since *Obergefell*?"

RESPONSE: *Bostock v. Clayton County* and *Obergefell v. Hodges* are binding precedent of the Supreme Court and due respect as such.

b. Why did you refer to the 2020 election as "obviously fraudulent?"

RESPONSE: As the Committee is aware, I worked on the December 2020 lawsuit by the State of Texas against Pennsylvania, Georgia, Michigan, and Wisconsin for those states violating the Constitution's Electors Clause by illegally changing the rules of appointing presidential electors. The case was rejected by the Supreme Court on standing grounds, and these states as well as others went on to certify their elections. Joe Biden was later sworn in as our 46th President

a. What do you mean when you Tweeted that birthright citizenship is "not a thing?"

RESPONSE: As I indicated at my hearing, I think that there are reasonable debates to be had about the meaning, application, and scope of so-called birthright citizenship. Beyond that, because of the likelihood of my involvement in related litigation or legal matters concerning so-called birthright citizenship, it would be inappropriate for me to comment further.

c. Why did you post a picture of the infamous Joe McCarthy, while expressing a desire to "bring back the good ol' days?" What McCarthy-like tactics would you use in your role at the Department of Justice?

RESPONSE: Senator McCarthy never served in the Department of Justice as far as I am aware, and his "tactics" are legislative in nature.

Senator Peter Welch
Senate Judiciary Committee
Written Questions for Aaron Reitz
Hearing on "Nominations"
Wednesday, February 26, 2025

1. Will you abide by all lawful federal court orders if confirmed?

   RESPONSE: Yes.

2. Do you believe it was appropriate for Kim Davis, the former county clerk for Rowan County, Kentucky, to refuse to issue marriage licenses to same-sex couples following the *Obergefell v. Hodges* decision in 2015?

   RESPONSE: As a nominee, it would not be appropriate for me to share my personal beliefs on the facts of a specific case.

3. Did Joe Biden legitimately win the 2020 presidential election?

   RESPONSE: Joe Biden was certified as the President of the United States after a flawed election.

4. The Associated Press reported in 2022 that the Texas Office of the Attorney General held a viewing party for *2000 Mules*.

   a. Who decided to show this film for members of the staff?

   RESPONSE: I initially suggested it to my colleagues on the executive staff, and we agreed that viewing the film would be a worthwhile use of our time. At first, the viewing was limited only to executive staff. Other senior officials eventually invited some of their own staff members to join.

   a. Please describe your involvement with this event.

   RESPONSE: See above.

   a. Did you attend the screening?

   0. **RESPONSE:** Yes.

5. According to your Senate Judiciary Questionnaire, you worked for several months at each of Bracewell LLP, Cobb & Counsel, Cleveland Terrazas, and Jefferson Cano.

   a. Why did you leave each of these roles?

   RESPONSE: See my answer to Senator Booker's question 30.

a. Were you ever subject to discipline by any of these employers?

RESPONSE: No.

a. If so, what were the circumstances of that discipline?

RESPONSE: n/a

6. In *Texas v. Pennsylvania et. al.* (2020), Texas filed a lawsuit against four battleground states— Pennsylvania, Michigan, Wisconsin, and Georgia—challenging the results of the 2020 election. Please describe your involvement with this case.

   RESPONSE: I was a lead drafter, as well as a chief driver of the litigation strategy and coordinator with amici.

7. Do you support President Trump's decision to pardon individuals who violently attack police officers?

   RESPONSE: Under the Constitution, the power to issue pardons and commutations belongs to the President. I do not know the rationale for these decisions, so without more information, it would be wrong of me to form or state an opinion.

8. A number of your posts on X (formerly Twitter) have been deleted. Did you delete them and, if so, when?

   RESPONSE: I have oftentimes observed a practice of regularly deleting old tweets. I recall, though am not certain, clearing out my X account shortly before joining the Senate as a Chief of Staff in 2023, since most of my social media activity was related to my prior service in Texas and not related to my role as a Senate staffer.

Questions for the Record
Aaron Reitz – Nominee to be Assistant Attorney General for the Office of Legal Policy
Sen. Adam Schiff (CA)

1. Section 1 of the Fourteenth Amendment to the Constitution of the United States reads in part: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." This right is known as birthright citizenship. On April 28, 2021, you tweeted: "Friendly reminder that 'birthright citizenship' is not a thing."

    a. Does the 14th Amendment guarantee citizenship for individuals born in the United States, subject to longstanding, narrow currently applicable exceptions?

    RESPONSE: As I indicated at my hearing, I think that there are reasonable debates to be had about the meaning, application, and scope of so-called birthright citizenship. Beyond that, because of the likelihood of my involvement in related litigation or legal matters concerning so-called birthright citizenship, it would be inappropriate for me to comment further.

    b. Do you believe that President Trump's January 20, 2025, Executive Order, "Protecting the Meaning and Value of American Citizenship" is constitutional?

    RESPONSE: Because of the likelihood of my involvement in litigation or legal matters concerning this executive order, it would be inappropriate for me to comment further.

    c. Do you believe any individuals born in the United States who would currently be automatically eligible for citizenship should in the future not be eligible for citizenship? If so, please detail which categories of individuals should not be eligible in the future.

    RESPONSE: As I indicated at my hearing, I think that there are reasonable debates to be had about the meaning, application, and scope of so-called birthright citizenship. Beyond that, because of the likelihood of my involvement in related

litigation or legal matters concerning so-called birthright citizenship, it would be inappropriate for me to comment further.

d. Do you agree or disagree with existing Supreme Court precedent on the Fourteenth Amendment?

RESPONSE: This question is too open-ended and vague to respond with precision. I give all U.S. Supreme Court precedent the respect and stature it deserves.

2. On April 20, 2021, Derek Chauvin was convicted of second-degree murder, third-degree murder, and second-degree manslaughter for murdering George Floyd in Minneapolis, Minnesota. The next day, on April 21, 2021, you tweeted in part, "Thank you, Derek Chauvin, for shouldering the burden of a bogus guilty verdict..."

a. Do you believe that Derek Chauvin is innocent?

RESPONSE: A jury found Mr. Chauvin guilty. It is my understanding that matters from this case are the subject of ongoing litigation, so it would be inappropriate for me to opine further at this time.

b. If you do believe he is innocent, why?

RESPONSE: n/a

3. On July 21, 2021, then-Attorney General Garland issued a memorandum on the "Department of Justice Communications with the White House," more commonly referred to as the White House Contacts policy. This policy should govern all communications between Justice Department and White House personnel and is critical to safeguarding the DOJ's criminal and civil law enforcement decisions and legal judgements from partisan influences. According to public reports, the White House has now updated its own guidance to permit the President and select others to initiate

conversations with DOJ about specific criminal or civil cases or investigations. This goes beyond even the first Trump administration, and now blesses, for the first time, the President's engagement with DOJ on specific types of cases, whether criminal or civil.

1. Do you commit to upholding the Department's longstanding policy, as outlined in the 2021 memo, not to "advise the White House concerning pending or contemplated criminal or civil law enforcement investigations or cases unless doing so is important for the performance of the President's duties and appropriate from a law enforcement perspective?"

RESPONSE: I commit to following all applicable law's and the Department's best practice in consultation with the Attorney General, Deputy Attorney General, and ethics counsel.

4. On February 9, 2025, Vice President Vance posted on X that "judges aren't allowed to control the executive's legitimate power." This troubling statement raises concerns that the Trump administration will defy court orders, which could pose a Constitutional crisis and recall a dark period in America's past when white supremacists Governors and other state executives blatantly disregarded the Supreme Court's decision in *Brown vs. Board of Education*. During the Civil Rights Movement of the 1960s, state executives routinely sought to defy federal court orders, refusing to integrate schools for up to 15 years after *Brown*. United States Senator James Eastland of Mississippi, criticized the Court's ruling, stating that "the South will not abide by nor obey this legislative decision by a political body." Mississippi did exactly that, continuing to defy the Supreme Court's decision for fifteen years. Ultimately, the Supreme Court of the United States was forced to issue a subsequent ruling in *Alexander v. Holmes County Board of Education* in 1969, requiring school districts in Mississippi and elsewhere to desegregate "with all deliberate speed."

a. Was there any legal basis for Southern states to defy the Supreme Court's decision in *Brown vs. Board* for fifteen years after the court issued its decision?

RESPONSE: I am not aware of the legal basis to do this

b. Is there ever any legal basis for state executive officials or federal executive officials to defy a federal court order?

RESPONSE: As I stated in my hearing, parties to litigation are bound by the lawful holdings of their respective court in most circumstances. Generally speaking, if there is a court order that directly binds an official who is a party to the case and subject to the court's jurisdiction, the official should follow it. When there is genuine jurisprudential disagreement about the scope of certain holdings, it fair for attorneys in good faith to discuss the scope of a holding of a case.

c. If you are instructed by the President, the Vice President, or any White House personnel – directly or indirectly – to argue that the Executive Branch has the authority to either defy or ignore a court order, will you stand up to and object to such an instruction in order to preserve the constitution's separation of powers?

RESPONSE: If, in this hypothetical, the matter has been appealed to the Supreme Court, I would regard its decisions as the law of the land. As the highest court under the Constitution, the Supreme Court plays a critical role in our Nation's system of government. As I stated in my hearing, parties to litigation are bound by the lawful holdings of their respective court in most circumstances. When there is genuine jurisprudential disagreement about the scope of certain holdings, it fair for attorneys in good faith to discuss the scope of a holding of a case.

TEXAS SOUTHERN UNIVERSITY
3100 CLEBURNE | HOUSTON, TEXAS 77004 | 713.313.7900

Chairman
Board of Regents

February 25, 2025

The Honorable Charles E. Grassley
Chairman, Senate Judiciary Committee
135 Hart Senate Office Building
Washington, DC 20510

The Honorable Richard J. Durbin
Ranking Member, Senate Judiciary Committee
135 Hart Senate Office Building
Washington, DC 20510

Re: Aaron Reitz, Nominee to Serve as Assistant Attorney General for the Office of Legal Policy

Dear U.S. Senate Committee on the Judiciary:

I serve as Chairman of the Board of Regents of Texas Southern University (TSU). TSU is one of the largest Historically Black Colleges and Universities (HBCUs) in America. I am writing in support of Aaron Reitz's confirmation as Assistant Attorney General, Office of Legal Policy.

Aaron and I met in the context of his work for Senator Ted Cruz as we collaborated in support of TSU students. In all of our interactions, Aaron showed genuine desire to provide support and partnership to TSU. At the time of his appointment, we were planning a visit to campus and engagement in support of student success initiatives. I appreciate that Aaron always spoke directly of his commitment to support our students in accessing economic opportunity and wish him well at the Department of Justice.

Sincerely,

Brandon L. Simmons
Chairman, Board of Regents
Texas Southern University

February 25, 2025

The Honorable Charles E. Grassley
Chairman, Senate Judiciary Committee
135 Hart Senate Office Building
Washington, DC 20510

The Honorable Richard J. Durbin
Ranking Member, Senate Judiciary Committee
135 Hart Senate Office Building
Washington, DC 20510

Re: Aaron Reitz, Nominee to Serve as Assistant Attorney General for the Office of Legal Policy

Dear U.S. Senate Committee on the Judiciary,

I am Willie Davis, a Council Member for the City of Houston, Texas, and a pastor representing a network of faith leaders across one of the most diverse cities in the United States. I am writing in support of Aaron Reitz's nomination as Assistant Attorney General for the Office of Legal Policy.

Although my personal interactions with Aaron have been limited, I have worked extensively with his team in community engagement efforts. Through these experiences, I have witnessed firsthand the ethos of service, respect, and care that Aaron embodies in his leadership. His work as Chief of Staff under Senator Ted Cruz has demonstrated a steadfast commitment to treating all Texans—regardless of background—with dignity and fairness.

As a pastor and public servant, I am particularly attuned to matters of character, and I can confidently say that Aaron Reitz has shown an unwavering dedication to fostering trust and building relationships across diverse communities. Members of my faith network and constituents have frequently remarked on his attentiveness and his genuine efforts to listen and support their concerns. Aaron's actions consistently prioritize unity, equity, and collaboration, values that are vital for the Office of Legal Policy to succeed in addressing the challenges of our nation.

I respectfully urge the Senate Judiciary Committee to confirm Aaron Reitz to this critical role. His integrity, work ethic, and commitment to fair governance will undoubtedly benefit not only the Department of Justice but the nation as a whole.

Sincerely,
Pastor Willie Davis
Council Member, At Large City of Houston

February 22, 2025

The Honorable Charles E. Grassley
Chairman, Senate Judiciary Committee
135 Hart Senate Office Building
Washington, DC 20510

The Honorable Richard J. Durbin
Ranking Member, Senate Judiciary Committee
135 Hart Senate Office Building
Washington, DC 20510

Subj.: Confirmation of Aaron F. Reitz for Assistant Attorney General of the Office of Legal Policy at the Department of Justice

Dear Chairman Grassley and Ranking Member Durbin:

We the undersigned are the former Editorial Board members of Volume 21 (2016–17) of the *Texas Review of Law & Politics*. We write in support of Aaron Reitz's confirmation as Assistant Attorney General for the Justice Department's Office of Legal Policy.

We served with Aaron in positions on the *Review* during the 2016–17 academic year. But more than that, we got to know Aaron and his family well during our three years of law school together at the University of Texas. We spent many hours a week with Aaron and have direct insight into his integrity, trustworthiness, diligence, intelligence, legal acumen, and character.

As Editor in Chief, Aaron led a team of 60 student editors to select, edit, cite-check, refine, publish, and distribute nearly 20 scholarly articles across three issues of the *Review*. He did so with an unimpeachable adherence to academic and legal ethics and best practices.

With that said, we can say with total confidence that Aaron is precisely the kind of person the Senate can confirm for a senior leadership position at the Department of Justice. We support Aaron and trust him completely to carry out the duties of his office with faithfulness and devotion to the Constitution and Rule of Law.

Aaron is true to his many commitments: to his family, to his work, to his military service, to the practice of law, to his faith, to his nation and the Constitution, and to the task ahead of him at the Department of Justice. We stand with Aaron and urge the Committee to support and advance his nomination.

Respectfully,

Andrew McCartney
Vol. 21 Managing Editor

Benjamin Betner
Vol. 21 Deputy Managing Editor

Michael Marietta
Vol. 21 Executive Editor

Benjamin Mendelson
Vol. 21 Submissions Editor

Daniel Flood
Vol. 21 Online Content Editor

February 25, 2025

The Honorable Charles E. Grassley
Chairman, Senate Judiciary Committee
135 Hart Senate Office Building
Washington, DC 20510

The Honorable Richard J. Durbin
Ranking Member, Senate Judiciary Committee
135 Hart Senate Office Building
Washington, DC 20510

Re: Aaron Reitz, Nominee to Serve as Assistant Attorney General for the Office of Legal Policy

Dear U.S. Senate Committee on the Judiciary,

On behalf of the MLK Association of Texas, I write in strong support of Aaron Reitz, nominee for Assistant Attorney General for the Office of Legal Policy. Our organization, with members across the state, is dedicated to promoting the values and vision of Dr. Martin Luther King Jr., who once said, "Life's most persistent and urgent question is, 'What are you doing for others?'" Through his actions and leadership, Aaron has answered this question with steadfast dedication to serving all Texans.

Under Aaron's leadership as Chief of Staff for Senator Ted Cruz, the MLK Association has witnessed an unparalleled commitment to treating every constituent with dignity, care, and empathy. He has consistently engaged with our members at numerous government affairs events, demonstrating a genuine desire to foster collaboration and understanding. Moreover, Aaron has shown no partiality in his role, encouraging engagement with Senator Cruz's office and ensuring that voices from all backgrounds are heard and respected.

In fact, our association has confidently referred constituents to Senator Cruz's office because of the professionalism, responsiveness, and compassion Aaron embodies. His leadership has set a standard rarely seen, making him the most engaged Chief of Staff we have encountered among congressional or senatorial offices in Texas.

Aaron's unwavering dedication to building meaningful relationships with all Texans reflects the principles of fairness and character over division. He has proven himself to be a leader who upholds the values of justice and equality central to Dr. King's vision.

The MLK Association of Texas wholeheartedly supports Aaron Reitz for Assistant Attorney General for the Office of Legal Policy. We believe his proven integrity and commitment to public service will greatly benefit our nation.

Sincerely,

Christopher Harvey
President of the MLK Association of Texas; Houston Chapter

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Parliamentarian
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REV. WESLEY McDUFFIE
Chaplain
Tarrant County, Texas Sheriff's Office

WILLIAM J. JOHNSON, CAE
Executive Director and
General Counsel

February 25, 2025

The Honorable Charles Grassley
Chair, Judiciary Committee
United States Senate
Washington, D.C. 20510

The Honorable Richard Durbin
Ranking Member, Judiciary Committee
United States Senate
Washington, D.C. 20510

Dear Chairman Grassley and Ranking Member Durbin,

On behalf of the National Association of Police Organizations (NAPO), I am writing to advise you of our support for the nomination of Aaron F. Reitz to be Assistant Attorney General for the Justice Department's Office of Legal Policy.

NAPO is a coalition of police unions and associations from across the United States that serves to advance the interests of America's law enforcement through legislative and legal advocacy, political action, and education. Founded in 1978, NAPO now represents more than 1,000 police units and associations and over 250,000 sworn law enforcement officers who share a common dedication to fair and effective crime control and law enforcement.

In his role as Chief of Staff to Senator Cruz, Mr. Reitz has supported many of our legislative priorities including criminalizing the publication of non-consensual intimate images, ending dangerous "sanctuary city" policies, and providing increased protections for law enforcement officers. Prior to his tenure with Senator Cruz, Mr. Reitz served as Texas' Deputy Attorney General for Legal Strategy, where he developed relationships with and earned the respect of the Texas law enforcement community.

Mr. Reitz's extensive legislative and legal experience gives him a unique understanding of our nation's laws and legal system, which we believe will serve him well as the next Assistant Attorney General for the Office of Legal Policy. NAPO urges the Committee to support the nomination of Aaron F. Reitz. Please feel free to contact me at (703) 549-0775 if there is anything I or our organization can do in further support of Mr. Reitz's nomination.

Sincerely,

Michael McHale
President

Cc: Members, Judiciary Committee, United States Senate

February 23, 2025

The Honorable Charles E. Grassley
Chairman, Senate Judiciary Committee
135 Hart Senate Office Building
Washington, DC 20510

The Honorable Richard J. Durbin
Ranking Member, Senate Judiciary Committee
135 Hart Senate Office Building
Washington, DC 20510

Re.: Aaron F. Reitz, Nominee for Assistant Attorney General of the Office of Legal Policy at the Department of Justice

Dear Chairman Grassley and Ranking Member Durbin,

We the undersigned are over 80 of Aaron Reitz's former colleagues at the Office of the Attorney General of Texas (OAG), where Aaron was employed from October 2020 through May 2023. Some of us still work at OAG. Others have moved on. But each of us directly supervised, were supervised by, were peers of, or otherwise worked very regularly with Aaron. Together we share our enthusiastic support for the Senate's confirmation of Aaron as Assistant Attorney General for the Justice Department's Office of Legal Policy (OLP).

Aaron is eminently qualified to lead OLP. During his time at OAG, Aaron partnered with all of us to serve as the Deputy Attorney General for Legal Strategy—our Agency's "offensive coordinator"—where he planned, staffed, and executed the Agency's most consequential affirmative lawsuits and legal initiatives on matters including immigration, federal-state-local relations, election integrity, voting rights, Big Tech, consumer protection, energy, and the U.S. and Texas Constitutions. He showed himself to be a courageous and solutions-oriented thinker, a compelling written and oral communicator, a principled and loyal leader, and a creative and serious practitioner of the law.

But what makes Aaron particularly well suited to hold a senior post at the Justice Department is his character. Some of us spent nearly every day of every week for Aaron's full tenure at OAG. Others worked with him for only a portion of that time. But however long our service with Aaron lasted, we know that he's trustworthy, honest, faithful, dependable, humble, and upright. He's a consummate professional. And he's a fundamentally good and decent man who treats everyone fairly and with dignity.

We are proud of Aaron and excited for him and his family to embark upon this opportunity to serve our country. He's the right person for the job. We encourage the Judiciary Committee to support Aaron's nomination, and for the full Senate to vote to confirm him.

Ken Paxton
Attorney General of Texas

Brent Webster
First Assistant Attorney General

Lesley French
Chief of Staff

Ralph Molina
Deputy First Assistant Attorney General

Michele Price
Chief Financial Officer

Austin Kinghorn
Deputy Attorney General for Civil Lit.

Forrest Brumbaugh
Deputy Attorney General for Legal Counsel

Ryan Walters
Deputy Attorney General for Legal Strat.

Ruth Anne Thornton
Director, Child Support & IV-D Division

George Lane
Director of Government Relations

Brent Dupre
Director of Law Enforcement

Lauren Downey
Public Information Coordinator

Jonathan Richie
Deputy Communications Director

Tina McLeod
Chief Information Officer

Michelle Smith
Senior Advisor to the Attorney General

William Cole
Deputy Solicitor General

Mauricio Vasquez
Deputy Director, Applications & Tech. Div.

Kathleen Hunker
Deputy Chief, Special Litigation Division

Charles Eldred
Chief, Legal Strategy Division

Kimberly Gdula
Chief, General Litigation Division

Ilisa Burke
Chief, Legal Recruiting Division

Alisha Jackson
Chief, Grants Administration Division

Josh Reno
Deputy Att'y General for Criminal Justice

Amber Platt
Assoc. Deputy Att'y Gen. for Crim. Justice

Steve Roddy
Dep. Director, Child Support & IV-D Div.

Colleen Tran
Assoc. Dep. Att'y Gen. for Gov't Relations

Suzanna Hupp
Special Advisor to the Attorney General

Jeff Norwood
Communications Director

Jarrod Griffin
Deputy Communications Director

Lane Brown
Crime Victim Services Director

Justin Gordon
General Counsel

Tommy Tran
Special Advisor to the Attorney General

Henry De La Garza
Director, Human Resources Division

Mindy Montford
Senior Counsel, Cold Case Unit

Amy Hilton
Chief, Healthcare Prog. Enf. Division

Ryan Kercher
Chief, Special Litigation Division

Rachel Obaldo
Chief, Bankruptcy & Collections Division

Steven Robinson
Chief, Tax Litigation Division

Jason Anderson
Chief, Criminal Investigations Division

Kellie Billings-Ray
Chief, Environmental Protection Division

Shanna Molinare
Chief, Law Enforcement Defense Division

Kara Kennedy
Chief, Tort Litigation Division

Jennifer M. Roscetti
Dep. Chief, Consumer Protection Division

Amy Wills
Deputy Chief, Opinions Division

Lynne Kurtz-Citrin
Dep. Chief, Healthcare Prog. Enforcement

Will Wassdorf
Deputy Chief, General Litigation Division

Brian Rasmussen
Major, Law Enforcement Division

Aaron Barnes
Asst. Att'y General, Opinions Division

Rosanna Cervantes
Senior Exec. Coordinator for Crim. Justice

Sara Woodard
Exec. Administration Executive Assistant

Beth Allen
Exec. Administration Executive Assistant

Judd Stone
Former Solicitor General of Texas

Ari Cuenin
Former Deputy Solicitor General

Priscilla Hubenak
Former Chief, Env. Protection Div.

Ernest Garcia
Chief, Administrative Law Division

Johnathan Stone
Chief, Consumer Protection Division

Joshua Fiveson
Chief, Opinions Division

Shane Attaway
Chief, Criminal Prosecutions

Nanette DiNunzio
Chief, Transportation Division

Sean O'Neill
Dep. Chief, Bankruptcy & Collections Div.

Jordan Eskew
Litigation Intake Specialist

H. Carl Myers
Dep. Chief, Environmental Protection Div.

Kyle Counce
Deputy Chief, Tax Litigation Division

Jonathan White
Deputy Chief, Medicaid Fraud Control Unit

Gayla Schwab
Executive Administration Office Manager

Gabriel Galindo
Exec. Administration Legal Assistant

Reagan Eskew
Government Relations Office Manager

Jordan Lamb
Former Legal Strategy Analyst

Chris Hilton
Former Chief, General Litigation Division

Will Thompson
Former Acting Chief, Special Lit. Division

Todd Disher
Former Deputy Chief, Special Lit. Division

Grant Dorfman
Former Dep. First Assistant Att'y General

Shawn Cowles
Former Deputy Att'y General for Civil Lit.

Lanora Pettit
Former Principal Deputy Solicitor General

Paige Willey
Former Communications Director

Zina Bash
Former Senior Counsel to the Att'y Gen.

Lily Bonin
Former Legal Strat. & Special Proj. Coord.

Ari Herbert
Former Special Counsel, Special Lit. Div.

Murtaza Sutarwalla
Former Dep. Att'y Gen. for Legal Counsel

James Lloyd
Former Deputy Att'y General for Civil Lit.

Ben Wilson
Former Deputy Solicitor General

Joseph Mazzara
Former Special Counsel to the Att'y Gen.

Levi Fuller
Former Asst. Att'y Gen., Cons. Prot. Div.

Village In The Valley
ViVa

February 25, 2025

The Honorable Charles E. Grassley
Chairman, Senate Judiciary Committee
135 Hart Senate Office Building
Washington, DC 20510

The Honorable Richard J. Durbin
Ranking Member, Senate Judiciary Committee
135 Hart Senate Office Building
Washington, DC 20510

Re: Aaron Reitz, Nominee to Serve as Assistant Attorney General for the Office of Legal Policy

Dear U.S. Senate Committee on the Judiciary,

On behalf of Village in the Valley (VIVA), a nonpartisan and apolitical organization dedicated to promoting unity and celebrating cultural diversity in the Rio Grande Valley, we write in support of Aaron Reitz.

In October 2024, under Aaron's leadership as Chief of Staff for Senator Ted Cruz, our organization was approached to establish a collaborative relationship. This engagement marked a pivotal moment for VIVA, as it highlighted our mission in a predominantly Hispanic region and brought our work to the forefront of meaningful conversations. Such outreach would not have been possible without Aaron's commitment to fostering relationships that transcend backgrounds and create opportunities for mutual growth and understanding.

Aaron's actions are a testament to his character and vision, prioritizing the value of partnerships and the shared prosperity of all Texans. His leadership ensured that VIVA's voice was acknowledged, and our efforts supported—an outcome rooted in his dedication to building bridges among all people.

VIVA firmly supports Aaron Reitz as a nominee for Assistant Attorney General for the Office of Legal Policy. His track record of thoughtful leadership and his ability to connect with organizations like ours give us great confidence in his capacity to serve the nation with distinction.

Respectfully,

Dr. Minerva Gatling	Marsha Terry	Dr. Onuwa Terry	Alphonzo Gatling
Dr. Minerva Gatling	Marsha Terry	Dr. Onuwa Terry	Alphonzo Gatling
Co-Founder/Co-President	Co-Founder/Co-President	Co-Founder/ Vice President	Co-Founder

rgvviva@gmail.com www.villageinthevalley.org @villageinthevalleyrgv @vivagrv 956-278-0873

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Dean John Sauer

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

Solicitor General of the United States

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.

13321 North Outer Forty Road, Suite 300
St. Louis, Missouri 63017

530 Maryville Centre Drive, Suite 230
St. Louis, Missouri 63141

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

November 13, 1974
St. Louis, Missouri

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.

Harvard Law School, J.D. 2004 (attended 2001-2004)
University of Notre Dame, M.A. 2000 (attended 1999-2000)
Oxford University, B.A. 1999 (attended 1997-1999)
Duke University, B.S.E. 1997 (attended 1993-1997)

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,

[1] All answers provided are to the best of my recollection, based on reasonable investigation by me and persons acting on my behalf.

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.

January 2023 - present
James Otis Law Group, LLC
13321 North Outer Forty Road, Suite 300
St. Louis, Missouri 63017
530 Maryville Centre Drive, Suite 230
St. Louis, Missouri 63141
Principal

January 2019 – January 2023
Missouri Attorney General's Office
Supreme Court Building
207 West High Street
P.O. Box 899
Jefferson City, Missouri 65102
815 Olive Street, Suite 200
St. Louis, Missouri 63101
Solicitor General

January 2017 – January 2019
Missouri Attorney General's Office
Supreme Court Building
207 West High Street
P.O. Box 899
Jefferson City, Missouri 65102
815 Olive Street, Suite 200
St. Louis, Missouri 63101
First Assistant and Solicitor

August 2015 – January 2017
James Otis Law Group, LLC
12977 North Outer Forty Dr., Suite 214
St. Louis, Missouri 63141 (April 2016 – January 2017)
231 S. Bemiston Avenue, Suite 800
St. Louis, Missouri 63105 (Aug. 2015 – April 2016)
Founder and Principal

March 2013 – August 2015
Clark & Sauer, LLC
7733 Forsyth Boulevard, Suite 625
St. Louis, Missouri 63105
Partner

2011 – 2014 (Spring Semesters)
Washington University School of Law
One Brookings Drive
St. Louis, Missouri 63130
Adjunct Professor – Advanced Criminal Trial Advocacy

January 2008 – January 2013
U.S. Attorney's Office for the Eastern District of Missouri
Thomas Eagleton U.S. Courthouse
111 S. 10th Street, 20th Floor
St. Louis, Missouri 63102
Assistant U.S. Attorney

September 2006 – January 2008
Cooper & Kirk, PPLC
1523 New Hampshire Avenue NW
Washington, DC 20036
Associate

July 2005 – July 2006
Supreme Court of the United States
One First Street, NE
Washington, DC 20543
Law Clerk to Justice Antonin Scalia

June 2005 – July 2005
Byran Cave, LLP (now Bryan Cave Leighton Paisner)
One Metropolitan Square
211 N. Broadway, Suite 3600
St. Louis, Missouri 63102
Summer Associate

June 2004 – June 2005
U.S. Court of Appeals for the Fourth Circuit
Lewis F. Powell Jr. Courthouse & Annex
1100 East Main Street, Suite 501
Richmond, VA 23219 (location of court)
8444 Westpark Drive, Suite 520
McLean, VA 22102 (location of chambers)
Law Clerk to Judge J. Michael Luttig (ret.)

May 2004 - June 2004
U.S. Department of Justice
Office of Legal Counsel
950 Pennsylvania Avenue, NW
Washington, DC 20530
Intern

July 2003 – August 2003
Boies, Schiller & Flexner LLP
1401 New York Avenue, NW
Washington, DC 20005
Summer Associate

June 2003 – July 2003
Kirkland & Ellis LLP
1301 Pennsylvania Avenue, NW
Washington, DC 20004
Summer Associate

June 2002 – August 2002
Cooper & Kirk, PPLC
1523 New Hampshire Avenue NW
Washington, DC 20036
Summer Associate

January 2001 – August 2001
Office of Congressman Todd Akin
Cannon House Office Building
27 Independence Avenue SE
Washington, DC 20003
Legislative Assistant

June 2000 – December 2000
University of Notre Dame
Philosophy Department
100 Malloy Hall
Notre Dame, IN 46556
Research Assistant and Teaching Assistant

June 1998 – August 1998
IBM Global Services – St. Louis
325 McDonnell Boulevard
Hazelwood, Missouri 63042
Software Development Intern

June 1997 – August 1997
IBM Austin
11501 Burnet Road
Austin, Texas 78758
High-End Process Development 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 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.

Missouri House of Representatives, One Hundred Second General Assembly, Resolution honoring the "steadfast and honorable service" of D. John Sauer as Solicitor General of Missouri (Mo. House Res. No. 727, adopted Feb. 28, 2023)

National Association of Attorneys General
Supreme Court of the United States, Best Brief Award 2018
(awarded for merits brief in *Bucklew v. Precythe*)

Missouri Bar Foundation
David J. Dixon Appellate Advocacy Award, 2013

Harvard Law School, J.D. *magna cum laude*, 2004

Harvard Law Review, Articles Editor, 2003-2004

University of Notre Dame
Presidential Fellowship, 1999-2000

Oxford University
Top First-Class Honours in Theology, 1999

Oxford University
Rhodes Scholar, Missouri and Oriel, 1997

Duke University, B.S.E. *summa cum laude* with honors and distinction in both majors, 1997

Duke University
Varsity Letter, Wrestling, 1996 – 1997

Duke University
Angier B. Duke Scholar, 1993 – 1997

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.

Missouri Bar, Member, 2006 – present
District of Columbia Bar, Member, 2007 – 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.

Missouri Bar, Member, 2006 – present
District of Columbia Bar, Member, 2007 – present
I am not aware of any 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.

Missouri – 2006
District of Columbia – 2007
U.S. Supreme Court – 2013
U.S. Court of Appeals for the Sixth Circuit – 2007
U.S. Court of Appeals for the Eighth Circuit – 2013
U.S. Court of Appeals for the Fourth Circuit – 2014
U.S. Court of Appeals for the Fifth Circuit – 2014
U.S. Court of Appeals for the Seventh Circuit – 2014
U.S. Court of Appeals for the Ninth Circuit – 2014
U.S. Court of Appeals for the Eleventh Circuit – 2014
U.S. Court of Appeals for the D.C. Circuit – 2015
U.S. Court of Appeals for the Tenth Circuit – 2020
U.S. Court of Appeals for the Second Circuit – 2024
U.S. District Court for the Eastern District of Michigan – 2007
U.S. District Court for the Eastern District of Missouri – 2013
U.S. District Court for the Western District of Missouri – 2017
I have also been admitted *pro hac vice* in many courts.
I am not aware of any 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.

To the best of my recollection:

Federalist Society, Member (2006 – present, intermittent)
Teneo, Member (2024 – present)

Incarnate Word Athletic Association (Board Member and Track Rep, 2023 – present)
American Association of Rhodes Scholars, Member (intermittent years since 1997)
Join Hands East St. Louis – Volunteer/Mentor (2008 – 2013)
St. Louis Priory High School, Board of Advisors (2008 – 2012) (est.)
Aim High St. Louis, Board Member (2008 – 2012) (est.)
Alliance Defending Freedom, Grant Review Committee, Member (2015 – 2016)
Missouri Athletic Club – Member (2009, 2014 – 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.

I understand from public reports that the Missouri Athletic Club, which is an athletic and social club located in St. Louis, Missouri, discriminated on the basis of race in membership until the late 1960s, and voted to first admit female members in 1988. To my knowledge, none of the other organizations discriminates or has 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.

To the best of my recollection and through searches of publicly available materials by me and persons acting on my behalf, I and persons acting on my behalf have identified the following materials:

Eric S. Schmitt, *Symposium:* Kisor v. Wilkie – *A swing and a miss*, SCOTUSBlog (June 27, 2019), https://www.scotusblog.com/2019/06/symposium-kisor-v-wilkie-a-swing-and-a-miss/. I assisted with research, drafting, and editing for this symposium article, which was authored by then-Attorney General Eric Schmitt.

Note, *Constitutional Constraints on Interstate Same-Sex Marriage Recognition*, 116 Harv. L. Rev. 2028 (2003). I was the principal drafter of this student Note, with editing and input from other law students.

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

To the best of my recollection and through searches of publicly available materials by persons acting on my behalf, I and persons acting on my behalf have not identified any responsive materials.

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

To the best of my recollection and through searches of publicly available materials by persons acting on my behalf, I and persons acting on my behalf have identified the following materials:

Testimony of D. John Sauer – Arizona House of Representatives Committee on Oversight, Accountability and Big Tech (Oct. 16, 2023). No written statement.
Press Release: https://www.azleg.gov/press/house/56LEG/1R/231016KOLODIN.pdf
Link to Video of Hearing: https://bit.ly/3rJhOXi

Testimony of D. John Sauer, Hearing Before the United States House of Representatives, Committee on the Judiciary, Select Subcommittee on the Weaponization of the Federal Government (July 20, 2023) (written testimony provided)

Testimony of D. John Sauer, Hearing Before the United States House of Representatives, Committee on the Judiciary, Select Subcommittee on the Weaponization of the Federal Government (March 30, 2023) (written testimony provided)

Testimony of D. John Sauer on North Dakota House Bill 1461, regarding the constitutionality of the "Smarter Balanced Assessment Consortium," North Dakota House of Representatives (Feb. 2, 2015 Bismarck, North Dakota) – To the best of my recollection, I offered oral testimony only.
Video Excerpts Available Here:
http://dakotabeacon.com/entry/steve_cates_possible_illegality_of_north_dakota_common_core_consortium/

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.

To the best of my recollection and through searches of publicly available materials by me and persons acting on my behalf, I and persons acting on my behalf have identified the following responsive materials. Readily available press reports are identified where any were located.

The Federalist Society, 2024 National Lawyer's Convention *Showcase Panel III: Sex, Gender, and the Law* (Washington, DC, Nov. 16, 2024)
Location of talk:
1919 Connecticut Ave. NW
Washington, DC 20009
Video of the panel discussion is available here: https://fedsoc.org/conferences/2024-national-lawyers-convention?#agenda-item-showcase-panel-iii-sex-gender-and-the-law
(A listing of all speeches and talks that I have given for the Federalist Society, based on their records, is available here: https://fedsoc.org/past-events?speaker=d-john-sauer.)

Coalition Life and Missouri Stands With Women, *Defeat Amendment 3 Statewide Action Webcast Featuring Gov. Mike Parson & Bill O'Reilly*, (St. Louis, MO, Oct. 24, 2024)
I was one of a series of featured speakers on a webcast opposing Missouri's Amendment 3. A video of the entire event is available here (my remarks around 13:30 – 20:18):
https://www.youtube.com/watch?v=ptQ7BnLyY7c&t=35s

Constitutional Coalition, *Presidential Immunity Case: A Fireside Chat with D. John Sauer on the Arguments and Supreme Court Decision* (St. Louis, MO, Oct. 24, 2024).
I provided a discussion of the U.S. Supreme Court's decision on Presidential immunity in *Trump v. United States*, with an overview of the litigation, the lower-court decisions, the arguments raised in the Supreme Court, and a review of the Supreme Court's decision. I do not have a prepared text, notes, or outline from the talk.
Location of talk: 1335 S. Lindbergh Blvd, St. Louis, MO 63131
Press Release Here: https://www.constitutionalcoalition.org/event-details/presidential-immunity-case-a-fireside-chat-with-d-john-sauer-on-the-arguments-and-supreme-court-decision
Constitutional Coalition
15820 Clayton Road
Ellisville, MO 63011

New Civil Liberties Alliance, *Lunch and Law: What Missouri v. Biden Means for Free Speech* (Washington, DC, July 26, 2023) – Panel discussion for the New Civil Liberties Alliance of the district court's injunction in *Missouri v. Biden*.
Location of talk: Washington, DC.
Video of the panel discussion is available here: https://nclalegal.org/event/what-missouri-v-biden-means-for-free-speech/.

The Federalist Society, Kansas City Lawyers Chapter, *Missouri Supreme Court Review* (Kansas City, MO, Sept. 29, 2022).
I gave a talk to a group of lawyers of the Kansas City Chapter of the Federalist Society in Kansas City, Missouri, that discussed recent decisions of the Supreme Court of Missouri that focused on decisions to which the State of Missouri was a party. I do not have a prepared text, notes, or outline from the talk.
Location of talk:
1100 Main Street
Kansas City, Missouri 64105

Press Release Here: https://fedsoc.org/events/missouri-supreme-court-review

Alliance Defending Freedom, Summit on Religious Liberty, *Life After* Roe*: Protecting Children and Serving Women in the States* (Greensboro, Georgia, July 19, 2022).
I joined a panel discussion about the future of pro-life litigation after *Dobbs*, discussing the ongoing cases involving state-level litigation addressing abortion and related issues. I do not have a prepared text, notes, or outline from the talk.
Location of talk: Greensboro, Georgia
Alliance Defending Freedom
15100 N. 90th Street
Scottsdale, AZ 85260

The Federalist Society, St. Louis Lawyers' Chapter, and Federal Bar Association, St. Louis Chapter, *U.S. Supreme Court Roundup with Missouri Solicitor General John Sauer & Co.* (St. Louis, MO, July 13, 2022).
I joined a panel discussion of recent Supreme Court cases from the 2021-22 Term as a continuing legal education (CLE) program. To the best of my recollection, I addressed recent cases such as *Dobbs* and *Bruen* by summarizing their reasoning and commenting on their analysis. The CLE was jointly hosted by the Federal Bar Association of St. Louis and the Federalist Society Chapter of St. Louis. I do not have a prepared text, notes, or outline from the talk.
Location of talk:
405 Washington Ave.
St. Louis, MO 63102
Press Release Here: https://fedsoc.org/events/scotus-roundup-with-john-sauer-co
The Federalist Society
1776 I Street, NW, Suite 300
Washington, DC 20006
Federal Bar Association
4250 N. Fairfax Drive, Suite 301
Arlington, VA 22203

The Federalist Society, 2022 Midwestern Regional Conference, *Panel 2 – Better Believe It: Free Exercise and the First Amendment* (Springfield, IL, Apr. 23, 2022)
Video of panel discussion is available here: https://fedsoc.org/conferences/2022-midwestern-regional-conference?#agenda-item-panel-2-religious-liberty
Location of talk: Springfield, IL.
212 N. Sixth Street
Springfield, IL 62701

The Federalist Society, Harvard Student Chapter, *Litigating the Vaccine Mandates* (Zoom Webinar, Cambridge, MA, Jan. 25, 2022).
To the best of my recollection, I presented a Zoom webinar for the Harvard Students Chapter of the Federalist Society discussing litigation against vaccine mandates imposed by the Biden Administration, with an emphasis on litigation led by state Offices of Attorney General. I do not have a prepared text, notes, or outline from the talk.
Press Release Here: https://fedsoc.org/events/litigating-the-vaccine-mandates

Location of talk: Cambridge, MA (I participated from St. Louis, MO, by Zoom)
The Federalist Society
1776 I Street, NW, Suite 300
Washington, DC 20006

The Federal Bar Association, St. Louis Chapter, *2020-21 Supreme Court Roundup* (St. Louis, MO, June 30, 2021).
To the best of my recollection, I presented a continuing legal education (CLE) presentation about recent Supreme Court cases from the 2020-21 Supreme Court Term. I do not recall which cases were addressed. I do not have a prepared text, notes, or outline from the talk.
Location of talk: St. Louis, MO
Federal Bar Association
4250 N. Fairfax Drive, Suite 301
Arlington, VA 22203

Alliance Defending Freedom, Blackstone Legal Fellowship, *Protecting Life Today: Emerging Legal and Policy Efforts* (Landsdowne, Virginia, June 4, 2021).
I provided comments to a group of law students during their summer internships as Blackstone Fellows at the Alliance Defending Freedom on the status of pro-life litigation and policy efforts, with a focus on abortion-related litigation conducted by state Offices of Attorney General. I do not have a prepared text, notes, or outline from the talk.
Location of talk: Landsdowne, Virginia
Alliance Defending Freedom
15100 N. 90th Street
Scottsdale, AZ 85260

Rule of Law Defense Fund, *Foreign Sovereign Immunities Act* (St. Louis, MO, June 23, 2020).
I joined a panel discussion by videoconference for senior staff of state Offices of Attorney General regarding the Foreign Sovereign Immunities Act. To the best of my recollection, my remarks focused on FSIA's interpretation and application to the alleged conduct of the People's Republic of China and the Chinese Communist Party regarding the origins of the COVID-19 pandemic. I do not have a prepared text, notes, or outline from the talk.
Location of talk: St. Louis, MO (I participated from St. Louis, MO, by videoconference.)
Rule of Law Defense Fund
1747 Pennsylvania Ave, NW, Ste 800
Washington, D.C. 20006

The Federalist Society, St. Louis Lawyers Chapter, and the Federal Bar Association, St. Louis Chapter, *U.S. Supreme Court Roundup: New Decisions and Cases on the Horizon* (St. Louis, MO, Feb. 27, 2020).
I joined a panel discussion of recent and upcoming cases in the U.S. Supreme Court relating to the 2019-2020 Term of the Court. The event was jointly hosted by the St. Louis Lawyers Chapter of the Federalist Society and the St. Louis Chapter of the Federal Bar Association. I do not have a prepared text, notes, or outline from the talk.
Press Release Here: https://fedsoc.org/events/u-s-supreme-court-roundup-new-decisions-and-cases-on-the-horizon
Location of talk:

405 Washington Ave.
St. Louis, MO 63102
The Federalist Society
1776 I Street, NW, Suite 300
Washington, DC 20006
Federal Bar Association
4250 N. Fairfax Drive, Suite 301
Arlington, VA 22203

The Federalist Society, Jefferson City Lawyers Chapter, *Reflections on Bucklew and SCOTUS in Review by D. John Sauer* (Jefferson City, MO, Oct. 8, 2019).
I gave a presentation on the Supreme Court's decision in *Bucklew v. Precythe*, discussing the litigation, the Supreme Court's decision, and related issues. I do not have a prepared text, notes, or outline from the talk.
Location of talk:
326 Monroe Street
Jefferson City, MO 65101
Press Release Here: https://fedsoc.org/events/reflections-on-bucklew-and-scotus-in-review-by-d-john-sauer
The Federalist Society
1776 I Street, NW, Suite 300
Washington, DC 20006

Alliance Defending Freedom, Senior Staff Retreat, *Supreme Court Round-Up: What's Happened and What's On the Horizon?* (Cancun, Mexico, Sept. 5, 2019) and *Reading In Between the Tea Leaves: The Road Ahead for Pro-Life Litigation* (Cancun, Mexico, Sept. 6, 2019).
I joined two panel discussions at a Senior Staff Retreat for staffers at state Offices of Attorney General in Cancun, Mexico, hosted by the Alliance Defending Freedom in September 2019. In the first panel, I joined a discussion of possible upcoming Supreme Court cases for the upcoming 2019-2020 Term, which to my recollection included a discussion of the Supreme Court's recent decision in *Bucklew v. Precythe*. In the second panel, I joined a discussion of issues relating to abortion-related litigation for state Offices of Attorney General, including anticipating upcoming issues. I do not have a prepared text, notes, or outline from the talk.
Location of talks: Cancun, Mexico
Alliance Defending Freedom
15100 N. 90th Street
Scottsdale, AZ 85260

The Missouri Bar, *United States Supreme Court Highlights* (St. Louis, MO, August 7, 2019).
I joined a webinar discussion providing a continuing legal education (CLE) presentation about major cases in the U.S. Supreme Court's 2018-2019 Term. To the best of my recollection, my remarks included a discussion of the Supreme Court's decision in *Bucklew v. Precythe*. I do not have a prepared text, notes, or outline from the talk.
Location of talk: St. Louis, MO (I joined the webinar discussion from St. Louis, MO.)
The Missouri Bar
326 Monroe, P.O. Box 119

Jefferson City, MO 65102-0119

The Missouri Bar, *U.S. Supreme Court Update* (St. Louis, MO, June 7, 2019).
I provided a continuing legal education (CLE) presentation discussing cases in the then-current U.S. Supreme Court term by live audiocast. I do not have a prepared text, notes, or outline from the talk.
Location of talk: St. Louis, MO (I joined the audiocast from St. Louis, MO.)
The Missouri Bar
326 Monroe, P.O. Box 119
Jefferson City, MO 65102-0119

The Missouri Bar, *2018 United States Supreme Court Highlights – 2017-2018 Term* (St. Louis, MO, August 14, 2018).
I joined a webinar discussion providing a continuing legal education (CLE) presentation about major cases in the U.S. Supreme Court's 2017-2018 Term. I do not recall which cases were discussed. I do not have a prepared text, notes, or outline from the talk.
Location of talk: St. Louis, MO (I joined the webinar from St. Louis, MO.)
The Missouri Bar
326 Monroe, P.O. Box 119
Jefferson City, MO 65102-0119

Missouri Attorney General's Office, *Ethical Issues Facing Government Attorneys* (Jefferson City, MO, Nov. 29, 2018).
I presented an in-person continuing legal education (CLE) presentation for the attorneys in the Missouri Attorney General's Office that discussed common ethical issues that government attorneys may confront in government practice. I do not have a prepared text, notes, or outline from the talk.
Location of talk: Jefferson City, MO
Missouri Attorney General's Office
207 W. High Street, P.O. Box 899
Jefferson City, MO 65102

Missouri Attorney General's Office, *Effective Advocacy 1 - Positioning Your Case to Win on Appeal* (Jefferson City, MO, Nov. 30, 2018)
I presented a live continuing legal education (CLE) presentation for the attorneys in the Missouri Attorney General's Office that discussed tips for trial-level attorneys to place their cases in position to win on appeal, including preservation of error and similar issues. I do not have a prepared text, notes, or outline from the talk.
Location of talk: Jefferson City, MO
Missouri Attorney General's Office
207 W. High Street, P.O. Box 899
Jefferson City, MO 65102

Supreme Court of Missouri, *Writs, Post-Conviction Relief, and Canons of Construction* (Jefferson City, MO, Oct. 10, 2017).
At the invitation of Judges of the Supreme Court of Missouri, I gave a CLE presentation to law clerks for those Judges that discussed canons of interpretation and special appellate

proceedings such as writs and post-conviction relief, with a focus on Missouri interpretive case law and Missouri appellate procedural rules. I do not have a prepared text, notes, or outline from the talk.
Location of talk: 207 West High Street, Jefferson City, MO 65101
Supreme Court of Missouri
207 West High Street
Jefferson City, MO 65101

Missouri Attorney General's Office, *Ethical Issues in Government Legal Practice - A Practical Guide* (Jefferson City, MO, Oct. 24, 2017).
I presented an in-person continuing legal education (CLE) presentation for the attorneys in the Missouri Attorney General's Office that discussed common ethical issues that government attorneys may confront in government practice. I do not have a prepared text, notes, or outline from the talk.
Location of talk: Jefferson City, MO
Missouri Attorney General's Office
207 W. High Street, P.O. Box 899
Jefferson City, MO 65102

Missouri Attorney General's Office, *Persuasive Legal Writing* (Jefferson City, MO, Oct. 24, 2017).
I presented an in-person continuing legal education (CLE) presentation for the attorneys in the Missouri Attorney General's Office that discussed how to write an effective appellate brief, including suggestions for writing an effective Introduction, Statement of Facts, Summary of Argument, and Argument Section. I do not have a prepared text, notes, or outline from the talk.
Location of talk: Jefferson City, MO
Missouri Attorney General's Office
207 W. High Street, P.O. Box 899
Jefferson City, MO 65102

Missouri Attorney General's Office, *Appellate Practice - Training for AGO Attorneys* (Jefferson City, MO, June 29, 2017).
I presented an in-person continuing legal education (CLE) presentation for the attorneys in the Missouri Attorney General's Office that discussed tips for effective appellate practice, including how to write an effective appellate brief. I do not have a prepared text, notes, or outline from the talk.
Location of talk: Jefferson City, MO
Missouri Attorney General's Office
207 W. High Street, P.O. Box 899
Jefferson City, MO 65102

The Federalist Society, St. Louis Lawyer's Chapter, *Justice Antonin Scalia Memorial Service* (St. Louis, MO, Feb. 27, 2016).
I gave remarks to the St. Louis Lawyer's Chapter of the Federalist Society about the greatness, character, and importance of Justice Antonin Scalia after a memorial service for the Justice at the Cathedral Basilica of St. Louis, 4431 Lindell Blvd., St. Louis, MO 63108. A copy of the

draft of my remarks is provided.
Location of talk: 4431 Lindell Blvd., St. Louis, MO 63108.
The Federalist Society
1776 I Street, NW, Suite 300
Washington, DC 20006
To the best of my recollection, I gave the same or a similar talk about Justice Scalia at St. Louis University School of Law around the same time frame, but I have been unable to locate a record of the date or further information about event. Location of talk:
St. Louis University School of Law
100 N. Tucker Boulevard
St. Louis, Missouri 63101

The Federalist Society, Mississippi Lawyer's Chapter, *Liberty Luncheon: Is Common Core Constitutional?* (Jackson, MS, Mar. 27, 2015).
I gave a presentation to the Mississippi Lawyer's Chapter of the Federalist Society about the constitutionality of the Common Core-aligned multistate "consortia," such as the Smarter Balanced Assessment Consortium, arguing that they violate the U.S. Constitution's Compact Clause. I do not have a prepared text, notes, or outline from the talk.
Location of talk: Jackson, MS
The Federalist Society
1776 I Street, NW, Suite 300
Washington, DC 20006
Readily available press reports:
https://www.clarionledger.com/story/news/2015/03/27/common-core-consortia-illegal-attorney-says/70547854/

The Federalist Society, Civil Rights Practice Group Teleforum, *Coming Soon to a School Near You?: Common Core* (St. Louis, MO, Jan. 9, 2015).
I joined a panel discussion provided by teleforum of issues relating to the so-called "Common Core" educational standards. To the best of my recollection, I presented comments on the constitutionality of the Common Core-aligned multistate "consortia," such as the Smarter Balanced Assessment Consortium, arguing that they violate the U.S. Constitution's Compact Clause. I do not have a prepared text, notes, or outline from the talk.
Location of talk: St. Louis, MO (I participated in the teleforum from St. Louis, MO.)
The Federalist Society
1776 I Street, NW, Suite 300
Washington, DC 20006

St. Thomas More Society, St. Louis Chapter, *Remarks on Formal and Material Cooperation With Evil and the HHS Mandate* (2013).
I provided comments to lawyers at a meeting of the St. Louis Chapter of the St. Thomas More Society on the issues of formal and material cooperation with evil under Catholic moral theology that were then arising under the so-called "HHS Mandate," which was subject to litigation in *Hobby Lobby* and *Zubik v. Burwell*. I do not have a prepared text, notes, or outline from the talk.
Location of talk: St. Louis, MO
St. Thomas More Society, St. Louis Chapter

9939 Gravois Road
St. Louis, Missouri 63123

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.

To the best of my recollection and through searches of publicly available materials by me and persons acting on my behalf, I and persons acting on my behalf have identified the following responsive materials:

NewsTalkSTL, Tim Jones & Chris Arps Show (Nov. 4, 2024), Interview about Missouri's Amendment 3. Audio recording of interview is available here: https://omny.fm/shows/newstalk-stl/h1-john-sauer-former-solicitor-general-mo-amendmen

Marc Cox Morning Show, *Election Day Predictions and Amendments Impact* (Nov. 4, 2024), Interview about Missouri's Amendment 3. Audio recording of interview is available here: https://www.audacy.com/podcast/the-marc-cox-morning-show-fad7f/episodes/hour-3-election-day-predictions-and-amendments-impact-475be

Shannon Parker, *LN Ten Most Interesting: Law*, Ladue News (Jan. 29, 2009). Report of Interview Available Here: https://www.laduenews.com/business/features/ln-ten-most-interesting-john-sauer/article_6feeac21-3baa-5166-a56b-8d53230e1975.html

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.

Law clerk to Judge J. Michael Luttig, U.S. Court of Appeals for the Fourth Circuit, 2004-2005 (appointed by Judge J. Michael Luttig, ret.)
Law clerk to Justice Antonin Scalia, U.S. Supreme Court, 2005-2006 (appointed by Justice Scalia)
Assistant U.S. Attorney, Eastern District of Missouri, 2008-2013 (appointed by U.S. Attorney Catherine Hanaway)

First Assistant and Solicitor, Missouri Attorney General's Office, 2017-2019 (appointed by then-Missouri Attorney General Joshua Hawley)
Solicitor General of Missouri, 2019-2023 (appointed by then-Missouri Attorney General Eric Schmitt)
I have not been a candidate for elective 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.

During 2014 and 2016, I served as outside counsel for Returning Government to the People and Missouri Roundtable for Life, Missouri campaign committees that sponsored an initiative petition that was adopted by Missouri voters in 2016 as Amendment 2, relating to campaign-finance regulation and reform under Missouri law. I handled ballot-title and related litigation for the committees over those two election cycles. *See, e.g., Missouri Elec. Cooperatives v. Kander*, 497 S.W.3d 905, 907 (Mo. App. W.D. 2016); *Sinquefield v. Jones*, 435 S.W.3d 674 (Mo. App. W.D. 2014). Other than that, I do not recall any responsive memberships or offices held.

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 served as a law clerk to the following judges:
Justice Antonin Scalia, U.S. Supreme Court (July 2005 – July 2006)
Judge J. Michael Luttig, U.S. Court of Appeals for the Fourth Circuit (June 2004 – June 2005)

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

I practiced alone between late January 2023 and mid-March 2023, immediately after leaving the Missouri Attorney General's Office. My business address was:
13321 North Outer Forty Road, Suite 300
Chesterfield, MO 63017

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.

See answer to Question 6, above.

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

I have not served as a mediator or arbitrator in alternative dispute resolution proceedings.

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

I have not held any judicial office.

b. Describe:

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

See response to 14(b)(ii) below.

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

The general character of my law practice has changed depending on my job over the years.

From September 2006 through January 2008, I worked as a litigation associate at Cooper & Kirk, PLLC, in Washington, DC. I worked on a variety of commercial and constitutional litigation projects. Representative matters included representing the State of Tennessee in legal challenges to its Medicaid program, representing corporate clients in cases related to the Supreme Court's holding in *United States v. Winstar Corp.*, 518 U.S. 839 (1996), and representing an intervenor-defendant in an equal-protection challenge to Michigan's voter-adopted prohibition against government-mandated racial preferences, in the case that eventually became *Schuette v. Coalition to Defend Affirmative Action*, 572 U.S. 291 (2014).

From January 2008 through January 2013, I served as an Assistant U.S. Attorney for the Eastern District of Missouri, where I prosecuted violent crimes and white-collar crimes, among other federal crimes. My only client was the United States of America. I prosecuted a wide range of federal criminal matters and handled many criminal appeals on behalf of the Office.

From March 2013 through August 2015, I was an attorney at a small litigation firm, Clark & Sauer, LLC. I was involved in representing clients in a range of matters including commercial litigation, mediation and arbitration, and other disputes. Representative matters included representing an insurance brokerage firm in significant non-compete litigation, representing a major telecommunications company in a series of tax-related disputes with municipalities across Missouri, and representing a major real-estate brokerage firm in an

arbitration alleging fraud in the sale of a commercial real estate property. I was also involved in appellate matters, and I filed a significant number of amicus briefs on a *pro bono* basis.

From August 2015 through January 2017, I was the Founder and Principal of the James Otis Law Group, LLC, a small litigation firm that handled a range of criminal, civil, and constitutional matters, including appeals. Representative matters included representing a brokerage firm for agricultural products in a criminal investigation into alleged adulteration of pet-food products, representing a major car-rental company in federal appeals relating to labor disputes, and representing a Catholic priest who fled religious persecution in China and was later falsely accused of child sex abuse in an action alleging civil rights conspiracy under 42 U.S.C. § 1985.

From January 2017 until January 2019, I served as First Assistant and Solicitor in the Missouri Attorney General's Office, and from January 2019 until January 2023, I served as Solicitor General in the Missouri Attorney General's Office. As First Assistant, I oversaw all the civil and criminal litigation for the Office, including trial-court litigation and appeals. In both roles, I served as the chief appellate officer for the State of Missouri, overseeing all appeals involving the Attorney General's Office and handling both trial-court litigation and appeals in constitutional cases and cases involving the State of Missouri and its interests.

From January 2023 until the present, I have served as the Principal of the James Otis Law Group, LLC, which also briefly did business as James Otis Litigation. In this role, I have handled a range of client matters, including representing President Donald J. Trump in both criminal and civil matters. I have also represented state clients, including the State of Louisiana in a lawsuit brought by Missouri and Louisiana challenging federal officials' involvement in social-media censorship, and the President of the Arizona Senate and Speaker of the Arizona House of Representatives in a defense of Arizona's Save Women's Sports Act, among other matters.

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

The vast majority of my practice has been in litigation, including both trial-court and appellate litigation, as well as pre-litigation investigations, and I estimate that percentage at or near 100 percent. The frequency of my court appearances has varied with my job. During my time at Cooper & Kirk, PLLC, I had infrequent court appearances of my own, but I frequently provided a supportive role to more senior attorneys in their court appearances. During my time as an Assistant U.S. Attorney, I appeared in federal court very frequently, including for initial appearances, suppression hearings, plea colloquies, sentencing hearings, and federal jury trials. I also appeared in the U.S. Court of Appeals for the Eighth Circuit relatively frequently, probably about 2-3 oral arguments per year. During my time at Clark & Sauer, LLC, I had fairly frequent court appearances, including dispositive motion practice in state court in multiple cases, and a significant bench trial before an arbitrator. During my time at the James Otis Law Group, LLC in 2015-2016, I had occasional court appearances and a few appellate arguments. During my time in the Missouri Attorney General's Office, I had very frequent court appearances, appearing often to argue dispositive motions in trial court in key constitutional cases and arguing many cases on appeal in the U.S. Court of Appeals for the

Eighth Circuit, the Supreme Court of Missouri, and other appellate courts. During my time at the James Otis Law Group, LLC, from 2023 to the present, I have had several appellate arguments, including oral argument before the U.S. Supreme Court in *Trump v. United States*, 603 U.S. 593 (2024).

1. Indicate the percentage of your practice in: (responses are estimates)
    1. federal courts: 45%
    2. state courts of record: 45%
    3. other courts: 5%
    4. administrative agencies: 5%

The mix of federal and state court (and other courts) for my various career phases is as follows:

- Cooper & Kirk, PLLC – Mix of federal and state court
- U.S. Attorney's Office – All federal court
- Clark & Sauer, LLC – Principally state court, but some federal court and also an arbitration proceeding
- James Otis Law Group, LLC (2015-16) – Mix of federal and state court
- Missouri Attorney General's Office – Mix of federal and state court, with a majority of litigation in state court but a large number of matters in federal court, and a small number of matters before state administrative agencies and in mediation
- James Otis Law Group, LLC (2023-present) – Principally federal-court litigation

Based on this overview, I estimate that my practice has been approximately 45 percent in federal courts, 45 percent in state courts, with a smaller number of matters involving administrative agencies, mediation, and arbitration as well.

11. Indicate the percentage of your practice in:

    1. civil proceedings: 60%
    2. criminal proceedings: 40%

Here is the overview of the criminal/civil mix for my various legal jobs:

- Cooper & Kirk, PLLC – Almost all civil proceedings
- U.S. Attorney's Office – All criminal proceedings (counting post-conviction review petitions under 28 U.S.C. § 2255 as criminal proceedings)
- Clark & Sauer, LLC – Mostly civil proceedings but some criminal proceedings
- James Otis Law Group, LLC (2015-16) – Mostly civil proceedings but some criminal proceedings
- Missouri Attorney General's Office - Mostly civil proceedings but some criminal proceedings
- James Otis Law Group, LLC (2023-present) – A mix of civil and criminal proceedings, including appeals in criminal cases

Based on this overview, I estimate that my practice overall has been approximately 60 percent civil proceedings and 40 percent criminal 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.

Based on the best of my recollection, I recall serving as lead counsel or co-counsel in the following trials:

- U.S. Attorney's Office – I was first-chair in six federal jury trials, I was a member of the trial team for another 8-week jury trial in a criminal RICO case, and I second-chaired several other trials (I do not recall the precise number).
- Clark & Sauer, LLC – I was co-counsel in a contested arbitration proceeding that was tried before an arbitrator in a two-week bench trial.
- Missouri Attorney General's Office – I was lead or significant co-counsel in several bench trials and similar proceedings, including a bench trial before a federal district judge on an APA challenge to a Biden Administration immigration policy, a four-day bench trial before a state administrative law judge in a licensing dispute, a bench trial before a state judge in a case raising an important Second Amendment issue, a bench trial in a case challenging Missouri's voter ID requirements, a bench trial conducted by deposition testimony in a case challenging Missouri's notarization requirement for mail-in ballots during COVID-19, and contested preliminary injunction hearings involving challenges to Missouri's abortion statutes. There may have been other trials as well. I have not included several cases that were tried on stipulated facts in Missouri state court.

Based on this review, I estimate that I have served as lead counsel or significant co-counsel in 14-16 jury and bench trials, plus an undetermined number of additional trials where I served as second chair while in the U.S. Attorney's Office.

What percentage of these trials were:

1. jury: 50% (estimate)
2. non-jury: 50% (estimate)

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

I have argued two cases before the Supreme Court of the United States: *Trump v. United States*, 603 U.S. 593 (2024), and *Bucklew v. Precythe*, 587 U.S. 119 (2019) (oral argument transcripts provided). I also served as counsel of record for Missouri and second-chaired the oral argument for Missouri in *Biden v. Missouri*, 595 U.S. 87 (2022). I have served as counsel of record or significant co-counsel and filed other merits briefs, amicus briefs, petitions, applications, and other documents before the Supreme Court. Briefs and other pleadings filed in the U.S. Supreme Court in cases in which I served as lead counsel or significant co-counsel are identified below. I have not included multistate amicus briefs authored or led by other States that Missouri joined while I was in the Missouri Attorney General's Office, unless I served as lead counsel or significant co-counsel.

Merits Briefs:

No. 23-939, *Trump v. United States* (Brief of Petitioner; Reply Brief of Petitioner)

No. 23-411, *Murthy v. Missouri* (Brief of Respondents)

No. 21-954, *Biden v. Texas* (Brief of Respondents; Supplemental Brief of Respondents; Supplemental Reply Brief of Respondents)

No. 17-8151, *Bucklew v. Precythe* (Brief of Respondent)

Amicus Briefs:

No. 24-656, 24-657, *TikTok, Inc. et al. v. Garland* (Brief of Amicus Curiae President Donald J. Trump in support of neither party)

No. 22O155, *Texas v. Pennsylvania* (Brief of Amici Curiae State of Missouri and 16 other States in support of Plaintiffs)

No. 21A658, *Louisiana v. Biden* (Motion for Leave to File Amicus Brief on behalf of State of Missouri and 9 other States in support of Applicants)

No. 20-1434, *Rutledge, et al. v. Little Rock Family Planning Servs.*, et al. (Brief of Amici Curiae State of Missouri and 21 other States in support of Petitioners)

No. 20-843, *New York State Rifle & Pistol Ass'n, Inc, et al. v. Bruen, et al.* (Brief of Amici Curiae State of Missouri and 22 other States in support of Petitioners)

No. 20-542, 20-574, *Republican Party of Pa. v. Boockvar, et al.* (Brief of Amici Curiae State of Missouri and 9 other States in support of Petitioners)

No. 19-765, *Faust v. B.K., et al.* (Brief of Amici Curiae State of Missouri and 12 other States in support of Petitioner)

No. 19-487, *Culp, et al. v. Raoul, et al.* (Brief of Amici Curiae State of Missouri and 17 other States in support of Petitioners)

No. 17-1285, *Association des Eleveurs de Canards et d'Oies du Quebec, et al. v. Becerra* (Brief of Amici Curiae State of Missouri and 10 other States in support of Petitioners)

No. 15-1251, *NLRB v. SW General, Inc.* (Brief of Amicus Curiae Morton Rosenberg in support of Respondent)

No. 15-862, *Stormans, Inc., et al. v. Wiesman, et al.* (Brief of Amici Curiae 4,609

Individual Healthcare Professionals in support of Petitioners)

No. 15-274, *Whole Woman's Health v. Hellerstedt* (Brief of Amici Curiae 24 Scholars of Federalism in support of Respondents)

No. 15-105, 14-1418, 14-1453, 14-1505, 15-35, 15-119, 15-191, *Little Sisters of the Poor, et al. v. Burwell, et al.* (Brief of Amici Curiae 50 Catholic Theologians and Ethicists in support of Petitioners)

No. 14-556, 14-562, 14-571, 14-574, *Obergefell v. Hodges* (Brief of Amici Curiae 57 Members of U.S. Congress in support of Respondents)

No. 14-114, *King, et al. v. Burwell, et al.* (Brief of Amici Curiae Missouri Liberty Project, et al. in support of Petitioners)

No. 13-402, *Horne, et al. v. Isaacson, et al.* (Brief of Amici Curiae Jerome LeJeune Foundation USA, et al. in support of Petitioners)

No. 13-354, 13-356, *Burwell, et al. v. Hobby Lobby Stores, Inc., et al.* (Brief for Amici Curiae 67 Catholic Theologians and Ethicists in support of non-government parties)

No. 12-1281, *NLRB v. Noel Canning, et al.* (Brief of Amici Curiae Senate Parliamentary Experts Robert B. Dove and Martin B. Gold in support of Respondent)

No. 12-682, *Schuette v. Coalition To Defend Affirmative Action By Any Means Necessary* (Brief of Amici Curiae American Civil Rights Union, et al. in support of Petitioner)

No. 12-144, *Hollingsworth v. Perry* (Brief of Amici Curiae 37 Scholars of Federalism and Judicial Restraint in support of Petitioners)

Briefing on Petitions for Writ of Certiorari:

No. 24-449, *Petersen v. Doe* (Petition for Writ of Certiorari)

No. 23-939, *Trump v. United States* (Application for a Stay of the Mandate (treated as Petition for Writ of Certiorari); Reply in Support of Application for a Stay)

No. 23-624, *United States v. Trump* (Brief in Opposition to Petition for Writ of Certiorari before Judgment)

No. 21-1463, *Missouri v. Biden* (Petition for Writ of Certiorari; Reply in Support of Petition)

No. 21-954, *Biden v. Texas* (Brief in Opposition to Petition for Writ of Certiorari)

No. 21-3, *Schmitt, et al. v. Reproductive Health Servs. of Planned Parenthood of the St. Louis Region, Inc., et al.* (Petition for Writ of Certiorari)

No. 20-1767, *Sarasota Wine Market, LLC, et al. v. Schmitt, et al.* (Brief in Opposition to Petition for Writ of Certiorari)

No. 20-287, *Johnson v. Precythe* (Brief in Opposition to Petition for Writ of Certiorari; Supplemental Brief in Opposition to Petition)

No. 19-7153, *Johnson v. Missouri* (Brief in Opposition to Petition for Writ of Certiorari)

No. 19-967, *Wood v. Missouri* (Brief in Opposition to Petition for Writ of Certiorari)

No. 19-91, *Buckner v. Allen* (Petition for Writ of Certiorari; Reply in Support of Petition)

No. 18-852, *Precythe v. Johnson* (Petition for Writ of Certiorari; Reply in Support of Petition)

No. 18-285, *Missouri v. Douglass, et al.* (Petition for Writ of Certiorari; Reply in Support of Petition)

No. 17-8599, *Shockley v. Griffith* (Brief in Opposition to Petition for Writ of Certiorari)

No. 17-8151, *Bucklew v. Precythe* (Brief in Opposition to Petition for Writ of Certiorari and in Opposition to Application for Stay of Execution)

No. 17-165, *Willbanks v. Mo. Dep't of Corr.* (Brief in Opposition to Petition for Writ of Certiorari)

No. 16-8158, *Jordan, et al. v. Mo. Dep't of Corr., et al.* (Brief in Opposition to Petition for Writ of Certiorari)

No. 16-7916, *Carter v. Huterson, et al.* (Brief in Opposition to Petition for Writ of Certiorari)

No. 16-7730, *Christeson v. Griffith* (Brief in Opposition to Petition for Writ of Certiorari and in Opposition to Application for Stay of Execution)

No. 16-1438, *Missouri v. Bolden* (Petition for Writ of Certiorari; Reply in

Support of Petition)

No. 16-1308, *Bolden v. Missouri* (Brief in Opposition to Petition for Writ of Certiorari)

No. 16-1015, *Missouri ex rel. Hawley, et al. v. Becerra, et al.* (Petition for Writ of Certiorari; Reply in Support of Petition)

No. 13-671, *NLRB v. Enterprise Leasing Co. Southeast, LLC, et al.* (Brief in Opposition to Petition for Writ of Certiorari) (Despite diligent efforts, I and persons acting on my behalf have not located copies of this brief.)

Miscellaneous Filings:

No. 24A666, *Trump v. New York, et al.* (Application for Stay; Reply Brief)

No. 24-219, *In re Warren Petersen, et al.* (Petition for Writ of Mandamus)

No. 24A218, *In re Warren Petersen, et al.* (Application for a Stay Pending Disposition of Writ of Mandamus)

No. 23A745, *Trump v. United States* (Application for a Stay of the Mandate; Reply in Support of Application)

No. 23-411, *Murthy v. Missouri* (Response in Opposition to Motion to Intervene)

No. 23A243, *Murthy v. Missouri* (Response to Application for a Stay; Response to Applicants' Third Supplemental Memorandum Regarding Application for a Stay)

No. 22O155, *Texas v. Pennsylvania* (Motion of State of Missouri and 5 other States to Intervene)

No. 22O148, *Missouri v. California* (Motion for Leave to File Bill of Complaint; Reply Brief in Support of Motion; Supplemental Brief in Support of Motion)

No. 21A247, 21A244, *Ohio, et al. v. OSHA* (Application for a Stay and Alternative Petition for Writ of Certiorari before Judgment; Reply in Support of Application)

No. 21A240, 21A241, *Biden v. Missouri* (Motion for Divided Argument; Response in Opposition to Application for a Stay)

No. 17A328, *Comprehensive Health of Planned Parenthood Great Plains, et al. v. Hawley* (Response to Application to Vacate Stay of Preliminary Injunction Pending Appeal)

I have not included less significant filings such as waivers of right to respond to petitions for writ of certiorari.

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. *Trump v. United States*, 603 U.S. 593 (2024); *United States v. Trump*, 91 F.4th 1173 (D.C. Cir. 2024), *rev'd sub nom. Trump v. United States*, 603 U.S. 593 (2024).

Date of Representation: 2023-2024
Party Represented: President Donald J. Trump
Courts and Judges:

- U.S. District Court for the District of Columbia, Hon. Tanya S. Chutkan
- U.S. Court of Appeals for the D.C. Circuit, Judges Childs, Pan, and Henderson
- U.S. Supreme Court (Chief Justice Roberts; Associate Justices Thomas, Alito, Sotomayor, Kagan, Gorsuch, Kavanaugh, Barrett, and Jackson).

Summary: I represented President Donald J. Trump in the criminal prosecution against him in the U.S. District Court for the District of Columbia, with the focus on asserting Presidential immunity from criminal prosecution for official acts as a defense to that criminal prosecution. For Presidential immunity, I researched and drafted the principal legal theories and arguments supporting the claim, worked closely with President Trump's trial counsel in briefing the issue in D.D.C., served as lead counsel in the interlocutory appeal in the D.C. Circuit, and served as counsel of record on appeal in the U.S. Supreme Court. I was the principal drafter of all briefs at the appellate level. The case resulted in a favorable decision from the U.S. Supreme Court recognizing the doctrine of Presidential immunity from criminal prosecution for official acts, and the prosecution of President Trump was dismissed after he was re-elected President in a historic victory on November 5, 2024.

Co-Counsel:
John F. Lauro, Gregory M. Singer, 400 N. Tampa St., 15th Floor, Tampa, FL 33602, (813) 222-8990
Todd Blanche, Emil Bove, 99 Wall St., Suite 4460, New York, NY 10005, (212) 716-1250
William O. Scharf, Michael E. Talent, 13321 N. Outer Forty Rd., Suite 300, St. Louis, MO

63017, (314) 562-0031

Opposing Counsel:
Michael R. Dreeben, Molly Gaston, U.S. Department of Justice, 950 Pennsylvania Ave. NW, Rm. B-206, Washington, DC 20530, (202) 514-2000

2. *United States v. Trump*, 88 F.4th 990 (D.C. Cir. 2023); *United States v. Trump*, 698 F. Supp. 3d 178 (D.D.C.), *aff'd in part, vacated in part*, 87 F.4th 524 (D.C. Cir. 2023), *and aff'd in part, vacated in part*, 88 F.4th 990 (D.C. Cir. 2023).

Date of Representation: 2023-2024
Party Represented: President Donald J. Trump
Courts and Judges:

- U.S. District Court for the District of Columbia, Hon. Tanya S. Chutkan
- U.S. Court of Appeals for the D.C. Circuit, Judges Millett, Pillard, and Garcia

Summary: I represented President Donald J. Trump in challenging the unconstitutional gag order imposed on him by the U.S. District Court for the District of Columbia in the criminal case against him in that court. We challenged the gag order under the First Amendment, emphasizing, among other arguments, that it rested on an unconstitutional audience-reaction or "heckler's veto" theory and that it disregarded the free-speech rights of over 100 million American voters to hear President Trump's core political and campaign speech. I worked closely with President Trump's counsel in opposing the gag order in that court, and I served as lead counsel in the appeal challenging the gag order in the D.C. Circuit. I was the principal drafter of all briefs at the appellate level. The case resulted in a partial affirmance and partial vacatur of the gag order against President Trump, and our petition for en banc review seeking additional relief was denied.

Co-Counsel:
John F. Lauro, Gregory M. Singer, 400 N. Tampa St., 15th Floor, Tampa, FL 33602, (813) 222-8990
Todd Blanche, Emil Bove, 99 Wall St., Suite 4460, New York, NY 10005, (212) 716-1250
William O. Scharf, Michael E. Talent, 13321 N. Outer Forty Rd., Suite 300, St. Louis, MO 63017, (314) 562-0031

Opposing Counsel:
Cecil W. VanDevender, Molly Gaston, U.S. Department of Justice, 950 Pennsylvania Ave. NW, Rm. B-206, Washington, DC 20530, (202) 514-2000

3. *Carroll v. Trump*, No. 24-644 (2d Cir.) ("*Carroll I*"); *Carroll v. Trump*, No. 23-793 (2d Cir.) ("*Carroll II*"), -- F.4th --, 2024 WL 5241501 (2d Cir. Dec. 30, 2024)

Date of Representation: 2024-present
Party Represented: President Donald J. Trump
Courts and Judges:

- The Hon. Lewis A. Kaplan, U.S. District Court for the Southern District of New York
- U.S. Court of Appeals for the Second Circuit, Judges Chin, Carney, and Pérez.

Summary: I represent President Trump in two appeals in the U.S. Court of Appeals for the Second Circuit challenging judgments against him in two related civil cases brought by E. Jean Carroll. In *Carroll II*, an appeal challenging a $5 million judgment against President Trump, I joined the case as lead counsel on appeal after the opening and response briefs were filed. I served as the lead counsel for the reply brief, and I presented oral argument in the case in the Second Circuit on September 6, 2024. On December 30, 2024, the Second Circuit issued a per curiam opinion affirming the trial court's judgment. *See Carroll v. Trump*, -- F.4th --, 2024 WL 5241501 (2d Cir. Dec. 30, 2024). On January 13, 2025, we filed a petition for panel rehearing and en banc review of that decision.

In *Carroll I*, I worked closely with President Trump's trial counsel on post-trial motions after the adverse jury verdict of $83 million, and I serve as lead counsel on appeal. I was the lead counsel and principal drafter of President Trump's opening brief, which was filed on September 20, 2024. We are awaiting the filing of Carroll's response brief on January 27, 2025.

Co-Counsel: Todd Blanche, Emil Bove (*Carroll II*), 99 Wall Street, Suite 4460, New York, NY 10005, (212) 716-1250
Alina Habba, Michael Madaio (*Carroll I*), 112 West 34th Street, 17th & 18th Floors, New York, New York 10120, (908) 869-1188, ahabba@habbalaw.com, mmadaio@habbalaw.com

Opposing Counsel:
Roberta A. Kaplan, 156 W. 56th Street, Suite 207, New York, NY 10019, 212-316-9500, RKaplan@kaplanmartin.com

4. *People ex rel. James v. Donald J. Trump, et al.*, Nos. 2023-04925, 2024-01134, 2024-01135 (N.Y. Sup. Ct. App. Div. 1st Dep't).

Date of Representation: 2024-present
Parties Represented: President Donald J. Trump, Donald J. Trump, Jr., Eric Trump, The Donald J. Trump Revocable Trust, The Trump Organization, Inc., Trump Organization LLC, DJT Holdings LLC, DJT Holdings Managing Member LLC, Trump Endeavor 12 LLC, 401 North Wabash Venture LLC, Trump Old Post Office LLC, 40 Wall Street LLC, and Seven Springs LLC.
Courts and Judges:

- New York Supreme Court, Justice Arthur F. Engoron
- New York Appellate Division, First Department, Justices Friedman, Moulton, Rosado, Renwick, and Higgitt.

Summary: I represent President Trump, some of his family members, and certain family business entities on appeal from an adverse judgment in a civil enforcement action brought by New York Attorney General Letitia James alleging that the Defendants violated New York Executive Law § 63(12) by supposedly inflating the estimated values of real-estate holdings in personal financial statements submitted to insurers and lending institutions in the process of obtaining loans and insurance policies. I worked closely with President Trump's trial counsel in preparing the reply brief seeking relief from bond requirements pending appeal, and I have consulted with them regarding legal issues relating to the case. I served as lead counsel and principal drafter (though many others made significant contributions) of the opening brief and

reply brief, and I presented oral argument before a five-judge panel of the New York Supreme Court, Appellate Division – First Department on September 26, 2024. As of this writing, the Appellate Division has not yet rendered a decision in the case.

Co-Counsel:
Cliff Robert, Michael Farina, 526 RXR Plaza, Uniondale, New York 11556, (516) 832-7000, crobert@robertlaw.com, mfarina@robertlaw.com
Christopher M. Kise, 101 N. Monroe Street, Suite 750, Tallahassee, Florida 32301, (850) 332-0702, ckise@continentalpllc.com
Alina Habba, Michael Madaio, 112 West 34th Street, 17th & 18th Floors, New York, New York 10120, (908) 869-1188, ahabba@habbalaw.com, mmadaio@habbalaw.com
Armen Morian, One Grand Central Place, 60 East 42nd Street, Suite 4600, New York, New York 10165, (212) 787-3300, armenmorian@morianlaw.com

Opposing Counsel:
Judith N. Vale, 28 Liberty Street, New York, NY 10005, (212) 416-6073

5. *Murthy v. Missouri*, 603 U.S. 43 (2024); *Missouri v. Biden*, 83 F.4th 350 (5th Cir.), *cert. granted sub nom. Murthy v. Missouri*, 144 S. Ct. 7 (2023), *and rev'd and remanded sub nom. Murthy v. Missouri*, 603 U.S. 43 (2024); *Missouri v. Biden*, 680 F. Supp. 3d 630 (W.D. La.), *aff'd in part, rev'd in part*, 83 F.4th 350 (5th Cir. 2023), *cert. granted sub nom. Murthy v. Missouri*, 144 S. Ct. 7 (2023), *and rev'd and remanded sub nom. Murthy v. Missouri*, 603 U.S. 43 (2024).

Date of Representation: 2022-present
Parties Represented: State of Missouri (2022-2023), State of Louisiana (2023-present)
Courts and Judges:
- The Hon. Terry A. Doughty, U.S. District Court for the Western District of Louisiana
- U.S. Court of Appeals for the Fifth Circuit, Judges Clement, Elrod, and Willett.
- U.S. Supreme Court (Chief Justice Roberts; Associate Justices Thomas, Alito, Sotomayor, Kagan, Gorsuch, Kavanaugh, Barrett, and Jackson).

Summary: I represented the State of Missouri (2022-2023) and now represent the State of Louisiana (2023-present) in a First Amendment challenge, brought by those two States as plaintiffs along with private parties, against federal officials for pressuring, inducing, coercing, conspiring, and significantly encouraging social-media platforms to censor the core political speech of States and ordinary American citizens on social media on matters such as election integrity and the COVID-19 pandemic. I served as lead counsel on the case and oversaw all litigation from the drafting of the complaint through the merits briefing in the U.S. Supreme Court. I briefed the preliminary injunction and discovery motions in the trial court, handled discovery-related litigation, took five of the six court-authorized depositions of federal officials, argued the preliminary-injunction motion in the trial court, served as the lead counsel and principal drafter of our briefing on appeal in the U.S. Court of Appeals for the Fifth Circuit, argued the preliminary-injunction appeal in the Fifth Circuit, was the lead drafter of our stay-motion briefing in the U.S. Supreme Court, and was one of the principal drafters of the merits briefing in the U.S. Supreme Court. The preliminary-injunction litigation resulted in a decision by the Supreme Court that the plaintiffs failed to produce sufficient evidence to demonstrate standing at the preliminary-injunction stage, and the case is now on remand to the

Western District of Louisiana for further proceedings on the merits.

Co-Counsel:
Elizabeth B. Murrill, J. Benjamin Aguinaga, Tracy Short, 1885 N. Third St., Baton Rouge, LA 70802, (225) 326-6766
Andrew Bailey, Joshua M. Divine, Todd A. Scott, Charles F. Capps, 207 W. High St., P.O. Box 899, Jefferson City, MO 65102, (573) 751-8870
John J. Vecchione, Jenin Younes, Zhonette Brown, 1225 19th St. NW, Suite 450, Washington, DC 20036, (202) 918-6905
John C. Burns, P.O. Box 191250, St. Louis, MO 63119, (314) 329-5040

Opposing Counsel:
Elizabeth B. Prelogar (Sup. Ct.), Daniel Tenny (5th Cir.), Joshua E. Gardner (trial court), U.S. Department of Justice, 950 Pennsylvania Ave. NW, Washington, DC 20530, (202) 305-8849

6. *Biden v. Missouri*, 595 U.S. 87 (2022); *Missouri v. Biden*, 571 F. Supp. 3d 1079 (E.D. Mo. 2021), *vacated and remanded*, No. 21-3725, 2022 WL 1093036 (8th Cir. Apr. 11, 2022).

Date of Representation: 2021-22
Party Represented: State of Missouri
Courts and Judges:

- The Hon. Matthew T. Schelp, U.S. District Court for the Eastern District of Missouri
- U.S. Court of Appeals for the Eighth Circuit, Judges Loken, Benton, and Kelly.
- U.S. Supreme Court (Chief Justice Roberts; Associate Justices Thomas, Breyer, Alito, Sotomayor, Kagan, Gorsuch, Kavanaugh, and Barrett).

Summary: I served as lead counsel for the State of Missouri and a coalition of other States in a challenge to the Centers for Medicare and Medicaid Services' (CMS) federal vaccine mandate for healthcare workers, which required workers in healthcare fields to receive COVID-19 vaccines. The States contended that CMS lacked statutory authority to enact the regulation imposing the vaccine mandate under the major-questions doctrine and other interpretive principles, and that the adoption of the mandate violated the Administrative Procedure Act. I supervised the litigation and served as the lead counsel in the district court and on appeal in the U.S. Court of Appeals for the Eighth Circuit. I served as counsel of record for Missouri in the U.S. Supreme Court, and I second-chaired oral argument on behalf of the State of Missouri after the Supreme Court took the unusual step of granting oral argument on the stay motions. The U.S. Supreme Court granted a stay of the lower-court injunctions blocking the mandate on January 13, 2022. *Biden*, 595 U.S. 87. The lower courts then upheld the validity of the mandate on remand, citing the Supreme Court's decision on the stay motions, and the Supreme Court denied our petition for certiorari to review those merits decisions.

Co-Counsel:
Jesus A. Osete, Madison M. Green, 207 W. High St., P.O. Box 899, Jefferson City, MO 65102, (573) 751-8870
James A. Campbell, 2115 State Capitol, Lincoln, NE 68509, (402) 471-2683
Dylan L. Jacobs, 323 Center Street, Suite 200, Little Rock, AR 72201, (501) 682-2007

Kurtis K. Wiard, 120 SW 10th Ave., 2nd Floor, Topeka, KS 66612, (785) 296-2215
Samuel P. Langholz, 1305 E. Walnut St., Des Moines, IA 50319, (515) 281-5164
Ryan Schelhaas, 109 State Capitol, 200 W. 24th St., Cheyenne, WY 82002, (307) 777-7841
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David M. McVey, 1302 E. Hwy 14, Suite 1, Piere, SD 57501, (605) 773-3215
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Anthony J. Galdieri, 1 Granite Place South, Concord, NH 03301, (603) 271-3658

Opposing Counsel:
Michael L. Drezner, U.S. Department of Justice, 950 Pennsylvania Ave. NW, Washington, DC 20530, (202) 305-8849

7. *Biden v. Texas and Missouri*, 597 U.S. 785 (2022); *Texas and Missouri v. Biden*, 20 F.4th 928 (5th Cir. 2021), *as revised* (Dec. 21, 2021), *rev'd and remanded*, 597 U.S. 785 (2022); *Texas and Missouri v. Biden*, No. 2:21-CV-067-Z, 2021 WL 5399844, at *2 (N.D. Tex. Nov. 18, 2021).

Date of Representation: 2021-22
Party Represented: State of Missouri
Courts and Judges:

- The Hon. Matthew A. Kacsmaryk, U.S. District Court for the Northern District of Texas
- U.S. Court of Appeals for the Fifth Circuit, Judges Barksdale, Engelhardt, and Oldham
- U.S. Supreme Court (Chief Justice Roberts; Associate Justices Thomas, Breyer, Alito, Sotomayor, Kagan, Gorsuch, Kavanaugh, and Barrett)

Summary: I served as lead counsel for Missouri in a joint challenge brought by Missouri and Texas against the Biden Administration's decision to terminate the Migrant Protection Protocols instituted by President Trump, also known as the "Remain in Mexico" policy. The States challenged the termination of the policy as arbitrary and capricious under the APA and also brought a statutory challenge. The district court held that the termination was arbitrary and capricious and permanently enjoined the termination decision, and both the Fifth Circuit and Supreme Court denied the government's stay motions. The government made a third attempt to terminate the policy, which was later upheld under the APA, and the U.S. Supreme Court ultimately decided against the States' statutory arguments. I served as lead counsel for Missouri as our team originated the legal theories of the case, drafted the complaint and preliminary injunction motion, coordinated with Texas counsel in filing and litigating the case in the district court, and served as co-counsel at the bench trial before the district court. On appeal, I served as lead counsel for Missouri and shared significant drafting responsibilities with our co-counsel in the Texas Attorney General's Office for briefing in the Fifth Circuit and for petition-stage and merits-stage briefing in the U.S. Supreme Court.

Co-Counsel:
Eric S. Schmitt, Jesus A. Osete, 207 W. High St., P.O. Box 899, Jefferson City, MO 65102, (573) 751-8870
Ken Paxton, Brent Webster, Judd E. Stone II, Lanora C. Pettit, Benjamin D. Wilson, P.O. Box 12548, Austin, TX 78711, (512) 463-2100

Opposing Counsel
Elizabeth B. Prelogar, Brian C. Ward, U.S. Department of Justice, 950 Pennsylvania Ave. NW, Washington, DC 20530, (202) 305-8849

8. *Missouri ex rel. Bailey v. People's Republic of China*, 90 F.4th 930 (8th Cir. 2024); *Missouri ex rel. Schmitt v. People's Republic of China*, 610 F. Supp. 3d 1174 (E.D. Mo. 2022), *aff'd in part, rev'd in part and remanded sub nom. Missouri ex rel. Bailey v. People's Republic of China*, 90 F.4th 930 (8th Cir. 2024); *Missouri ex rel. Schmitt v. People's Republic of China*, No. 1:20-CV-0099-SNLJ, 2021 WL 1889857 (E.D. Mo. May 11, 2021).

Date of Representation: 2020-2023
Party Represented: State of Missouri ex rel. Attorney General Eric S. Schmitt
Courts and Judges:

- The Hon. Stephen N. Limbaugh, Jr., U.S. District Court for the Eastern District of Missouri
- U.S. Court of Appeals for the Eighth Circuit, Circuit Judges Smith, Stras, and Kobes.

Summary: This case involved a challenge by the State of Missouri and its then-Attorney General, Eric S. Schmitt, against the People's Republic of China, the Communist Party of China, other Chinese government agencies, and non-governmental defendants such as the Wuhan Institute of Virology, alleging misconduct that caused and exacerbated the outbreak of the COVID-19 pandemic. The Complaint alleged that the defendants' misconduct fell within certain exceptions within the Foreign Sovereign Immunities Act (FSIA), and that certain defendants were not cloaked in foreign sovereign immunity in any event (such as the Wuhan Institute of Virology). I served as lead counsel for Missouri in the case in its origination, filing, and litigation through briefing in the Eighth Circuit. I supervised the drafting of the complaint, and I conducted original research and drafted our legal theories on FSIA immunity. I researched and successfully effected service of process on all nine Chinese defendants, including both through diplomatic channels and through court-authorized alternative methods of service. I served as the principal drafter of all briefs in the district court and on appeal in the U.S. Court of Appeals for the Eighth Circuit (the case was argued by my successor after I left the office). The district court dismissed the complaint under the FSIA, but the Eighth Circuit reversed in part, finding that certain claims fell within FSIA's commercial-activity exception, and remanded for further proceedings on the merits.

Co-Counsel: Justin Smith, 207 W. High St., P.O. Box 899, Jefferson City, MO 65102, (573) 751-8870

Opposing Counsel: (Defendants defaulted and no opposing counsel appeared)

9. *Missouri State Conference of NAACP v. State*, 607 S.W.3d 728 (Mo. 2020); *Missouri State Conference of NAACP v. State*, 601 S.W.3d 241 (Mo. 2020); *Missouri State Conference of NAACP v. State*, No. 20AC-CC00169-01.

Date of Representation: 2020
Party Represented: State of Missouri

Courts and Judges:

- Circuit Court of Cole County, Missouri, The Hon. Jon Beetem, Circuit Judge
- Supreme Court of Missouri (Chief Justice Draper; Judges Stith, Russell, Breckenridge, Fischer, Wilson, and Powell)

Summary: This case involved Missouri's defense of a state statute authorizing universal mail-in voting during the COVID-19 pandemic while imposing a notarization requirement on the voter signatures for such mail-in ballots. Plaintiffs challenged the notarization requirement as an undue burden on the fundamental right to vote during the COVID-19 pandemic. I served as lead counsel in defending the case in the trial court and in two appeals to the Supreme Court of Missouri. I served as principal drafter of motions and pleadings in the trial court, and I served as lead counsel in the bench trial in state court on the validity of the notarization requirement (tried by video deposition during the COVID-19 pandemic), including handling the examinations of key expert witnesses. I also served as lead counsel and principal drafter of our briefs on appeal, and I argued both appeals in the Supreme Court of Missouri. The case resulted in a decision by the Supreme Court of Missouri upholding the notarization requirement on the merits.

Co-Counsel:
Jason K. Lewis, Justin D. Smith, Julie M. Blake, Mark D. Blanton, Sarah Jones, 207 W. High St., P.O. Box 899, Jefferson City, MO 65102, (573) 751-8870

Opposing Counsel:
Anthony E. Rothert, 906 Olive Street, Suite 1130, St. Louis, MO 63101, (314) 652-3114

10. *Bucklew v. Precythe*, 587 U.S. 119 (2019); *Bucklew v. Precythe*, 883 F.3d 1087 (8th Cir. 2018), *aff'd*, 587 U.S. 119 (2019).

Date of Representation: 2018-19
Party Represented: Director Anne Precythe, Missouri Department of Corrections, in her official capacity
Courts and Judges:

- U.S. Court of Appeals for the Eighth Circuit, Judges Wollman, Loken, and Colloton.
- U.S. Supreme Court (Chief Justice Roberts; Associate Justices Thomas, Ginsburg, Breyer, Alito, Sotomayor, Kagan, Gorsuch, and Kavanaugh).

Summary: This case involved an as-applied challenge to Missouri's one-drug protocol for lethal injection brought by a death-penalty inmate with a unique medical condition who contended that his condition, combined with that one-drug protocol, presented an unconstitutional risk of suffering during his execution. Missouri defended the case on various grounds, including that the medical evidence did not support the inmate's predictions of unconstitutional suffering under the Eighth Amendment. After the district court ruled in favor of the State, I supervised the appeal in the Eighth Circuit and served as lead counsel in defending the emergency stay motions in the U.S. Supreme Court. After the Supreme Court granted a stay of execution and granted certiorari in the case, I served as counsel of record for the State and was the principal drafter of our merits brief in the Supreme Court. I also argued the case in the Supreme Court on behalf of the State. The case resulted in a decision by the Supreme Court rejecting the as-applied challenge.

Co-Counsel:
Joshua D. Hawley, Joshua M. Divine, Julie M. Blake, Peter T. Reed, Michael J. Spillane, 207 W. High St., P.O. Box 899, Jefferson City, MO 65102, (573) 751-8870

Opposing Counsel:
Robert N. Hochman, One South Dearborn Street, Chicago, IL 60603, (312) 853-2936

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

I have not performed any lobbying activities. Additional significant legal activities that I have pursued include, but are not limited to, the following matters:

Liddell v. Special Sch. Dist., 65 F.4th 969 (8th Cir. 2023) – I represented the State of Missouri in federal district court and on appeal in the Eighth Circuit in a case challenging Missouri's sharing of tax revenues with public charter schools on an equal per-pupil basis with public schools in the City of St. Louis. The challenge was based on the interpretation of a years-old desegregation agreement regarding the City of St. Louis Public Schools. The case resulted in a favorable decision for the State from the Eighth Circuit.

Cope v. Parson, 570 S.W.3d 579 (Mo. banc 2019) – I served as lead counsel in the trial court and on appeal, and I obtained a favorable judgment from the Supreme Court of Missouri upholding the validity of Governor Parson's appointment of Lieutenant Governor (now Missouri Governor) Mike Kehoe. The decision rejected a challenge arguing that the Missouri Constitution did not authorize the Missouri Governor to fill a vacancy in the Office of Lieutenant Governor by appointment.

Sauer v. Nixon, 474 S.W.3d 624 (Mo. App. W.D. 2015) – I obtained a state trial-court judgment holding that the Smarter Balanced Assessment Consortium, a multi-state consortium designed to produce educational standards aligned with "Common Core," violated the Compact Clause of the U.S. Constitution, art. I, § 10, cl. 3. The trial court ordered the State not to expend any taxpayer funds as membership dues to the Consortium. The State's appeal was dismissed as moot after the state legislature de-funded the Consortium, consistent with the trial court's judgment.

Jiang v. Porter, 156 F. Supp. 3d 996 (E.D. Mo. 2015); *Jiang v. Porter*, No. 4:15-CV-1008 (CEJ), 2016 WL 4430188 (E.D. Mo. Aug. 22, 2016) – I represented a Chinese national and ordained Catholic priest who fled religious persecution in China and was later falsely accused of child sex abuse in the United States in an action alleging a civil rights conspiracy under 42 U.S.C. § 1985. Certain defendants repeatedly violated discovery orders by refusing to produce unredacted documents, and we obtained a discovery-sanction order against them ruling that

elements of our liability case against them would be deemed proven. After I left private practice, the case resulted in a favorable settlement in which the plaintiff's name was cleared, and his arrest records were later expunged.

United States v. Henley, 766 F.3d 893 (8th Cir. 2014) – I served on the trial team for a 35-day jury trial of eight members of the "Wheels of Soul" motorcycle gang, who were charged with racketeering conspiracy with predicate acts including murder, attempted murder, robbery, and other violent crimes. I handled many witnesses, including fact and expert witnesses, and I addressed legal issues that arose during trial. The case resulted in guilty verdicts for seven defendants on most charges, which were affirmed on appeal.

United States v. Petrovic, 701 F.3d 849 (8th Cir. 2012) – I served as lead counsel for the investigation, charging, and jury trial of an estranged husband who humiliated and terrorized his estranged wife in a significant interstate-stalking and revenge-porn case. The case included a successful defense of the federal cyberstalking statute against facial and as-applied First Amendment challenges on appeal in the U.S. Court of Appeals for the Eighth Circuit.

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.

Advanced Criminal Trial Advocacy (team-taught with another attorney)
Washington University School of Law
2011-2014 (Spring semesters)

This was a practical course for 3Ls on how to handle a federal criminal jury trial that I team-taught at Washington University School of Law in St. Louis, Missouri. Each weekly session covered one significant courtroom trial skill, as applied during a federal criminal jury trial, such as voir dire, opening statement, direct examination, cross examination, closing argument, etc. The course aimed to develop these skills from both the prosecution and defense perspectives. The course concluded with a practical mini-trial performed by the students before a panel of mock jurors. I inherited the course materials, which are provided, from previous teachers of the course.

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.

I do not have plans, commitments, or agreements to pursue outside employment during my service if I am 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).

See OGE-278, submitted separately.

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

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.

I am not aware of any factors that are likely to present potential conflicts-of-interest when I first assume the position to which I have been nominated. If confirmed, in the event of a potential conflict of interest, I would consult with the Department of Justice's ethics office.

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

I am not aware of any factors that are likely to present potential conflicts-of-interest when I first assume the position to which I have been nominated. If confirmed, in the event of a potential conflict of interest, I would consult with the Department of Justice's ethics office.

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.

I have maintained a strong commitment to *pro bono* work throughout my career when I was outside government service. Depending on the year and the commitments involved, the

time I expended on *pro bono* work varied, but it often comprised multiple hundreds of hours per year. Significant examples of *pro bono* work include the *Jiang v. Porter* litigation discussed above, which I undertook on a *pro bono* basis, and which required hundreds of hours of my personal work time, including extensive discovery, motions practice, and other litigation, the overwhelming majority of which was never compensated. Similarly, I have drafted and filed many amicus briefs for *pro bono* clients, both in the U.S. Supreme Court and in other appellate courts. Most of the amicus briefs that I filed in the U.S. Supreme Court while in private practice, listed above, were done on a *pro bono* basis. These include the series of amicus briefs that I filed on behalf of Catholic theologians and ethicists in the cases that led to the Supreme Court's decisions in *Hobby Lobby* and *Zubik*. This project began with a *pro bono* amicus brief on behalf of a single concerned Catholic philosopher in a religious-liberty challenge to the HHS mandate in a federal Court of Appeals. The project rapidly gathered support in Catholic academic circles, leading dozens of Catholic theologians and philosophers to join later iterations of the brief. Because I filed these amicus briefs in most or all federal Courts of Appeals where similar challenges were pending, I estimate that this project also involved hundreds of hours of *pro bono* work in both drafting the briefs and coordinating with dozens of amici.

These examples reflect my belief that *pro bono* work is both essential and very rewarding, and that it can be deeply impactful. For example, the litigation in *Jiang v. Porter* involved many months of sustained effort that led to the vindication of a falsely accused individual who had made heroic personal sacrifices for his religious faith. The *pro bono* amicus brief of Catholic theologians and ethicists that I filed in *Zubik v. Burwell* was featured on SCOTUSblog as potentially a significant factor in the case. *See* Lyle Denniston, *Did Catholic Theologians Influence the* Zubik *Order?*, SCOTUSblog (Apr. 8, 2016), https://www.scotusblog.com/2016/04/did-catholic-theologians-influence-the-zubik-order/.

While in government service, I did not represent non-government clients.

Net Worth Statement:

Assets:

Personal Bank Account: ~$14,000

Investment Accounts (based on most recent Dec. 31, 2024 statement):

- Cash: $150,692
- U.S. Treasury Notes: $2,942,982 (see attached schedule)
- Common Stock: $4,321,410 (see attached schedule)

Personal Residence: $879,200 (based on 2024 St. Louis County Assessor appraisal)

Autos (2): $13,240 (jointly owned with spouse, based on 2024 St. Louis County Assessor valuation)

Other Assets – Closely Held Corporate Entities:

- Capitol Coal & Coke Company (closely held corporation, partial ownership interest): $4,616,476 (estimated, based on 2020 appraisal)
- Capplanco Eight (privately held LLC, partial ownership interest): $428,000 (estimated)
- SJFC LLC (privately held LLC, partial ownership interest): $714,000 (estimated)
- James Otis Law Group, LLC (single-member LLC, 100% ownership interest): $1,217,000 (estimated)

Liabilities: n/a

Contingent Liabilities: n/a

General Information: No assets are pledged. I am not currently a defendant in any suits or legal actions. I have not taken bankruptcy.

For these estimates, I have not included personal property (such as furniture, appliances, bicycles, exercise equipment, etc.) under the listing of assets, and I have not included ordinary monthly bills (utilities, club membership, credit card statement, etc.) under the listing of liabilities. I have no outstanding credit card debt beyond the current monthly bill.

Estimated Total Net Worth: $15,297,000

AFFIDAVIT

I, Dean John Saner, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

1/23/25
(DATE)

(NAME)

LYNN M. CLINE
Notary Public - Notary Seal
STATE OF MISSOURI
St. Louis County
My Commission Expires: Mar. 30, 2028
Commission #12497925

1/23/25
(NOTARY)

Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for Dean John Sauer
Nominee to be Solicitor General
February 27, 2025

1. On February 12, 2025, Acting Solicitor General Sarah Harris notified me that the Department of Justice would no longer defend the constitutionality of laws that establish for-cause removal provisions that apply to members of multi-member regulatory commissions.

    a. **If confirmed, would you decline to defend the constitutionality of for-cause removal provisions that apply to members of multi-member regulatory commissions? Why or why not?**

    RESPONSE: As I have yet to be confirmed as Solicitor General, it would be inappropriate for me to provide a position on behalf of the Department and the United States in response to this question. If I am confirmed, I will examine the posture of any such case, the position held by the Government, and any applicable law, and uphold my constitutional duty in any such litigation.

    b. **How many federal statutes include for-cause removal protections that apply to multi-member regulatory commissions?**

    RESPONSE: I have not researched or studied this question, and I do not know the specific number.

    c. **If confirmed, would you decline to defend a constitutional challenge to a federal statute on policy grounds?**

    RESPONSE: The duty of the Solicitor General is to defend the validity of Congressional enactments when there are reasonable arguments available to do so. An exception exists in certain cases where there is a conflict between a federal statute and the President's Article II authority. If confirmed, I commit to following these principles.

    d. **If confirmed, under what circumstances would you decline to defend a federal statute from a constitutional challenge?**

    RESPONSE: See my response to Question 1(c), above.

2. In her February 12, 2025, letter, Acting Solicitor General Harris specifically cited the Federal Trade Commission (FTC), the National Labor Relations Board (NLRB), and the Consumer Product Safety Commission (CPSC) as agencies whose for-cause removal protections the Office of the Solicitor General would no longer defend.

a. Are the for-cause removal protections of the Federal Reserve Board of Governors, 12 U.S.C. 242, substantially different from those found in 15 U.S.C. 41, 29 U.S.C. 153(a), and 15 U.S.C. 2053(a)? Why or why not?

RESPONSE: As I have yet to be confirmed as Solicitor General, it would be inappropriate for me to provide a position on behalf of the Department and the United States in response to this question. If I am confirmed, I will examine the posture of any such case, the position held by the Government, and any applicable law, and uphold my constitutional duty in any such litigation. As a private attorney, I have not researched or studied this question.

b. In your view, does the Federal Reserve Board exercise executive, legislative, or judicial power when it sets federal interest rates?

RESPONSE: As I have yet to be confirmed as Solicitor General, it would be inappropriate for me to provide a position on behalf of the Department and the United States in response to this question. If I am confirmed, I will examine the posture of any such case, the position held by the Government, and any applicable law, and uphold my constitutional duty in any such litigation. As a private attorney, I have not researched or studied this question.

c. If the Federal Reserve Board exercises legislative power when setting interest rates, would that run afoul of the nondelegation doctrine?

RESPONSE: As I have yet to be confirmed as Solicitor General, it would be inappropriate for me to provide a position on behalf of the Department and the United States in response to this question. If I am confirmed, I will examine the posture of any such case, the position held by the Government, and any applicable law, and uphold my constitutional duty in any such litigation. As a private attorney, I have not researched or studied this question.

d. If the Federal Reserve Board exercises executive power when setting interest rates, would the President not have the unfettered ability to remove governors at will in the same way he can remove cabinet appointees?

RESPONSE: As I have yet to be confirmed as Solicitor General, it would be inappropriate for me to provide a position on behalf of the Department and the United States in response to this question. If I am confirmed, I will examine the posture of any such case, the position held by the Government, and any applicable law, and uphold my constitutional duty in any such litigation. As a private attorney, I have not researched or studied this question.

e. Can you think of any reasons why Congress would want to insulate the Federal Reserve Board from political vicissitudes?

RESPONSE: I have not researched or studied this question, and I am not in a position to speculate why Congress or other actors might take any position on such issues.

3. According to your Senate Judiciary Questionnaire, you sat on the Grant Review Committee for the Alliance Defending Freedom from 2015 to 2016.

   a. Can you specify which month in 2015 your tenure on the committee began and which month in 2016 it ended?

   RESPONSE: I do not recall the specific month in which my tenure began and ended.

   b. How many members were on this committee with you?

   RESPONSE: I do not recall the number of members on this committee. To the best of my recollection, the phone conferences in which I participated probably involved about 4 to 6 participants.

   c. How often would the committee meet during your time on it?

   RESPONSE: To the best of my recollection, I believe the committee met by phone conference call on a monthly or bi-monthly basis, but I am not certain of the frequency.

   d. During your time on this committee, what metrics did you use when deciding whether to award grants to particular organizations?

   RESPONSE: I do not recall any specific metrics used to decide whether to award grants. I recall reviewing summaries of grant applications and discussing them with other members of the committee in the phone conferences.

   e. Did you ever support awarding grants to organizations that opposed in vitro fertilization?

   RESPONSE: I do not recall any grants that related to in vitro fertilization. I do not recall which organizations received grants, and I cannot speak to their positions on this question.

   f. Did you ever support awarding grants to organizations that opposed bans on gay conversion therapy?

RESPONSE: I do not recall any grants that related to that issue. I do not recall which organizations received grants, and I cannot speak to their positions on this question.

4. According to your Senate Judiciary Questionnaire, you have been a member of Teneo since 2024. According to its website, Teneo seeks "to recruit, connect, and deploy talented conservatives who lead opinion and shape the industries that shape society."

   a. Who initially approached you about joining Teneo?

   RESPONSE: I was approached by my cousin, Charles Capps, who is a member of Teneo.

   b. What was the process for your becoming a member?

   RESPONSE: I do not recall a specific process. I believe my cousin suggested the name to the organization, and they accepted me.

   c. Have you signed any confidentiality agreements related to your membership in Teneo?

   RESPONSE: I do not recall any such agreement.

   d. Why did you agree to join?

   RESPONSE: I understood that it is an organization of like-minded conservative thinkers and professionals, and my cousin encouraged me to join.

   e. How many Teneo events have you attended since becoming a member in 2024?

   RESPONSE: None.

   f. Please describe the nature of any Teneo events you have attended.

   RESPONSE: I have not attended any Teneo events.

   g. How many people would you estimate attended these events?

   RESPONSE: I have not attended any Teneo events.

   h. Did any speakers address attendees at a Teneo event? If so, who? What did they discuss?

RESPONSE: I have not attended any Teneo events.

i. Since President Trump announced his intent to nominate you, have you attended a Teneo event?

RESPONSE: I have not attended any Teneo events.

j. Are you aware of any current or former state or federal judges who are members of Teneo?

RESPONSE: No.

k. Are you aware of any Supreme Court justices who are members of Teneo?

RESPONSE: No.

l. Are you aware of any Teneo members who were convicted for their actions related to the January 6 attack on the U.S. Capitol?

RESPONSE: No.

5. You clerked for Judge J. Michael Luttig on the United States Court of Appeals for the Fourth Circuit. In 2019, he wrote a letter to this Committee strongly endorsing William P. Barr's nomination to be attorney general.

a. Would you describe Judge Luttig as a good judge of character?

RESPONSE: Yes.

b. Would you describe Judge Luttig as a first-class legal mind who is respected by scholars and judges across the ideological spectrum?

RESPONSE: Yes.

c. Do you disagree with Judge Luttig that the *Trump v. United States* immunity decision is "abominable"?

RESPONSE: Yes.

d. Do you disagree with Judge Luttig that the Supreme Court in that case "cut the heart and soul out of America's Democracy and the Rule of Law"?

RESPONSE: Yes.

6. In December 2024, the Supreme Court heard oral arguments in *Food and Drug Administration v. Wages and White Lion Investments, LLC*. In that case, the FDA appealed a Fifth Circuit decision that the agency acted "arbitrarily and capriciously" in denying premarket tobacco product applications from two e-cigarette manufacturers. The Fifth Circuit's decision relied upon legal theories that have been rejected by other courts of appeals that have reviewed materially similar FDA denial orders. Resolution of this circuit split is necessary to prevent forum shopping by e-cigarette manufacturers and to allow the FDA to effectively regulate under the Tobacco Control Act to prevent children from becoming addicted to unauthorized tobacco products.

   Will you commit, if you are confirmed, to maintaining the FDA's litigation position in this case?

   RESPONSE: As I have yet to be confirmed as Solicitor General, it would be inappropriate for me provide a position on behalf of the Department and the United States regarding *FDA v. Wages and White Lion Investments, LLC*. If I am confirmed, I will examine the posture of the case, the position held by the Government, and any applicable law, and uphold my constitutional duty in any future litigation.

   You currently represent President Trump as an individual, and you have also represented his family's business entities. Just last month, you filed an amicus brief on his behalf to the U.S. Supreme Court in *TikTok v. Garland*. In the past, President Trump and his political operatives have asked both his personal attorneys and government officials to violate the law and their ethical obligations.

   a. **Why should we trust you to place the Constitution and your professional obligations ahead of your personal loyalty to President Trump?**

      RESPONSE: I refer to my opening statement and my testimony in response to the Committee's questions at my confirmation hearing.

   b. **If President Trump attempts to pressure you engage in unethical or illegal conduct, will you tell him, "No?"**

      RESPONSE: I do not believe that the question poses a plausible scenario. If any supervisor instructed me to do something that I believed was illegal or unethical, I would consult the applicable legal or ethical rules, and with counsel if appropriate, and I would endeavor to follow the law and the applicable ethical rules.

7. In 2020, as Solicitor General of Missouri, you filed an amicus brief in the U.S. Supreme Court on behalf of Missouri and 16 other states, in support of plaintiff states that contested the administration of the 2020 presidential election.

Did President Trump lose the 2020 election, yes or no?

RESPONSE: I believe that the conduct of the 2020 Presidential election was deeply flawed. I acknowledge that President Biden was certified as the victor and served as the 46th President of the United States.

8. In October 2024, the Supreme Court heard argument in *Bondi v. VanDerStok,* a case concerning whether the Gun Control Act of 1968 regulates ghost guns. Specifically, in 2022, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) promulgated regulations clarifying that the Act does regulate certain products such as weapons parts kits or partially complete, disassembled, or nonfunctional frames or receivers, if these parts or devices can be readily converted into an operational firearm or functional frame or receiver. The United States Court of Appeals for the Fifth Circuit held these provisions were not consistent with the Act, and the United States appealed.

Will you commit, if you are confirmed, to maintaining the Federal Government's litigation position in this case?

RESPONSE: As I have yet to be confirmed as Solicitor General, it would be inappropriate for me provide a position on behalf of the Department and the United States regarding *Bondi v. VanDerStock.* If I am confirmed, I will examine the posture of the case, the position held by the Government, and any applicable law, and uphold my constitutional duty in any future litigation.

Nomination of D. John Sauer
To be Solicitor General of the United States
Questions for the Record
Submitted February 27, 2025

QUESTIONS FROM SENATOR WHITEHOUSE

Please answer each question and sub-question individually and as specifically as possible. Where indicated, please provide only yes or no answers.

1. Your Senate Judiciary Questionnaire says that in 2024 you joined the Teneo Network.

    a. In your own words, what is the Teneo Network?

    RESPONSE: I understand it to be an organization of conservative professionals who meet for social and professional networking purposes.

    b. How did you first hear about the Teneo Network?

    RESPONSE: My cousin, Charles Capps, invited me to join. I had possibly heard of the organization before that time, but I do not recall any details.

    c. Why did you choose to join the Teneo Network?

    RESPONSE: My cousin, Charles Capps, invited me to join.

2. Former U.S. Solicitor General Rex Lee said, "There has been this notion that my job is to press the administration's policies at every turn and announce true conservative principles through the pages of my briefs. It is not. I'm the solicitor general, not the pamphleteer general."

    a. Do you agree with this statement?

    RESPONSE: I believe that the Solicitor General's job is to defend and advocate for federal statutes and the policies and actions of the Executive Branch, especially before the U.S. Supreme Court, when reasonable grounds to do so are available. I agree that the position principally calls for legal advocacy rather than political or policy advocacy.

3. Do you believe the Solicitor General should be an independent voice within a presidential administration?

    RESPONSE: I believe that the Solicitor General's role is to defend and advocate for the validity of federal statutes and actions of the Executive Branch, under the leadership of the Attorney General and the President of the United States. Like any attorney, the

Solicitor General should provide his or her best legal advice when consulted on matters of law.

4. If confirmed, how will you maintain your independence from the President?

   RESPONSE: If I am confirmed, I will advocate for the United States and its people under the leadership of Attorney General Bondi and President Trump, consistent with the Constitution and the rule of law.

5. If confirmed, how will you handle conflicts between the President's agenda and your duties as Solicitor General?

   RESPONSE: The duties of the Solicitor General include defending actions of the Executive Branch taken to advance the President's policy agenda. Therefore, I do not anticipate conflicts between the duties of the Solicitor General and the President's policy agenda. In all matters, I will endeavor to follow the Constitution and the rule of law.

6. If you believe the Attorney General has directed you to take a position for reasons that are improper, what course of action would you take?

   RESPONSE: I do not believe that the question poses a plausible scenario. If any supervisor instructed me to do something that I believed was illegal or unethical, I would consult the applicable legal or ethical rules, and with counsel if appropriate, and I would endeavor to follow the law and the applicable ethical rules.

7. Justice Kavanaugh's concurrence in *Dobbs v. Jackson Women's Health Organization* stated that "the constitutional right to interstate travel" would prohibit a state from barring "a resident of that State from traveling to another State to obtain an abortion."

   a. Do you agree with these statements from Justice Kavanaugh's concurrence?

      RESPONSE: I have not studied this particular legal issue, and I have not formed an opinion about it.

   b. If confirmed, will you defend in court "the constitutional right to interstate travel" for reproductive health care, including an abortion?

      RESPONSE: As I have yet to be confirmed as Solicitor General, it would be inappropriate for me to provide a position on behalf of the Department and the United States in response to this question. If I am confirmed, I will examine the posture of any such case, the position held by the Government, and any applicable law, and uphold my constitutional duty in any such litigation.

8. You were President Trump's lead counsel advancing his presidential immunity arguments in *Trump v. United States*.

a. Did *Trump v. United States* hold that a President must first be impeached and convicted by Congress before being criminally prosecuted for an official act?

RESPONSE: *Trump v. United States* held that the President has absolute immunity from criminal prosecution for official acts in the exercise of his core constitutional powers, and that the President has at least presumptive immunity from criminal prosecution for acts within the outer perimeter of his official responsibility. On my reading of the opinion, this immunity applies regardless of whether the President is impeached and convicted by Congress before being criminally prosecuted.

b. Do you believe that a President would be immune from criminal prosecution for taking a bribe in exchange for issuing a pardon?

RESPONSE: I cannot address a hypothetical scenario without studying the specific facts and circumstances of the case. The application of Presidential immunity to potential scenarios involving the Pardon Power is discussed in both Chief Justice Roberts' opinion for the Court and the concurring opinion of Justice Barrett in *Trump v. United States*.

c. Do you believe that presidential immunity from criminal prosecution extends to any executive branch official other than the President?

RESPONSE: I have not researched or studied this question in detail, and I have not formed an opinion on the potential immunity from criminal prosecution for official acts of officers of the Executive Branch other than the President. I am aware of Supreme Court decisions discussing the immunity from civil liability for official acts of Executive Branch officials other than the President.

9. You were the counsel of record on President Trump's amicus brief in *TikTok v. Garland*, which asked the Supreme Court to "stay" the statutory deadline at issue but took "no position on the merits of the dispute."

a. What authority does an appellate court have to enjoin a federal statute indefinitely without regard to a challenger's likelihood of success on the merits?

RESPONSE: I refer to the arguments in the amicus brief referenced in the question.

b. Is an amicus's promise to "pursue a negotiated resolution" a legal basis for an appellate court to enjoin a federal statute?

RESPONSE: I refer to the arguments in the amicus brief referenced in the question.

10. Do you believe that judges who issue orders that are unfavorable to the Trump administration should be impeached?

RESPONSE: Impeachment is a political question that falls under the authority of Congress, not the Department of Justice. I have not formed an opinion on whether any particular judge should be impeached.

11. Do you believe a federal judge issuing a temporary restraining order against the executive branch is tantamount to a coup?

RESPONSE: I cannot address a hypothetical scenario with reference to specific facts. Regarding existing temporary restraining orders against the Executive Branch, as I have yet to be confirmed as Solicitor General, it would be inappropriate for me provide a position on behalf of the Department on matters that might involve future or ongoing litigation. In general, American citizens have a fundamental right under the First Amendment to employ powerful rhetoric and vivid images in political discourse, and I strongly support that right, subject to the established exception for true threats.

12. Do you believe it is appropriate to refer to judges who rule against President Trump as "political terrorists"?

RESPONSE: I am not familiar with the statement quoted in this question. I cannot comment on public statements made by others that I have not reviewed and for which I do not know the context. In general, American citizens have a fundamental right under the First Amendment to employ powerful rhetoric and vivid images in political discourse, and I strongly support that right, subject to the established exception for true threats.

13. Under Supreme Court case law, what kind of showing must an individual make to properly invoke the Fifth Amendment privilege against self-incrimination in response to a grand jury subpoena?

RESPONSE: I have not recently researched or studied this question, and I have no opinion to offer on it.

14. Do you agree with Justice Scalia's statement in *Clinton v. City of New York* that *Train v. City of New York* "proved [President Nixon] wrong" about the "'constitutional right' to impound appropriated funds"?

RESPONSE: I have not reviewed that opinion recently, and I have not formed an opinion on that issue.

15. Did Joe Biden win the 2020 Presidential election?

RESPONSE: I believe that the conduct of the 2020 Presidential election was deeply flawed. I acknowledge that President Biden was certified as the victor and served as the 46th President of the United States.

Senate Judiciary Committee
Hearing on the Nomination of D. John Sauer
to be Solicitor General
February 26, 2025
Questions for the Record
Senator Amy Klobuchar

1. In 2022, Congress passed legislation that I led to empower Medicare to negotiate lower drug prices for seniors. As a result, Americans are expected to save $1.5 billion in out-of-pocket costs in 2026 alone.

   Pharma companies have taken to the courts to dismantle this law. But, every single judge who has heard these cases - including those appointed by Republicans - has agreed the law is constitutional.

   - I was pleased to see the government file a brief in the Third Circuit last week in defense of the law. Will you commit to continuing to defend this law?

   RESPONSE: As I have yet to be confirmed as Solicitor General, it would be inappropriate for me to provide a position on behalf of the Department and the United States in response to this question. If I am confirmed, I will examine the posture of any such case, the position held by the Government, and any applicable law, and uphold my constitutional duty in any such litigation.

2. In *New York Times v. Sullivan*, a unanimous ruling in support of First Amendment protections for the press, the Court held that when newspapers report on public officials, they are only liable for untrue statements that are published with knowledge or reckless disregard for whether the statement was false. The Court recognized that "erroneous statement is inevitable in free debate" and "must be protected if the freedoms of expression are to have the 'breathing space' that they 'need … to survive."

   - Do you agree with the principles laid out in the Supreme Court decision in *New York Times v. Sullivan*?

   - Do you agree with the Court that it is important to impose an "actual malice" test to allegations of libelous statements regarding public officials?

   RESPONSE: I agree that the United States Supreme Court's decision in *New York Times v. Sullivan* requires a public official to show that a defendant's defamatory falsehood was made with knowledge the statement is false or reckless disregard for whether the statement was false, in order to recover damages in court from the defendant. It is important for subordinate courts to follow this precedent.

3. In a memo dated February 12, 2025, the Justice Department stated it has determined that the statutory tenure protections for members of the Federal Trade Commission, National Labor Relations Board, and Consumer Protection Safety Commission are unconstitutional and that it

will no longer defend the constitutionality of Congressional acts that require cause for the President to remove bipartisan Senate confirmed members of independent agencies.

- As you know, there has been Supreme Court precedent upholding the constitutionality of these bipartisan independent agencies for 90 years. *See Humphrey's Executor v. U.S.* (1935). Isn't it true the Court has not overturned this decision?

  RESPONSE: I am not aware of a Supreme Court opinion expressly overruling *Humphrey's Executor v. United States*, 295 U.S. 602 (1935).

- In *PHH Corp. v. Consumer Fin. Prot. Bureau* (2018), Justice Kavanaugh, while serving on the D.C. Circuit, wrote that multi-member independent agencies are part of a "deeply rooted tradition" that "has been widely recognized by leading judges, congressional committees, and academics…" Do you agree?

  RESPONSE: Justice Kavanaugh's opinion states, "That deeply rooted tradition — *namely, that independent agencies are headed by multiple commissioners or board members* — has been widely recognized by leading judges, congressional committees, and academics who have studied the issue." *PHH Corp. v. Consumer Fin. Prot. Bureau*, 881 F.3d 75, 177 (2018) (emphasis added). I have not researched or studied this question, and I have no opinion to offer on it at this time.

4. When asked if you agreed with Mr. Reitz that there were circumstances in which it would be appropriate for a government official to defy a court order, you said "It's hard to make a very blanket, sweeping statement about something without being presented the facts and the law." Chief Justice John Roberts said in his most recent end-of-year report that disregarding federal court rulings is "dangerous" and "must be soundly rejected."

   - How do you reconcile your views that there may be circumstances in which government officials could refuse to comply with a court order with the Chief Justice's warning?

     RESPONSE: I have not reviewed Chief Justice Roberts' most recent end-of-year report on the federal judiciary. In general, for the reasons discussed above and in my responses to questions from Ranking Member Durbin and Senator Hawley at the confirmation hearing, I do not view these statements as inconsistent.

5. After the 2020 Election, you filed a brief at the Supreme Court in support of Texas's attempt to stop swing states that voted for President Joe Biden from delaying their ability to vote in the electoral college.

   - Given that lawsuit, and every other lawsuit challenging the 2020 Election was dismissed, do you agree that President Biden won the 2020 election?

     RESPONSE: I believe that the conduct of the 2020 Presidential election was deeply flawed. I acknowledge that President Biden was certified as the victor and served as the 46th President of the United States.

Nomination of Dean John Sauer to be the U.S. Solicitor General
Questions for the Record
Submitted February 27, 2025

QUESTIONS FROM SENATOR COONS

1. If President Trump asked you to do something you judged to be illegal or unethical, would you resign? Please answer yes or no.

    a. If you would not resign, what would you do?

    RESPONSE: As noted in my confirmation testimony, I do not believe that this question poses a plausible scenario. If any supervisor instructed me to do something that I believed was illegal or unethical, I would consult the applicable legal or ethical rules, and with counsel if appropriate, and I would endeavor to follow the law and the applicable ethical rules, which might require resignation as a last resort.

2. If the President asked you to advance a legal argument before the Supreme Court for which you could not make a good-faith argument in favor of its constitutionality, what would you do?

    RESPONSE: If confirmed, I commit to working to ensure that the Department complies with its legal obligations and upholds the Constitution.

3. You have represented—and continue to represent—President Trump and some of his family members in their personal capacity. If confirmed, will you withdraw from any cases in which you represent President Trump in his personal capacity?

    RESPONSE: Yes.

    a. Will you cease all representation of President Trump's business entities if confirmed as Solicitor General?

    RESPONSE: Yes.

    b. How much money have you earned—legal fees and otherwise—for your representation of President Trump, his family members, and/or business entities in which President Trump or his family members have a financial interest?

RESPONSE: The amounts paid to my firm for the legal representation of President Trump, which sometimes involved representation of his family members and business entities as well, are set forth in the public disclosures of Save America PAC.

4. In a memo to all Department of Justice employees, Attorney General Pam Bondi, stated that Department attorneys who refuse to advance arguments "deprive[] the President of the benefit of ***his*** lawyers." I want you to focus on the part of this statement that references Department attorneys as President Trump's lawyers.

   a. Do you agree with this characterization of Department attorneys by Attorney General Bondi—your future boss if you are confirmed?

      RESPONSE: I have not reviewed the referenced memorandum of Attorney General Bondi. I strongly support Attorney General Bondi's leadership of the Department. The Department's attorneys have a duty to defend the actions of the Executive Branch, including those actions taken to implement the policy agenda of the President of the United States.

   b. If confirmed, would you consider yourself President Trump's lawyer?

      RESPONSE: If I am confirmed, I will be an attorney of the Department of Justice. The Department of Justice represents the United States of America and its people, under the leadership of the Attorney General and the President of the United States.

   c. For whom does the Department of Justice work?

      RESPONSE: See above response.

5. As a Justice Department lawyer, when is it appropriate to refuse to follow a directive of the President?

   RESPONSE: If confirmed, my loyalty will be to the Constitution, and I will follow the law.

6. How would you respond if your role at the Department of Justice required you to follow a policy directive that was unconstitutional?

   RESPONSE: If confirmed, my loyalty will be to the Constitution, and I will follow the law.

7. When is it appropriate for the Department of Justice to decide not to defend a federal law?

   RESPONSE: While I decline to opine on a hypothetical situation, it is my understanding that 28 U.S.C. § 530D applies to situations in which the Department determines not to defend unconstitutional federal laws.

8. What is the remedy if the President violates his constitutional duty to faithfully execute the laws?

   RESPONSE: The Constitution gives Congress the power of impeachment and removal if the President violates his constitutional duties.

9. During oral argument before the U.S. Supreme Court in *Trump v. United States*, you suggested that the President would be eligible for immunity "depending on the circumstances" for ordering the military to assassinate a political rival. Under what circumstances is it appropriate for a sitting President of the United States to order the assassination of a political rival?

   RESPONSE: I am not in a position to address hypotheticals divorced from real-world facts and circumstances. I have never contended that it would be "appropriate" for a President to order the assassination of a political rival. In *Trump v. United States*, I contended that President Obama's ordering of the killing of U.S. citizens located abroad by drone strike, without due process of law, would be shielded from criminal prosecution by Presidential immunity unless the President was first impeached and convicted by the U.S. Senate.

10. If confirmed, what process would you put in place to review a case before the Department withdraws a claim or changes its legal position?

    RESPONSE: If confirmed and required to evaluate whether to withdraw a claim or change the Department's legal position, I would consult with relevant officials in the Department, and look to the Constitution, applicable laws and judicial opinions, and the Department's regulations and policies, among other factors.

11. Section 702 of the Foreign Intelligence Surveillance Act (FISA) is up for reauthorization next year. Do you think the Constitution requires that law enforcement obtain a warrant before accessing Americans' communications collected pursuant to Section 702?

    RESPONSE: In my career as a prosecutor and an attorney in private practice, I have not had occasion to consider a warrant requirement for intelligence collection under Section 702, and I have no opinion to offer on that question.

Senator Richard Blumenthal

Post-Hearing Questions for the Record
Submitted to Dean Sauer

Nomination of Dean Sauer to be Solicitor General of the United States,
Thursday, February 27, 2025

1. An independent Department of Justice (DOJ) is a pillar of our nation and essential to the rule of law. You have a deep personal relationship and loyalty to the President. You argued President Trump's immunity case in front of the Supreme Court last term.

    a. If confirmed, will you commit to putting the Constitution and rule of law above the desires of President Trump?

    RESPONSE: Yes.

    b. If confirmed, will you commit to recuse yourself from all matters connected to your prior representation of the President?

    RESPONSE: In the event of any potential conflict of interest, I will consult with the appropriate Department of Justice ethics officials and act consistent with governing regulations.

2. The Emergency Medical Treatment and Labor Act (EMTALA), which has been law since 1986, requires hospitals to provide stabilizing care for anyone experiencing an emergency medical condition. This includes emergency abortion care, if an abortion would stabilize a patient experiencing an emergency medical condition. However, several states have enacted strict abortion bans without exceptions for the health of the pregnant person, directly conflicting with EMTALA. Project 2025 calls on DOJ to eliminate existing injunctions against states whose laws conflict with EMTALA and withdraw from all current lawsuits seeking to ensure access to emergency abortion care.

    a. If confirmed, will you commit to defending federal law and enforcing EMTALA's emergency abortion care requirement?

    Response: As I have yet to be confirmed as Solicitor General, it would be inappropriate for me provide a position on behalf of the Department regarding policies on
    enforcing EMTALA. However, if confirmed, I will carefully review and consider the applicability of any federal law, the posture of any such case, the position held by the Government, and uphold my constitutional duty in any such litigation.

3. Decades of research have shown that mifepristone is safe and effective. However, you filed an amicus brief arguing on behalf of the United States Medical Association challenging the Food and Drug Administration's (FDA) approval of mifepristone.

    a. If confirmed, will you commit to continuing DOJ's efforts to defend against baseless lawsuit challenging the approval of and expansion of access to mifepristone?

    RESPONSE: As I have yet to be confirmed as Solicitor General, it would be inappropriate for me to provide a position on behalf of the Department and the United States in response to this question. If I am confirmed, I will carefully review and consider the applicability of any federal law, examine the posture of any such case, the position held by the Government, and uphold my constitutional duty in any such litigation.

Senator Mazie K. Hirono
Senate Judiciary Committee

Nominations Hearing | February 26, 2025

Questions for the Record for J. Dean Sauer

Did Donald Trump lose the 2020 presidential election?

RESPONSE: I believe that the conduct of the 2020 Presidential election was deeply flawed. I acknowledge that President Biden was certified as the victor and served as the 46th President of the United States.

If confirmed as Solicitor General and facing a conflict between your duties to the Constitution and a request from the President, how will you resolve that conflict?

RESPONSE: The duty of the Solicitor General is to defend the validity of Congressional enactments when there are reasonable arguments available to do so. An exception exists in certain cases where there is a conflict between a federal statute and the President's Article II authority. If confirmed, I commit to following these principles.

If President Trump every directs, asks, or implies that you should take an action that is unconstitutional, would you do it?

RESPONSE: I do not believe that the question poses a plausible scenario. If any supervisor instructed me to do something that I believed was illegal or unethical, I would consult the applicable legal or ethical rules, and with counsel if appropriate, and I would endeavor to follow the law and the applicable ethical rules.

If the President or Attorney General ever orders you to act in way that threatens your obligation as an attorney to credibly represent your case to the court, would you resign?

RESPONSE: I do not believe that the question poses a plausible scenario. If any supervisor instructed me to do something that I believed was illegal or unethical, I would consult the applicable legal or ethical rules, and with counsel if appropriate, and I would endeavor to follow the law and the applicable ethical rules.

If a Presidential takes executive action, and a court later rules that action is unconstitutional, is it ever permissible for a President to disregard the court's order?

RESPONSE: I am not in a position to address hypotheticals or situations that might come before me in an official capacity if I am confirmed. Generally, if there is a court order that directly binds a federal or state official who is a party to the case and subject to

the court's jurisdiction, the official should follow it. However, there may be extraordinary cases—such as the historical examples of the *Dred Scott* and *Korematsu* decisions—which render it difficult to make an exceptionless, categorical statement.

Does *any* president ever have the authority to unilaterally remove any part of the Constitution?

RESPONSE: No.

Are there *any* limits to Presidential power?

RESPONSE: The President's power is set forth in Article II of the U.S. Constitution. Like the power of other government officials, that authority is also subject to constraints set forth in the Amendments to the Constitution, including the Bill of Rights and the Fourteenth Amendment.

If yes, what are the limits?

RESPONSE: Please see answer above.

Please explain the legal basis for your answer to part a of this question.

RESPONSE: Please see answer above.

In 2015, you filed an amicus brief with the Supreme Court arguing against constitutional protections for same-sex marriage. The Supreme Court disagreed with you, ruling that same-sex marriage is indeed protected by the Constitution. In 2022, Congress also passed the Respect for Marriage Act, adding statutory protection to same-sex marriage. **Mr. Sauer, if confirmed as Solicitor General, will you defend the constitutionality of same-sex marriage?**

RESPONSE: If I am confirmed, I will defend the validity of federal statutes and actions of the Executive Branch when there are reasonable grounds to do so, with the caveat that, in the event that a federal statute conflicts with the Executive Branch's authority under Article II, I will defend the Executive Branch's authority under Article II.

Is birthright citizenship guaranteed by the Constitution?

If confirmed as Solicitor General, will you defend the constitutional right to birthright citizenship?

RESPONSE: As I have yet to be confirmed as Solicitor General, it would be inappropriate for me to provide a position on behalf of the Department and the United States in response to this question. If I am confirmed, I will examine the posture of any such case, the position held by the Government, and any applicable law, and uphold my constitutional duty in any such litigation.

Is the right to contraception protected by the Constitution?

RESPONSE: *Griswold v. Connecticut* is binding Supreme Court precedent and entitles to respect as such.

If you are confirmed as Solicitor General, will you defend the constitutional right to contraception?

RESPONSE: As I have yet to be confirmed as Solicitor General, it would be inappropriate for me to provide a position on behalf of the Department and the United States in response to this question. If I am confirmed, I will examine the posture of any such case, the position held by the Government, and any applicable law, and uphold my constitutional duty in any such litigation.

Nomination of Dean John Sauer to be Solicitor General of the United States
Questions for the Record
Submitted February 27, 2025

QUESTIONS FROM SENATOR CORY A. BOOKER

1. In your opinion, is involvement in the federal criminal investigations and prosecutions of President Trump alone, without other evidence of wrongdoing, misconduct, or unsatisfactory job performance, grounds for the demotion, reassignment, or termination of Department of Justice (DOJ) personnel?

   a. If you are confirmed as Solicitor General, will you recommend or otherwise support the demotion, reassignment, or termination of any DOJ personnel in the Office of the Solicitor General for their involvement in the federal criminal investigations and prosecutions of President Trump absent evidence of wrongdoing, misconduct, or unsatisfactory job performance?

   b. If you are confirmed as Solicitor General, will you reverse the demotion, reassignment, or termination of any DOJ personnel in the Office of the Solicitor General for their involvement in the investigations and prosecutions of President Trump if you learn that this was the sole basis for the demotion, reassignment, or termination?

   RESPONSE: Any disciplinary actions towards Department personnel should be undertaken based on the facts of each situation in a manner consistent with Department policies, applicable law, and the Constitution.

2. In your opinion, is involvement in investigations or prosecutions of individuals related to the January 6 Capitol riot alone, without other evidence of wrongdoing, misconduct, or unsatisfactory job performance, grounds for the demotion, reassignment, or termination of DOJ personnel?

   a. If you are confirmed as Solicitor General, will you recommend or otherwise support the demotion, reassignment, or termination of any DOJ personnel in the Office of the Solicitor General for their involvement in investigations or prosecutions of individuals related to the January 6 Capitol riot absent evidence of wrongdoing, misconduct, or unsatisfactory job performance?

   b. If you are confirmed as Solicitor General, will you reverse the demotion, reassignment, or termination of any DOJ personnel in the Office of the Solicitor General for their involvement in the investigations or prosecutions of individuals related to the January 6 Capitol riot if you learn that this was the sole basis for the demotion, reassignment, or termination?

RESPONSE: Any disciplinary actions towards Department personnel should be undertaken based on the facts of each situation in a manner consistent with Department policies, applicable law, and the Constitution.

3. In your opinion, is political affiliation alone, without other evidence of wrongdoing, misconduct, or unsatisfactory job performance, grounds for the demotion, reassignment, or termination of DOJ personnel?

   a. If you are confirmed as Solicitor General, will you recommend or otherwise support the demotion, reassignment, or termination of any DOJ personnel in the Office of the Solicitor General for their political affiliation absent evidence of wrongdoing, misconduct, or unsatisfactory job performance?

   b. If you are confirmed as Solicitor General, will you reverse the demotion, reassignment, or termination of any DOJ personnel in the Office of the Solicitor General for their political affiliation if you learn that this was the sole basis for the demotion, reassignment, or termination?

   RESPONSE: Any disciplinary actions towards Department personnel should be undertaken based on the facts of each situation in a manner consistent with Department policies, applicable law, and the Constitution.

4. On January 21, 2025, Acting Deputy Attorney General Bove sent a memo to all DOJ employees indicating that DOJ would prosecute state and local actors who "do not comply with the Executive Branch's immigration enforcement initiatives."[1] The memo also announced the creation of the so-called "Sanctuary Cities Working Group," tasked with identifying "state and local laws, policies, and activities that are inconsistent with Executive Branch immigration initiatives and, where appropriate, to take legal action to challenge such laws."[2]

   a. Did you participate in the drafting of this memo? If yes, please describe your involvement in its drafting and the dates of your involvement. Please provide the names of the other individuals who participated in its drafting.

   RESPONSE: No.

   b. Did you have any knowledge that DOJ was drafting this memo before it was sent to DOJ employees on January 21, 2025? If yes, please describe what you knew about the memo and how you learned of it and the date on which you learned of it. Please include the names of any individuals from whom you learned this information.

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[1] Mem. from Acting Dep. Att'y Gen. Emil Bove to all Dep't of Justice Employees, *Interim Policy Changes Regarding Charging, Sentencing, and Immigration Enforcement* (Jan. 21, 2015), https://www.documentcloud.org/documents/25501154-doj-all-staff-memo-jan-21/.
[2] *Id.*

RESPONSE: No.

c. Did you ever have discussions with anyone in the administration about the idea or possibility of moving DOJ employees to other sections, including the Sanctuary Cities Working Group? If yes, please describe your discussions and the dates of those discussions. Please provide the names of the other individuals with who you discussed this idea.

RESPONSE: No.

d. If confirmed, will you affirmatively appeal or defend appeals relating to the prosecution of state or local officials in jurisdictions that have either enacted statutes or implemented policies barring those jurisdictions from honoring immigration detainers? If yes, please provide the legal basis for prosecuting those officials.

RESPONSE: As I have yet to be confirmed as Solicitor General, it would be inappropriate for me to provide a position on behalf of the Department and the United States in response to this question. If I am confirmed, I will examine the posture of any such case, the position held by the Government, and any applicable law, and uphold my constitutional duty in any such litigation.

e. If confirmed, will you affirmatively appeal or defend appeals relating to the prosecution of state or local officials in jurisdictions that have either enacted statutes or implemented policies that prohibit officials from sharing information about a noncitizen's release date, next court date, or address with federal immigration authorities? If yes, please provide the legal basis for prosecuting those officials.

RESPONSE: As I have yet to be confirmed as Solicitor General, it would be inappropriate for me to provide a position on behalf of the Department and the United States in response to this question. If I am confirmed, I will examine the posture of any such case, the position held by the Government, and any applicable law, and uphold my constitutional duty in any such litigation.

f. If confirmed, will you affirmatively appeal or defend appeals relating to the prosecution of state or local officials in jurisdictions that have either enacted statutes or implemented policies that prohibit federal immigration officers from accessing state or local law enforcement resources, including equipment, office space, databases, or property? If yes, please provide the legal basis for prosecuting those officials.

RESPONSE: As I have yet to be confirmed as Solicitor General, it would be inappropriate for me to provide a position on behalf of the Department and the United States in response to this question. If I am confirmed, I will examine the

posture of any such case, the position held by the Government, and any applicable law, and uphold my constitutional duty in any such litigation.

g. In jurisdictions where such laws or policies have already been unsuccessfully challenged in federal courts, will DOJ bring additional appellate litigation? If yes, please provide the legal basis for bring such challenges.

RESPONSE: As I have yet to be confirmed as Solicitor General, it would be inappropriate for me to provide a position on behalf of the Department and the United States in response to this question. If I am confirmed, I will examine the posture of any such case, the position held by the Government, and any applicable law, and uphold my constitutional duty in any such litigation.

5. On January 31, 2025, dozens of career DOJ employees who worked on criminal cases stemming from the January 6 Capitol riot were fired.[3]

a. Who was involved in the decision to remove these officials? Please provide the names of the individuals involved.

RESPONSE: I do not know.

b. Has anyone within DOJ ever spoken to you about, or mentioned, these terminations, forced resignations, or other adverse personnel changes? If yes, please provide the names of the individuals involved, the content of those discussions, and the dates those discussions occurred.

RESPONSE: No.

c. Has anyone on the presidential transition team ever spoken to you about, or mentioned, these terminations, forced resignations, or other adverse personnel changes? If yes, please provide the names of the individuals involved, the content of those discussions, and the dates those discussions occurred.

RESPONSE: No.

d. Has anyone in the White House ever spoken to you about, or mentioned, these terminations, forced resignations, or other adverse personnel changes? If yes, please provide the names of the individuals involved, the content of those discussions, and the dates those discussions occurred.

RESPONSE: No.

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[3] Kyle Cheney & Josh Gerstein, *DOJ Fires Dozens of Prosecutors who Handled Jan. 6 Cases*, POLITICO (Jan. 31, 2025), https://www.politico.com/news/2025/01/31/doj-purges-prosecutors-january-6-cases-00201904.

6. On February 5, 2025, Acting Deputy Attorney General Emil Bove reportedly sent an email to FBI workforce accusing FBI leadership of "insubordination," and indicating that FBI leadership's refusal to submit a list of FBI agents involved in the January 6 Capitol riot investigations caused him to expand his demand for a list of all FBI employees involved in any January 6 riot-related matter.[4]

   a. Since President Trump announced he planned to nominate you to be Solicitor General in November 2024, have you communicated in any way with Emil Bove? If yes, please describe the mode, content, and dates of the communications.

RESPONSE: Until he joined the Department of Justice on January 20, 2025, Mr. Bove and I were both counsel representing President Trump on criminal matters. Between November 2024 and January 20, 2025, we had occasional communications by phone and email relating to that co-representation. These communications are subject to attorney-client privilege and attorney work product protection, among other privileges.

   b. Since President Trump announced he planned to nominate you to be Solicitor General in November 2024, have you communicated in any way with Chad Mizelle? If yes, please describe the mode, content, and dates of the communications.

RESPONSE: I have had two in-person conversations with Mr. Mizelle since November 2024—a lunch meeting on January 3, 2025, and a brief face-to-face meeting in the afternoon of February 26, 2025. Other than those, I have had a few communications with Mr. Mizelle by phone or text message. I do not recall the precise dates.

   c. Have you ever discussed with Emil Bove, Chad Mizelle, or anyone else, FBI personnel involved in investigations related to the January 6 Capitol riot? If yes, please describe the mode, content, and dates of the communications.

RESPONSE: No.

7. Since President Trump announced he planned to nominate you to be Solicitor General in November 2024, have you communicated in any way with Acting U.S. Attorney for the District of Columbia Edward R. Martin, Jr.? If yes, please describe the mode, content, and dates of the communications.

RESPONSE: No.

8. Since President Trump announced he planned to nominate you to be Solicitor General in November 2024, have you communicated in any way with any Justices of the United States Supreme Court? If yes, please describe the mode, content, and dates of the communications.

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[4] Josh Gerstein, *Justice Department Official Defends Demand for FBI Agent Names, Cites 'Insubordination'*, POLITICO (Feb. 5, 2025), https://www.politico.com/news/2025/02/05/justice-department-memo-fbi-insubordination-00202655.

RESPONSE: No.

9. Since President Trump announced he planned to nominate you to be Solicitor General in November 2024, have you communicated in any way with any person associated with DOGE? If yes, please describe the mode, content, and dates of the communications.

RESPONSE: No.

10. If President Trump directs you to take an illegal action, how would you respond?

RESPONSE: I have no reason to believe that such a situation would actually occur, but I would uphold my oath to defend the Constitution.

11. If any official in the Department of Justice directs you to take an illegal action, how would you respond?

RESPONSE: I have no reason to believe that such a situation would actually occur, but I would uphold my oath to defend the Constitution.

12. If any member of the Administration directs you to take an illegal action, how would you respond?

RESPONSE: I have no reason to believe that such a situation would actually occur, but I would uphold my oath to defend the Constitution.

13. President Trump has said, "I have absolute right to do what I want to do with the Justice Department."[5] As a former Assistant United States Attorney, do you agree that a sitting president has absolute power? If yes, please explain your legal reasoning.

RESPONSE: I believe that the President's authority over the Department of Justice falls within his "core constitutional powers" under Article II, as the Supreme Court held in *Trump v. United States*. I adhere to the Supreme Court's holding, expressed in *Trump v. United States*, that "[i]nvestigative and prosecutorial decisionmaking is 'the special province of the Executive Branch,' and the Constitution vests the entirety of the executive power in the President, Art. II, § 1." 603 U.S. 593, 620 (2024) (citation omitted). Accordingly, as the Supreme Court held, the President's authority over the Department of Justice "implicates 'conclusive and preclusive' Presidential authority." *Id.* at 621 (citation omitted). That authority, of course, is subject to certain constraints set forth in the Amendments to the Constitution, including the Bill of Rights and the Fourteenth Amendment.

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[5] Michael S. Schmidt & Michael D. Shear, *Trump Says Russia Inquiry Makes U.S. 'Look Very Bad,'* N.Y. TIMES (Dec. 28, 2017), https://www.nytimes.com/2017/12/28/us/politics/trump-interview-mueller-russia-china-north-korea.html.

a. If not absolute, how much power do you believe the President has over the Department?

RESPONSE: As stated in my response to the above question, the President's power over the Department of Justice is set forth in Article II, § 1 of the U.S. Constitution. Like the power of other government officials, that authority is also subject to constraints set forth in the Amendments to the Constitution, including the Bill of Rights and the Fourteenth Amendment.

14. If you are confirmed as Solicitor General, how would you supervise people in the Department of Justice who have called for the investigation and prosecution of President Trump's political opponents?

RESPONSE: Any disciplinary actions towards Department personnel should be undertaken based on the facts of each situation in a manner consistent with Department policies, applicable law, and the Constitution.

15. Do you believe that there was any basis for the Department of Justice's investigations and prosecutions of President Trump?

RESPONSE: For the reasons stated in the various legal briefs that I and other members of the defense team filed in the criminal cases against President Trump, I do not believe that those investigations and prosecutions had a valid basis.

16. Since President Trump announced he planned to nominate you to be Solicitor General in November 2024, have you had access to, or reviewed, DOJ investigation materials, information, or other potential evidence about specific individuals or investigations? Have you had access to or reviewed any confidential government materials, information, or other potential evidence about specific individuals or investigations?

RESPONSE: No.

a. If yes, please provide the date on which you accessed or reviewed those items and describe what you accessed or reviewed.

b. If yes, have you discussed any of this information with current or former DOJ personnel, or anyone not associated with DOJ?

17. Have you spoken or corresponded with Elon Musk since President Trump announced he planned to nominate you to be Solicitor General in November 2024?

RESPONSE: No.

a. If yes, provide the mode and content of all discussions and correspondences and the dates those discussions and correspondences occurred.

b. If yes, at any point, did you discuss with Mr. Musk DOJ or matters related to DOJ, including personnel matters?

   i. Did you ever discuss demotions, reassignments, or terminations of personnel, whether specific individuals or generally?

   ii. Did you ever discuss potential personnel to be hired or appointed in any capacity at the DOJ? If yes to any of these questions, provide the content of those discussions and the dates those discussions occurred.

c. Have you ever discussed with Elon Musk any of the investigations by of any of his affiliated companies by any federal agency?

RESPONSE: No.

18. Please provide your understanding of the Hatch Act. Do you believe that asking DOJ personnel their views about investigations or prosecutions to assess their political leaning would be a violation of the Hatch Act?

RESPONSE: In general, I understand that the Hatch Act prohibits government employees from engaging in certain types of political activities. In my career as a federal prosecutor and an attorney in private practice, I have not had occasion to consider the specific scenario you have raised. If confirmed, I would consult with relevant Department personnel and work to ensure the Department is complying with applicable legal obligations, including the Hatch Act.

19. Will you commit to consulting with career officials at DOJ regarding your potential conflicts of interest?

RESPONSE: In the event of any potential conflict of interest, I will consult with the appropriate Department of Justice ethics officials and act consistent with governing regulations.

20. Will you follow the guidance of career officials at DOJ regarding your potential conflicts of interest and recusals?

RESPONSE: Please see my answer to the previous question.

21. During your confirmation hearing, you refused to answer whether or under what circumstances it would be justified for an elected official, such as President Trump, to defy a federal court order.

a. Under what circumstances would it be acceptable for an elected official to defy a federal court order?

RESPONSE: As I stated in response to questions from Ranking Member Durbin and Senator Hawley at the hearing, generally, if there is a court order that directly binds a federal or state official who is a party to the case and subject to the court's jurisdiction, the official should follow it. However, there may be extraordinary cases—such as the historical examples of the *Dred Scott* and *Korematsu* decisions—which render it difficult to make an exceptionless, categorical statement.

b. How can an elected official who defies a federal court order be held in contempt?

RESPONSE: I have not recently studied the legal standards or procedures for seeking to hold an elected official in contempt, so I cannot directly address them.

c. Can you unequivocally state that elected officials must comply with federal court orders?

RESPONSE: I have not recently studied the legal standards or procedures for seeking to hold an elected official in contempt, so I cannot directly address them.

22. During your tenure in private practice as Principal of James Otis Law Group, you represented President Trump in criminal and civil matters.

a. How did President Trump retain you and James Otis Law Group as his counsel?

RESPONSE: I received word that President Trump's legal team was seeking appellate attorneys, and we made a pitch to them as we would any other client.

b. How many total hours did you spend on each matter related to President Trump?

RESPONSE: I have not calculated the total number of hours I spent on matters representing President Trump. They likely comprise the majority of hours that I billed during the time period that I have represented him.

c. How many hours did you spend on each matter related to President Trump last year?

RESPONSE: I have not calculated the total number of hours I spent on matters representing President Trump last year. They likely comprise the majority of hours that I billed last year.

d. As a firm client, did President Trump pay your standard billing rate?

RESPONSE: As is not uncommon for clients with significant volume of business, President Trump received a reasonable discount from my premium billing rate.

e. As a firm client, did anyone other than President Trump, whether an individual or other entity, pay for your and/or James Otis Law Group's legal services on his behalf?

If yes, please provide the amount, the name of the individual or entity, and matter for the payment.

RESPONSE: As noted in my OGE-278 form, my fees for matters representing President Trump were paid by Save America PAC. I have not calculated the total amount paid, but it has been publicly reported by Save America PAC.

f. Have you received any payments from President Trump unrelated to your work for him as client? If yes, please provide the amount and the reason for the payment?

RESPONSE: No.

g. Have you received any payments from any person or entity on behalf of President Trump unrelated to your work for him as client? If yes, please provide the person's name, their relation to President Trump, the amount of the payment and the reason for the payment?

RESPONSE: No.

h. Does President Trump, or any affiliated individual or entity, owe your firm for any unpaid bills? If yes, please provide the amount owing and the matter of the unpaid bill.

RESPONSE: No.

23. At any point during your representation of President Trump, did you discuss a role in his administration with him or any person associated with him? Please describe the nature of the discussion, the name of the individual, and the mode and date of the discussion.

RESPONSE: I respectfully decline to disclose the contents of communications with President Trump and/or his legal team on grounds of attorney-client privilege and attorney work product protection, and other applicable privileges.

24. Please respond to the following questions in as much detail as possible.

a. What is your opinion of abortion? Are there any circumstances in which you believe a woman may have an abortion?

RESPONSE: Consistent with the teachings of the Catholic Church, I believe that human life begins at conception and that procured abortion involves the taking of innocent human life. I agree with President Trump that every such abortion is a tragedy.

i. How do you define bodily autonomy?

RESPONSE: I adhere to the vision of bodily autonomy set forth in then-Archbishop Karol Wojtyla's book *Love and Responsibility*.

b. Do you believe that there are circumstances pursuant to which women, including minors, must share information about their menstrual cycle with government officials or law enforcement officials?

RESPONSE: I have not researched whether there are any federal, state, or local recordkeeping or reporting requirements on this question. I am not aware of any such requirements at this time.

i. Under what circumstances is it appropriate for the government to compel women, including minors, to share information about their menstrual cycle?

RESPONSE: I have not researched whether there are any federal, state, or local recordkeeping or reporting requirements on this issue. I am not aware of any circumstances where that would be necessary or appropriate at this time.

c. What is your opinion of contraceptives and birth control? Are there any circumstances in which you believe a woman may use contraceptives and birth control?

RESPONSE: I adhere to the teachings of the Catholic Church on questions of contraceptives and birth control. Those teachings are summarized in the *Catechism of the Catholic Church*.

d. What is your opinion of gender-affirming care? If you oppose gender-affirming care, please explain why.

RESPONSE: I adhere to the teachings of the Catholic Church on questions of medical ethics, including those relating to the treatment of transgender individuals.

e. Is it appropriate for school officials or sports coaches to verify the sex and gender of minor students? If yes, please describe how school officials or sports coaches would verify the sex and gender of minor students and how they could conduct such verifications in a manner that does not invite sexual abuse or traumatize young people.

RESPONSE: Consistent with my recent advocacy on behalf of the Legislative Leaders of the State of Arizona in defending Arizona's Save Women's Sports Act, I support the traditional practice of separating school sports teams and competitions based on biological sex. As discussed in briefs filed in that litigation, I believe that such organization by biological sex can be conducted without intrusive verification procedures—as educational institutions have done for many decades, and as Arizona's legislation does—and I personally support that approach.

f. What is your opinion of same-sex marriage?

RESPONSE: I adhere to the teachings of the Catholic Church on questions of marriage, including same-sex marriage. Those teachings are summarized in the *Catechism of the Catholic Church*.

g. What is your opinion of miscegenation?

RESPONSE: Consistent with the teachings of the Catholic Church, I believe that marriages between persons of different races and ethnicities should be celebrated equally with other marriages.

h. What is your opinion of racial discrimination?

RESPONSE: I oppose racial discrimination and believe that persons should be treated equally regardless of race or color.

i. Do you believe that there is racial discrimination in the private sector?

RESPONSE: Yes.

ii. Do you believe that there is racial discrimination in the public sector?

RESPONSE: Yes.

iii. Do you believe that there is racial discrimination in education?

RESPONSE: Yes.

i. What is your opinion of President Trump's January 27, 2025 Executive Order directing the Department of Defense to exclude transgender people from military service?[6]

RESPONSE: I have not reviewed that Executive Order. I respectfully decline to address matters on which I might be called to take official action if confirmed.

j. Do you agree with Secretary of Defense Hegseth that women should not serve in combat roles?[7]

RESPONSE: I am not familiar with Secretary Hegseth's views on women serving in combat. I understand from media reports that this question does not reflect his current views or the policies of the Department of Defense. I have not personally

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[6] Exec. Order No. 14183, 90 Fed. Reg. 8757 (Feb. 3, 2025).
[7] Emma Tucker et al., *Trump's defense secretary pick said women shouldn't be in combat roles. These female veterans fear what comes next,* CNN (Nov. 14, 2024), https://www.cnn.com/2024/11/14/us/military-women-pete-hegseth-defense-secretary/index.html.

studied or researched that question, and I would generally defer to military officials on questions relating to combat readiness.

25. Acting U.S. Attorney Ed Martin posted from the official X account of the United States Attorney's Office for the District of Columbia: "As President Trumps' lawyers, we are proud to fight to protect his leadership as our President and we are vigilant in standing against entities like the AP that refuse to put America first."[8]

    a. Do you agree with Acting U.S. Attorney Ed Martin's statement? Please explain why you do or do not.

       RESPONSE: I am not familiar with Mr. Martin's statement, and I am not aware of its context or reference. If confirmed, I will vigorously defend actions of the federal Executive Branch, including President Trump's policies and executive orders, when reasonable grounds are available to do so.

    b. If you are confirmed as Solicitor General, is your client President Trump? Please explain your answer.

       RESPONSE: The client of the attorneys at the Department of Justice is the United States of America and its people. Their fidelity is to the Constitution and laws of the United States.

    c. You previously served as President Trump's personal attorney. Do you see your role as Solicitor General as a continuation of your representation of Donald Trump?

       RESPONSE: No.

    d. Whose interests does the Solicitor General serve?

       RESPONSE: The Solicitor General serves the Constitution, laws, and the people of the United States.

26. As part of your work with President Trump, you represented him in matters in which the DOJ was an adverse party.

    a. Will you commit to consulting with career officials at DOJ regarding matters where you previously represented an adverse party, including President Trump?

       RESPONSE: Yes.

    b. Do you commit to recusing yourself on any matters where you represented President Trump?

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[8] U.S. Attorney DC (@USAO_DC), X (Feb. 24, 2025, 3:18PM), https://x.com/USAO_DC/status/1894119675786621225.

RESPONSE: In the event of any potential conflict of interest, I will consult with the appropriate Department of Justice ethics officials and act consistent with governing regulations.

c. Do you commit to recusing yourself on any matters involving President Trump?

RESPONSE: In the event of any potential conflict of interest, I will consult with the appropriate Department of Justice ethics officials and act consistent with governing regulations.

d. Do you commit to recusing yourself on any matters involving a person involved in the investigations or prosecutions of President Trump, even if the matter is unrelated to those investigations or prosecutions or President Trump?

RESPONSE: In the event of any potential conflict of interest, I will consult with the appropriate Department of Justice ethics officials and act consistent with governing regulations.

27. Since President Trump announced his intention to nominate you in November 2024, have you had communications with anyone at DOJ about investigations involving President Trump? If yes, please provide the names of the individuals involved and the content of those discussions. Please also provide the date and mode of the communication.

RESPONSE: No.

28. Since President Trump announced his intention to nominate you in November 2024, have you had communications with anyone at DOJ or the administration, including the transition team, about the Jack Smith investigations? Had you had communications prior to your nomination? If yes, please provide the names of the individuals involved and the content of those discussions. Please also provide the mode and date of the communication.

RESPONSE: No, except that I litigated directly against Jack Smith and the lawyers of the Special Counsel's Office on behalf of President Trump prior to my nomination, which involved communications with members of that legal team.

29. Have you been involved in any way in the decision not to make public Volume 2 of Jack Smith's report? Please provide the nature of your involvement.

RESPONSE: I communicated with President Trump's litigation team that opposed the public disclosure of Volume 2 of that report in court. Any communications in that connection are protected from disclosure by attorney-client privilege, attorney work

product, joint defense privilege, common interest doctrine, and/or other applicable privileges.

30. Have you ever communicated with Kash Patel about Volume 2 of Jack Smith's report? Please describe the content of those discussions. Please also provide the mode and date of the communication.

RESPONSE: No.

31. Have you ever communicated with Kash Patel about his grand jury testimony in the prosecution against President Trump for the handling of classified documents? Please describe the content of those discussions. Please also provide the mode and date of the communication.

RESPONSE: No.

32. Have you ever had communications with Kash Patel related to his grand jury testimony in the prosecution against President Trump for the handling of classified documents or Volume 2 of Jack Smith's report? Have you ever advised him about matters? If yes to either question, please provide the date and content of those communications.

RESPONSE: No.

33. Would you agree with me that political violence is toxic to democracy, whether such violence comes from the left or the right?

RESPONSE: I oppose the use of violence to achieve domestic political goals, regardless of the political perspective that violence is used to advance.

a. When, if ever, is political violence acceptable?

RESPONSE: As noted above, in domestic politics, I oppose the use of violence to achieve domestic political goals, regardless of the political perspective that violence is used to advance. In matters of international relations, I adhere to the Catholic just-war theory regarding the justification of armed force.

b. Are social media posts depicting a person decapitating the heads of elected officials with a chainsaw appropriate?

RESPONSE: I cannot directly address social-media posts that I have not viewed. In general, American citizens have a fundamental right under the First Amendment to employ powerful rhetoric and vivid images in political discourse, and I strongly support that right, subject to the established exception for true threats.

c. If you are confirmed as Solicitor General, what actions will you take to address political violence?

RESPONSE: As I have yet to be confirmed as Solicitor General, it would be inappropriate for me provide a position on behalf of the Department regarding this question. However, if confirmed, I will carefully review and consider the applicability of any federal law, the posture of any such case, the position held by the Government, and uphold my constitutional duty in any such litigation relating to this question.

34. Is *Griswold v. Connecticut*, 381 U.S. 479 (1965), binding precedent?

RESPONSE: *Griswold v. Connecticut* is binding precedent of the Supreme Court and entitled to respect as such.

a. Do you agree with the Supreme Court's legal reasoning and conclusion in this case?

RESPONSE: *Griswold v. Connecticut* is binding precedent of the Supreme Court and entitled to respect as such.

35. Is *Lawrence v. Texas*, 539 U.S. 558 (2003), binding precedent?

RESPONSE: *Lawrence v. Texas* is binding precedent of the Supreme Court and entitled to respect as such.

a. Do you agree with the Supreme Court's legal reasoning and conclusion in this case?

RESPONSE: *Lawrence v. Texas* is binding precedent of the Supreme Court and entitled to respect as such.

36. Is *Obergefell v. Hodges*, 576 U.S. 644 (2015), binding precedent?

RESPONSE: *Obergefell v. Hodges* is binding precedent of the Supreme Court and entitled to respect as such.

a. Do you agree with the Supreme Court's legal reasoning and conclusion in this case?

RESPONSE: *Obergefell v. Hodges* is binding precedent of the Supreme Court and entitled to respect as such.

b. Supreme Court Justice Antonin Scalia wrote a dissenting opinion in *Obergefell v. Hodges*. Do you agree with the reasoning in Justice Scalia's dissenting opinion?

RESPONSE: The majority opinion in *Obergefell v. Hodges* is binding precedent of the Supreme Court and entitled to respect as such.

37. If confirmed as Solicitor General, what would you consider or what process would you undertake before changing the litigation position maintained by the previous Administration?

    a. What circumstances warrant changing the litigation position of the United States advanced by a prior Administration?

    RESPONSE: It is difficult to answer this question in the abstract. As a general matter, the Department of Justice solicits views from entities within the Executive Branch that have subject matter expertise or a stake in the dispute. I would consider these, along with the posture of the case and my best reading of controlling precedents, among other factors, and uphold my constitutional duty in any future litigation.

38. If confirmed as Solicitor General, what would you consider or what process would you undertake when making decisions about litigation positions of the United States regarding reproductive rights and the constitutional right to privacy?

    RESPONSE: See my response to the previous question.

39. Decades of research and the FDA's expert judgment have determined that mifepristone is safe and effective for terminating early pregnancies. The FDA has maintained that judgment across five presidential administrations. In the consolidated cases of *FDA v. Alliance for Hippocratic Medicine* and *Danco Laboratories, LLC v. Alliance for Hippocratic Medicine*, Nos. 23-235, 23-236, Solicitor General Prelogar defended the FDA's scientific judgment about the safety and effectiveness of mifepristone and about the conditions required to assure the drug's safe use.

    a. As Solicitor General, will you continue defending the FDA's expert judgment relating to mifepristone?

    b. Do you believe that elected officials are better positioned than the FDA to make the scientific and medical determinations about the safety and effectiveness of medications? If yes, please explain why.

    RESPONSE: As I have yet to be confirmed as Solicitor General, it would be inappropriate for me to provide a position on behalf of the Department and the United States in response to these questions. If I am confirmed, I will examine the posture of any such case, the position held by the Government, and any applicable law, and uphold my constitutional duty in any relevant litigation.

40. The Emergency Medical Treatment and Labor Act (EMTALA), which was enacted in 1986, requires hospitals to provide abortion care when it constitutes necessary stabilizing treatment for a person's emergency medical condition. In the consolidated cases of *Moyle v. United States* and *Idaho v. United States*, Nos. 23-726, 23-727, Solicitor General

Prelogar represented the United States in arguing that EMTALA, preempts state laws that directly conflict with this requirement of EMTALA.

a. As Solicitor General, will you continue arguing the legal position advanced by Solicitor General Prelogar in cases relating to EMTALA and conflicting state laws?

RESPONSE: See my response to the previous question.

41. Are there federal agencies that you believe should be eliminated? If yes, please state which agencies and why.

RESPONSE: I have not researched or studied whether any particular federal agency or agencies should be eliminated, and I have no opinion to offer on that question.

42. Do you believe that President Trump won the 2020 election?
RESPONSE: I believe that the conduct of the 2020 Presidential election was deeply flawed. I acknowledge that President Biden was certified as the victor and served as the 46th President of the United States.

43. The 22nd Amendment says that "no person shall be elected to the office of the President more than twice."[9]

a. Do you agree that President Trump was elected to the office of the President in the 2016 election?

b. Do you agree that President Trump was elected to the office of the President in the 2024 election?

c. Do you agree that the 22nd Amendment, absent a constitutional amendment, prevents Trump from running for a third presidential term?

d. If confirmed as Solicitor General, would you advance a legal argument to the Supreme Court that President Trump may run for a third presidential term?

RESPONSE: As I have yet to be confirmed as Solicitor General, it would be inappropriate for me to provide a position on behalf of the Department and the United States in response to this question. If I am confirmed, I will carefully review and consider the applicability of any federal law, the posture of any such case, the position held by the Government, and uphold my constitutional duty in any such litigation.

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[9] U.S. CONST. amend. XXII.

Questions for the Record from Senator Alex Padilla
Senate Judiciary Committee
"Nominations Hearing: Harmeet Dhillon, Aaron Reitz, and John Sauer"
Thursday, February 26, 2025

Questions for Mr. Sauer

1. At your hearing, you expressed alarming views about the Separation of Powers as enshrined in our Constitution.
    a. Is the Trump Administration allowed to violate or decline to follow a lawful court order?

        RESPONSE: As I stated in response to questions from Ranking Member Durbin and Senator Hawley at the hearing, generally, if there is a court order that directly binds a federal or state official who is a party to the case and subject to the court's jurisdiction, the official should follow it. However, there may be extraordinary cases—such as the historical examples of the *Dred Scott* and *Korematsu* decisions—which render it difficult to make an exceptionless, categorical statement.

    b. Are government officials, including federal government officials, permitted to decline to follow a court order or binding Supreme Court precedent where they disagree with the Court's decision?

        RESPONSE: See my response to the previous question. I believe that binding precedent of the Supreme Court is entitled to respect as such.

    c. Do you believe that the Executive Branch or the Judicial Branch has the responsibility and authority to interpret federal laws and the Constitution? If their interpretations differ, whose wins out?

        RESPONSE: See my response to question 1(a) above. Both coordinate Branches have the responsibility to interpret the Constitution and laws of the United States.

    d. What role does the Legislative Branch play in checking the powers of the Executive Branch?

        RESPONSE: The checks that the Legislative Branch provides to the Executive Branch are set forth in Articles I and II of the Constitution.

    e. What role does the Judicial Branch play in checking the power of the Executive and Legislative Branches?

        RESPONSE: The checks imposed by the Judicial Branch on the other two Branches are provided in Article III of the Constitution.

f. If confirmed, would you support efforts to overturn long-standing Supreme Court precedents, such as those protecting voting rights, abortion rights, or protections against discrimination?

RESPONSE: As I have yet to be confirmed as Solicitor General, it would be inappropriate for me to provide a position on behalf of the Department and the United States in response to this question. If I am confirmed, I will examine the posture of any such case, the position held by the Government, and any applicable law, and uphold my constitutional duty in any such litigation.

g. If asked to advance an argument before the Supreme Court that goes against the Constitution or binding Supreme Court precedent, what will you do?

RESPONSE: See my response to question 1(f) above.

h. Will you commit to applying the same legal principles to cases involving political allies of the President as you do to cases involving his political adversaries?

RESPONSE: Yes, if confirmed I commit to applying the law evenly regardless of political opinions.

i. Do you believe there are any legal limits on a President's ability to use the military or law enforcement against political opponents?

RESPONSE: I agree with the statement made by the Attorney General in her hearing, that nobody will be prosecuted because of their political beliefs, which includes political opponents of the President as it does to his supporters.

j. What is the current Supreme Court precedence on the birthright citizenship clause of the Fourteenth Amendment?

RESPONSE: As I stated in the confirmation hearing, it would be inappropriate for me to offer opinions on matters that might come before me in an official capacity if I am confirmed, especially those that I have not fully researched or studied.

Senator Peter Welch
Senate Judiciary Committee
Written Questions for D. John Sauer
Hearing on "Nominations"
Wednesday, February 26, 2025

1. In your nomination hearing, you stated that you would consult with career ethics staff at the Department of Justice regarding potential conflicts of interest. Do you commit to following their advice regarding potential conflicts of interest?

   RESPONSE: If confirmed, in the event of any potential conflict of interest, I will consult with the appropriate Department of Justice ethics officials and act consistent with governing regulations.

2. Also, in your nomination hearing, you stated that you "have criticized that doctrine in many of the legal briefs" you have filed. The doctrine you were referencing was substantive due process.

   a. Please describe your understanding of substantive due process.

      RESPONSE: My understanding of substantive due process is reflected in the legal briefs that I have submitted to the Committee. I refer to those briefs for my understanding of that doctrine.

   b. What is your view of the validity of the doctrine of substantive due process?

      RESPONSE: I adhere to the view of constitutional interpretation advanced by the late Justice Scalia, which focuses on the original public meaning of the Constitution. As an advocate, I frequently make arguments using other interpretive theories as well, in attempt to persuade the courts.

3. How will you address situations where your personal beliefs conflict with settled constitutional law?

   RESPONSE: If confirmed, my role will be to represent the views and interests of the United States, consistent with the Constitution and laws of the United States, and not to advocate for my own personal beliefs.

Questions for the Record
D. John Sauer – Nominee to be Solicitor General
Sen. Adam Schiff (CA)

1. Solicitors General in past Republican and Democratic Administrations have long followed DOJ ethics guidance, which states that attorneys must "disqualify [themselves] from any case in which [they] participated before entering government." You were the President's personal defense attorney, representing him in several cases, including a case before the United States Court of Appeals for the District of Columbia Circuit, in which you argued that the President could go so far as to direct SEAL Team Six to assassinate a political opponent, and still be immune from being criminally liable if he is not "first impeached and convicted by the Senate."

   Per my questions in your nomination hearing on February 26, 2025, and recent reporting that the Justice Department has assigned politically appointed newcomers decisionmaking power over sensitive matters, including recusal decisions, please respond to the below questions:

   a. Do you acknowledge that it would be a conflict of interest if you were asked to supervise cases involving the President, given your representation of him as his defense attorney?

      RESPONSE: No. For example, based on my understanding of ethical rules, my prior representation of the President in his personal capacity would not necessarily disqualify me from participation in other matters that involve the President in his official capacity. In the event of any potential conflict of interest, I will consult with the appropriate Department of Justice ethics officials and act consistent with governing regulations.

   b. If confirmed, will you commit to following longstanding DOJ guidance and recuse yourself from any agency action involving the criminal case of *United States of America v. Donald J. Trump* or any other case in which you represented President Trump as his defense attorney?

      RESPONSE: In the event of any potential conflict of interest, I will consult with the appropriate Department of Justice ethics officials and act consistent with governing regulations.

   c. Will you inform this Committee of any and all recusal decisions you make?

      RESPONSE: I will follow appropriate DOJ guidelines and policies to inform Congress on recusal decisions made in the Solicitor General's office.

2. On July 21, 2021, then-Attorney General Garland issued a memorandum on "Department of Justice Communications with the White House," more commonly referred to as the White House Contacts policy. This policy should govern all communications between

Justice Department and White House personnel and is critical to safeguarding the DOJ's criminal and civil law enforcement decisions and legal judgements from partisan influences. According to public reports, the White House has now updated its own guidance to permit the President and select others to initiate conversations with DOJ about specific criminal or civil cases or investigations. This goes beyond even the first Trump administration, and now blesses, for the first time, the President's engagement with DOJ on specific types of cases, whether criminal or civil.

a. Do you commit to upholding the Department's longstanding policy, as outlined in the 2021 memo, ***not*** to "advise the White House concerning pending or contemplated criminal or civil law enforcement investigations or cases unless doing so is important for the performance of the President's duties and appropriate from a law enforcement perspective?"

RESPONSE: I have not reviewed the policies referred to in this question. If I am confirmed, I will plan to comply with policies adopted by President Trump and Attorney General Bondi for the Department of Justice.

3. On February 9, 2025, Vice President Vance posted on X that "judges aren't allowed to control the executive's legitimate power." This troubling statement raises concerns that the Trump administration will defy court orders, which could pose a Constitutional crisis.

a. If you are instructed by the President, the Vice President, or any White House personnel – directly or indirectly – to argue that the Executive Branch has the authority to either defy or ignore a court order, will you stand up to and object to such an instruction in order to preserve the constitution's separation of powers?

RESPONSE: As I have yet to be confirmed as Solicitor General, it would be inappropriate for me provide a position on behalf of the Department on possible future litigation positions. However, if confirmed, I will carefully review and consider the applicability of any federal law, the posture of any such case, the position held by the Government, and uphold my constitutional duty in any such litigation.

4. The 22nd Amendment states that "No person shall be elected to the office of the President more than twice."

a. Can a person be elected to the office of the President more than twice?

RESPONSE: No.

b. Will you commit to not advancing arguments in court that violate the 22nd Amendment of the Constitution of the United States, if confirmed?

RESPONSE: As I have yet to be confirmed as Solicitor General, it would be inappropriate for me provide a position on behalf of the Department on possible future litigation positions. However, if confirmed, I will carefully review and consider the applicability of any federal law, the posture of any such case, the position held by the Government, and uphold my constitutional duty in any such litigation.

c. Do you agree that the 22nd Amendment, absent a constitutional amendment, prevents President Trump from seeking a third presidential term?

RESPONSE: Section 1 of the Twenty-Second Amendment states, in part, "No person shall be elected to the office of the President more than twice…." I have not reviewed any case law or other authorities addressing or interpreting this Amendment, nor formed an opinion on how it might apply it to any particular facts.

January 3, 2025

The Honorable Charles Grassley
Chairman, Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Richard Durbin
Ranking Member, Committee on the Judiciary
United States Senate
Washington, DC 20510

Re: Letter of support by current and former states solicitors general for the nomination of D. John Sauer for Solicitor General of the United States

Dear Chairman Grassley and Ranking Member Durbin:

President Trump chose wisely when he nominated D. John Sauer to serve as Solicitor General of the United States. We, a group of past and present state solicitors general, submit this letter to urge John's confirmation.

All of us know John's abilities because we worked alongside him. State solicitors general represent their States in courts across the country—often, though not exclusively, appellate courts, including the Supreme Court of the United States. Sometimes, those cases involve constitutional issues of great public interest. John, for example, argued and won *Bucklew v. Precythe*, a pathmarking Eighth Amendment case, before the Supreme Court of the United States. More often, however, solicitors general must master and argue complex legal issues in obscure areas of law. John, for example, litigated *Myron Green Corporation v. Director of Revenue* in the Missouri Supreme Court. That case presented the question whether sales tax was owed on food sold to the public at the Federal Reserve Bank of Kansas City's on-site cafeteria. (John prevailed in that case, too.)

Because of the diverse subject matter with which state solicitors general work, succeeding in that role requires expertise on constitutional issues and an ability to quickly master never-before-encountered topics. John possesses these skills in spades. He is a brilliant, principled, diligent attorney. Despite working with a team much smaller than the one he will have at the Department of Justice, John churned out high-quality briefs on a wide array of issues with incredible speed. His oral arguments are equally impressive. Indeed, he has never lost

a case he argued before the Supreme Court of the United States, something few of us can say.

The job of Solicitor General of the United States demands the same skills John has already proven himself to possess. As such, the Senate can be confident that he will skillfully represent the United States before the High Court, faithfully defending the Constitution and the laws of the United States along the way.

The Senate should confirm John Sauer without hesitation.

Sincerely,

Ben Aguiñaga (Solicitor General of Louisiana)

James A. Barta (Solicitor General of Indiana)

Nicholas J. Bronni (Solicitor General of Arkansas, 2018-2024)

James A. Campbell (Solicitor General of Nebraska, 2020-2023)

Robert D. Cook (Solicitor General of South Carolina)

Christian B. Corrigan (Solicitor General of Montana)

David Dewhirst (Solicitor General of Montana, 2021-2022)

Josh Divine (Solicitor General of Missouri)

Dominic E. Draye (Solicitor General of Arizona, 2017-2019)

Andrew N. Ferguson (Solicitor General of Virginia, 2022–2024)

Thomas M. Fisher (Solicitor General of Indiana, 2005-2023)

Benjamin M. Flowers (Solicitor General of Ohio, 2019-2023)

Garry M. Gaskins, II (Solicitor General of Oklahoma)

Eric J. Hamilton (Solicitor General of Nebraska)

Melissa Holyoak (Solicitor General of Utah, 2020-2024)

Scott A. Keller (Solicitor General of Texas, 2015-2018)

Matthew F. Kuhn (Solicitor General of Kentucky)

Edmund LaCour (Solicitor General of Alabama)

Aaron D. Lindstrom (Solicitor General of Michigan, 2013-2019)

Mithun Mansinghani (Solicitor General of Oklahoma, 2017-2022)

S. Chad Meredith (Solicitor General of Kentucky, 2019-2021)

Liz Murrill (Louisiana Attorney General; Louisiana Solicitor General, 2016-2024)

Stephen J. Petrany (Solicitor General of Georgia)

Anthony J. Powell (Solicitor General of Kansas)

Brunn (Beau) Roysden (Solicitor General of Arizona, 2020-2022)

O.H. Skinner (Solicitor General of Arizona, (2019-2020)

Scott G. Stewart (Solicitor General of Mississippi)

Judd Stone (Solicitor General of Texas, 2021-2023)

Misha Tseytlin (Solicitor General of Wisconsin, 2015-2018)

Zach West (Solicitor General of Oklahoma, 2022-2023)

Henry C. Whitaker (Solicitor General of Florida)

Frederick R. Yarger (Solicitor General of Colorado, 2015-2018)

February 24, 2025

The Honorable Charles Grassley
Chairman, Committee on the Judiciary
United States Senate

The Honorable Richard Durbin
Ranking Member, Committee on the Judiciary
United States Senate

Re: Letter of Current and Former Senior Personnel and Appellate Lawyers of the Missouri Attorney General's Office in Support of the Nomination of D. John Sauer to Serve as Solicitor General of the United States

Dear Chairman Grassley and Ranking Member Durbin:

We are current and former members of the Missouri Attorney General's Office. As members of the Office's senior leadership or the Solicitor General's team, each of us worked alongside D. John Sauer during his time in the Office. We have had the opportunity to observe—up close, and on a daily basis—his legal skills, management abilities, and character. Based on our firsthand knowledge of John's qualifications, we strongly support his nomination to serve as Solicitor General of the United States.

John served as Solicitor General of Missouri from 2017 to 2023. In that role, he managed the entirety of the State's appellate docket. John personally briefed and argued numerous cases in the Missouri appellate courts, the Eighth Circuit, and the U.S. Supreme Court. Many of those cases involved the same sorts of issues that the U.S. Solicitor General handles on a regular basis. John also recruited and managed a team of highly talented Deputy Solicitors General. John's service as Missouri Solicitor General makes him uniquely qualified to serve as Solicitor General of the United States. In effect, he has already spent nearly six years handling the same substantive and managerial tasks that this new role would involve. John would be able to hit the ground running on day one.

In addition to his role as Solicitor General, John also served as the First Assistant Attorney General (*i.e.*, the top unelected member of the Office) from 2017 to 2019. This position involved an extraordinary range of tasks, from the high-stakes to the mundane. One day, John might have been called on to personally handle a trial in a state trial court. Another day, John might have spent hours preparing CLE programming for Office personnel. And almost every day, attorneys throughout the Office would seek John's insight and advice on their cases. John's ability to thrive in this full-time (or more-than-full-time) role while also serving as Solicitor General speaks to his extraordinary work ethic and efficiency.

As described above, John's legal and management experience makes him uniquely qualified to serve as Solicitor General of the United States. However, having worked alongside John, we know that he brings far more to the table than a brilliant mind and deep experience. Day

in and day out, we have seen John act with extraordinary integrity and professionalism. John has also served as a mentor to most of us, helping us to become both better advocates and better people. We have also witnessed John's unwavering commitment to public service. That John spent nearly six years working tirelessly in state government—rather than pursuing more glamorous and lucrative opportunities that his talents and pedigree could have garnered him—speaks to how he prioritizes the public good over personal gain or recognition. John's character—just as much as his legal talent and experience—will make him an excellent Solicitor General.

For the reasons described above, we strongly support John's nomination to serve as Solicitor General of the United States, and we respectfully urge the Committee to advance his nomination.

Respectfully,

Current AGO Personnel

Andrew Bailey
Attorney General of Missouri

James S. Atkins
First Assistant Attorney General

Joshua M. Divine
Solicitor General and Director of Special Litigation

Maria A. Lanahan
Principal Deputy Solicitor General

Shaun J. Mackelprang
Deputy Attorney General, Criminal

Jeremiah J. Morgan
Deputy Attorney General, Civil

Chuck Adamson
Chief Counsel, Employment Litigation

Greg Goodwin
Chief Counsel, Public Protection Section

Todd Scott
Senior Counsel

Patrick Sullivan
Chief Counsel, Litigation Section

Kevin Zoellner
Chief Counsel, Public Protection (2021-2023)

Former AGO Personnel

Tom Albus
First Assistant Attorney General, 2019-2020

Ryan Bangert
Deputy Attorney General, Civil, 2017-2019

Julie Marie Blake
Deputy Solicitor General, 2017-2020

Zachary M. Bluestone
Deputy Solicitor General, 2018-2020

Jon Bremer
Assistant Deputy Attorney General, Civil, 2017-2018

Charles Capps
Deputy Solicitor General, 2022-2023

Ken Capps
Assistant Attorney General, 2022-2023

Marianna Deal
Communications Director, 2019-2022

David Dean
Assistant Attorney General, 2018-2019

Jason Dunkel
Assistant Deputy Attorney General, Special Litigation, 2017-2018

Andrew Dziedzic
Deputy Chief of Staff, 2018-2019

Daniel Hartman
Chief of Staff, 2018-2019
Special Counsel, 2017-2018

Jeff Johnson
Deputy Solicitor General, 2020-2023

Jason K. Lewis
General Counsel, 2023-2024
Chief Counsel, Governmental Affairs, 2021-2023
Assistant Deputy Attorney General, Special Litigation, 2019-2021
Assistant Attorney General, 2016-2019

Michael Martinich-Sauter
General Counsel, 2018-2019
Deputy Attorney General, Special Litigation, 2017-2019

Jesus Osete
Deputy Attorney General, Special Litigation, 2021-2022
Deputy Solicitor General, 2020-2021

Peter T. Reed
Deputy Solicitor General, 2018-2020

Evan Rosell
Chief of Staff, 2017-2018

James Simeri
Deputy Chief Counsel, Consumer Protection, 2022-2023
Assistant Attorney General, 2019-2022

Justin D. Smith
First Assistant Attorney General, 2021-2022
Chief of Staff, 2020-2022
Deputy Attorney General, Special Litigation, 2019-2020

Cristian Stevens
First Assistant Attorney General, 2020-2021
Deputy Attorney General, Criminal, 2019-2020

Michael Talent
Deputy Solicitor General, 2021-2023

Christopher R. Wray
Chief of Staff, 2019-2020

U.S. Department of Justice

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Eastern District of Missouri

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February 25, 2025

The Honorable Charles Grassley
Chairman, Committee on the Judiciary
United States Senate

The Honorable Richard Durbin
Ranking Member, Committee on the Judiciary
United States Senate

Re: Letter of Support of the Nomination of D. John Sauer to Serve as Solicitor General of the United States

Dear Chairman Grassley and Ranking Member Durbin:

John Sauer is a great American and a true patriot. He exemplifies an unwavering commitment to the rule of law, elite public service, and a heart filled with humility. I worked with John regularly during his five year tenure as an Assistant United States Attorney from 2008 to 2013. John demonstrated extraordinary legal ability at all levels, including exceptional skill in analyzing complex legal issues and appellate matters.

John also possessed essential intangible qualities. His professionalism and integrity were unassailable. John had the exceptional capacity to successfully handle the most complex cases in our office. Yet, he also had the humility to work on serious, but more "routine" cases; particularly if it meant he could help protect a member of the community or assist his colleagues. As a testament to his character, despite his weighty accomplishments and exceptional ability, John habitually functioned as a teammate, never seeking praise or to draw attention to himself.

For the reasons stated above, I strongly support John's nomination to serve as Solicitor General of the United States, and respectfully encourage the Committee to advance his nomination. Thank you for your consideration.

Very truly yours,

MICHAEL A. REILLY
Assistant United States Attorney
Senior Litigation Counsel

U.S. Department of Justice

United States Attorney
Eastern District of Missouri

Criminal Division

JOHN J. WARE
Assistant United States Attorney

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February 25, 2025

The Honorable Charles Grassley
Chairman, Committee on the Judiciary
United States Senate

The Honorable Richard Durbin
Ranking Member, Committee on the Judiciary
United States Senate

Re: Letter of support of the nomination of D. John Sauer, to serve as Solicitor General of the United States

Dear Chairman Grassley and Ranking Member Durbin:

I have served as an Assistant United States Attorney (AUSA) in the Eastern District of Missouri for well over 30 years. For five of those years, I had the pleasure of working closely with John Sauer. As an AUSA in this district, John handled a variety of cases, ranging from violent street crimes to complex white collar fraud, with the highest level of professionalism.

John and I collaborated on many criminal investigations and prosecutions. We co-counseled several criminal trials. This close working relationship provided an excellent insight into John's personal qualities. I recommend him to you as a man of unimpeachable moral character, profound intellect, and an unerring sense of justice. To watch John rapidly analyze and articulate cogent, concise, and clever arguments regarding complex legal issues is truly breathtaking.

John's ability in this regard is simply unmatched. This gift, along with his immersion in American jurisprudence and thorough understanding (and appreciation) of the United States Constitution makes him an ideal nominee for Solicitor General of the United States. I respectfully urge you to advance his nomination.

Sincerely,

JOHN J. WARE,
Assistant United States Attorney

APPENDIX

The following submissions are available at:

https://www.govinfo.gov/content/pkg/CHRG-119shrg61325/pdf/CHRG-119shrg61325-add1.pdf

Submitted by Ranking Member Durbin:

Accountable.US, et al. (nominees Harmeet Dhillon, Aaron Reitz, and Dean John Sauer), reproductive rights and health equity organizations, February 25, 2025, letter 2
Alliance for Justice (nominee Harmeet Dhillon), February 25, 2025, letter 9
Equality California, January 13, 2025, letter 11
Leadership Conference on Civil and Human Rights, The, February 26, 2025, letter 13
Legal Defense Fund, February 25, 2025, letter 20
National Council of Jewish Women, February 24, 2025, letter 25
National Women's Law Center, February 20, 2025, letter 27
People For the American Way, February 25, 2025, letter 33
Alliance for Justice (nominee Aaron Reitz), February 25, 2025, letter 36
Alliance for Justice (nominee Dean John Sauer), February 25, 2025, letter 38